



**Cyfoeth
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Natural
Resources
Wales**

Ein cyf/Our ref: CAS-15581-V5Z7
Eich cyf/Your ref: P/2016 /0086

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Kevin Hughes
Planning Control Department
Wrexham County Borough Council
16 Lord Street
Wrexham
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Date: 1st March 2016

Dear Mr Hughes,

**ERECTION OF TWO-STOREY OFFICE BLOCK
ALANS SKIP HIRE (WALES) LTD, WREXHAM RECYCLING CENTRE, REDWITHER ROAD,
WREXHAM INDUSTRIAL ESTATE, LL13 9RD**

Thank you for consulting us on the above planning application, which we received on the 10th February 2016.

We were previously consulted on a slightly different development in September 2015 (application P/2015/0692). We objected to the application on the basis of lack of information, specifically, no preliminary risk assessment (PRA). Subsequent to our objection, our Groundwater and Contaminated Land representatives had a telephone conversation with a representative of the developer, in which they advised what we would expect within a Phase 1 Desk Study and PRA. As we understand, no Phase 1 Desk Study and PRA were subsequently submitted as part of the previously approved application

We note that no PRA has been submitted with this revised application. Therefore, similarly, our previous **objection** is maintained to the currently proposed development as submitted because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable:

Land Contamination

There are three strands to this objection. These are that:

1. We consider the level of risk posed by this proposal to be unacceptable.
2. The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. Planning Policy Wales takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only where the risk is known.
3. Under Planning Policy Wales, the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has

been fully understood and can be addressed through appropriate measures. This is not currently the case.

Reason: Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity as the site sits on a Secondary aquifer and is less than 30m from the Redwither Brook.

The site is currently used as a recycling centre. No information has been provided on the site's previous use.

We would require submission of at least a Preliminary Risk Assessment to overcome the above objection.

Again, as with the previous application, the applicants have not indicated the method of foul drainage within the application. Foul drainage is a material planning consideration. In line with Planning Policy Wales, we would **object** to any private foul drainage method, as the site is within a mains sewered area. We therefore again request that the applicants confirm the method of foul drainage.

Although the proposed development is located at a permitted waste facility, the development itself does not currently infringe upon the designated permitted area therefore not impacting upon permitted operations.

Flood Risk

We note that the submitted flood consequences assessment was used in support of application reference P/2015/0692 for a similar building in a slightly different location within the site last year. Our comments with regard to the inadequacy of this assessment of flood risk remain valid.

The proximity of the proposed building to the top of the bank is not clear from the submitted drawings, however it appears to be within 7m of the banktop of Redwither Brook. The applicant should be aware that if the building is within 7m of the banktop of Redwither Brook, Flood Defence Consent from Natural Resources Wales will be required for the development under the Water Resources Act 1991 and Land Drainage Byelaws (note that this requirement will be superseded on 5 April 2016 by a requirement for a Flood Risk Activity Permit under the Environmental Permitting Regulations 2016, and will apply if the building is within 8m of the banktop of Redwither Brook). The applicant should note that, while we do not require machine access to the channel to carry out maintenance at this location, we will need pedestrian access. Therefore if a boundary fence is to be installed along the banktop as part of this development, a pedestrian access gate will be required. We would advise the applicant to contact Lucy Stephenson, Development & Flood Risk Engineer, Natural Resources Wales, for further information, by email at lucy.stephenson@naturalresourceswales.gov.uk or telephone 03000 65 3873.

Due to the scale and nature of the proposed development (with a footprint of approximately 133m²), in this instance, we would not object to the proposal on flood risk grounds, providing that a condition or obligation is attached to any permission which ensures that the building shall only be used for the benefit of the applicant and shall not be occupied by any other business independent of the main business at the Alans Skip Hire (Wales) Ltd site (for proposal P/2015/0692 this was dealt with by Condition 9 of the permission granted).

Ecology

The applicant has submitted an ecological survey and assessment (Document Reference Williamson, K and Hall, C. (2015). Ecology Report: Redwither Road, Wrexham Industrial Estate, Wrexham, LL13 9RD. Cambrian Ecology. Unpublished Ecological Report) for the purposes of informing the public decision making process.

The applicant's ecological submission considered the presence of protected species. It concludes that nesting birds are the only species that have the potential to be affected by this proposal. We concur with this assessment and conclusion.

Further information and guidance in respect of nesting birds should be obtained from the LPA's own ecological advisors.

Please note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of "linear" and "stepping stone" habitats.

To comply with your Authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

Swyddog Cyswllt Cynllunio / Planning Liaison Officer

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Deialu uniongyrchol/Direct dial: (0300) 065 3786 **Siaradwr Cymraeg / Welsh Speaker**



cc: Alan's Skip Hire (Wales) Ltd.