

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

24/02/2021

Dear Mrs Holman,

PROPOSAL: ERECTION OF FREE-STANDING RESTAURANT WITH DRIVE THRU FACILITY, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS INCLUDING CUSTOMER ORDER DISPLAYS

LOCATION: Land at Address Argos Car Park, Plas Coch Retail Park, Plas Coch Address, Wrexham

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with amended plans about the above, which we received on 02/02/2021.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met and you attach the following condition to the permission. Otherwise, we would object to this planning application.

Requirement 1: Protected Sites and Foul Drainage: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of any planning application submitted.

Protected Site and Foul Drainage

The application site is within the catchment of the River Dee Special Area of Conservation (SAC).

On the 21st January 2021, we published an evidence package outlining phosphate levels for all river SACs across Wales. As part of this package, we issued a [planning position statement](#), in which we confirmed that any proposed development that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the

SAC. Therefore, such proposals should be screened through a Habitat Regulation Assessment (HRA) to determine whether they are likely to have a significant effect on the site's qualifying features.

In our opinion, any planning application that is likely to increase the concentration of organic materials discharged directly or indirectly into River Dee catchment, has the potential to increase phosphate levels and cause further deterioration of the SAC. Therefore, development proposals must be able to demonstrate phosphate through the Habitat Regulations Assessment (HRA) process that there is unlikely to be a significant adverse effect on the SAC.

The planning application form indicates that the applicant intends on connecting the proposed development to mains sewer. To date, there is no confirmation by Welsh Water confirming that capacity exists within the public sewerage network to receive any additional foul flows from the proposed development.

In addition to foul drainage capacity, we advise that your Authority requires clarification that any additional phosphate can be adequately managed by the wastewater treatment works (WWTW) so as not to have a detrimental impact on the River Dee SAC.

Requirement 1: Protected Sites and Foul Drainage: Further information is submitted to carry out a Habitat Regulation Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of any planning application submitted.

For your Authority to undertake the HRA, we advise that clarification is sought:

- Evidence that an application has been made to the sewerage undertaker for connection to a mains sewer, and a copy of their formal response confirming either:
 - a) that there is a treatment capacity to treat the additional wastewater and any additional phosphate from the proposed development (in combination with other planned development) within the existing discharge permit limits, or
 - b) that the necessary treatment capacity to remain within existing discharge permit limit will be implemented within the current Asset Management Plan (AMO) period.
- Confirmation that any development complies with the Flood and Water Management Act 2010 (Schedule 3), effective in Wales from 7 January 2019, requiring new developments to include Sustainable Drainage System (SuDS) features that comply with national standards.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the SAC, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

Advice for the Developer

Environment Management:

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website: <https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/guidance-for-pollution-prevention-gpps-full-list/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Waste:

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options

- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

If you have any queries on the above, please do not hesitate to contact us.

Yours faithfully,

Joy Evans

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales