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14/12/2020

Annwyl Sharon Holman,

**BWRIAD / PROPOSAL: CODI ADEILAD DIWYDIANNOL CYFFREDINOL (B2) /
ERECTION OF GENERAL INDUSTRIAL BUILDING (B2)**

LLEOLIAD / LOCATION: IPSEN BIOPHARM, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 20/11/2020.

We have concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following conditions to the permission.

Conditions 1-5: To ensure an acceptable scheme to deal with land contamination and groundwater protection is submitted and approved in writing by the Local Planning Authority (LPA).

Groundwater protection and land contamination

The controlled waters are of high environmental sensitivity given the site overlies a principal aquifer and is within a groundwater Source Protection Zones and the Dee Water Protection Zones and contamination is strongly suspected at the site given the previous industrial land use.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach the conditions listed below.

Condition 1: No development, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
 - a. all previous uses

- b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors
 - d. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 2: Prior to the occupation or operation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Justification: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 3: Prior to the occupation or operation of the development, a long-term monitoring plan for protected sites and land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken

- Timescales for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for x years)
- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification: A protected sites, land contamination long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on protected sites.

Condition 4: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

It is unclear from the drawings if piled foundations are required for the buildings. If they are, we request that the following condition is applied. There is an increased potential for pollution of controlled waters from inappropriate methods of piling

Condition 5: No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Justification: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

- Informative/advice to LPA

These conditions have been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

In line with the advice given in Planning Policy Wales we understand that your Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should your Authority decide to obtain the necessary information under condition we would request that these conditions are applied.

Protected Species

Protected species and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

We note the submission of ecological report (Williamson, K (2017) Ecological and Protected Species Survey Ipsen Biopharm. Cambrian Ecology Ltd (unpublished) and are satisfied that the Ecological and Protected Species Survey has been carried out to an acceptable standard. NRW concur with the conclusions and recommendations cited in the ecological submission.

- Bats

The survey report states no evidence of bats or use by bats was found anywhere within the building. No specific mitigation or recommendations are made with regards to bats.

- Great Crested Newts (GCN)

The survey report states no mitigation or recommendations are made with regards to the animals themselves due to the absence of the species on the site. With regards to the management of the habitat, this already appears to be ideal for great crested newts. The applicant should be advised that should protected species be discovered at any stage during the works, all work should stop immediately and NRW contacted for further advice

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

- Groundwater protection and land contamination

1. Follow the risk management framework provided Welsh Local Government Association & Natural Resources Wales 2017 Development of Land Affected by Contamination: A Guide for Developer, when dealing with land affected by contamination.

2. Refer to the Environment Agency's '[Guiding Principles for Land Contamination](#)' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the [Environment Agency's \(2017\) 'Approach to Groundwater Protection'](#)

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

Yn gywir,

Siôn M. Williams

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales