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Wrexham County Borough Council
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22/10/2019

For the attention of Philip Forster

Dear Philip,

**BWRIAD / PROPOSAL: ERECTION OF AGRICULTURAL BUILDING TO
ACCOMMODATE INCINERATOR**

**LLEOLIAD / LOCATION: Black Rock Farm, Sesswick Way, Cross Lanes,
Wrexham**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 03/10/2019.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement. We would object if the scheme does not meet this requirement.

Requirement 1: Additional information should be provided indicating how the incinerator will be powered (oil, gas or electric). If the incinerator is powered by oil, the additional information should confirm if any part of the oil storage tank and pipelines to the incinerator will be below ground.

Groundwater Contamination

Based on the information provided the building appears to be a metal frame structure to house an incinerator and does not appear to be an agricultural building as per the application description. However, details on the incinerator are not given in the application information and we do not know how the incinerator will be powered. If all apparatus will be located above ground, we have no further comment with regards to groundwater protection.

Requirement 1: Additional information should be provided indicating how the incinerator will be powered (oil, gas or electric). If the incinerator is powered by oil, the additional information should confirm if any part of the oil storage tank and pipelines to the incinerator will be below ground.

The site is located on Kinnerston Sandstones of the Sherwood Sandstone Group which has been classified as a Principal Aquifer. The site is also located within a Source Protection Zone 2. We therefore consider the site to be highly sensitive with respect to controlled waters and any underground structure should be risk assessed to consider the site setting. Should any of the apparatus be below ground the following position statement "Approaches to Groundwater Protection" guidance issued by EA and adopted by NRW, should be given consideration:

D2 - Underground storage (and associated pipework)

We will normally object to new and increased underground* storage of hazardous substances in SPZ1.

We will agree to such storage in principal and secondary aquifers outside SPZ1 only if there is evidence of overriding reasons why the:

- activity cannot take place within unproductive strata
- storage must be underground (for example public safety), in which case it is expected that the risks are appropriately mitigated

We will normally object to any redevelopment scheme involving retention of underground storage of hazardous substances in SPZ1 unless it can be demonstrated that risks to groundwater can be adequately mitigated.

For all storage of pollutants underground (hazardous substances and non-hazardous pollutants), we expect operators to adopt appropriate engineering standards and have effective management systems in place. These should take into account the nature and volume of the materials stored and the sensitivity of groundwater, including the location with respect to SPZs.

* Underground storage constitutes storage whereby the tank is not wholly visible on a permanent basis and is not wholly accessible from ground level. Any tank that is partially set in the ground in a secondary containment and is totally accessible and wholly visible will be considered to be an above ground tank. Any oil storage tank that is not wholly underground will need to comply with the Oil Storage Regulations.

Extract from

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692989/Environment-Agency-approach-to-groundwater-protection.pdf

Protected Species

The building is located within the larger site associated with the proposed poultry building. We would refer you to the details approved under planning application P/2017/0678 relating to the discharge of Condition 5 Submission of Scheme of Great Crested Newt Avoidance, Mitigation and Compensatory Measures and Management Regime of the original planning permission (P/2016/0533). Those measures would be relevant to the area of this proposal as it is part of the wider development site.

Other Matters

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Advice for the Developer:

Environmental Permitting

The site is subject to an Intensive Farming Environmental Permit from Natural Resources Wales which will require varying to include the proposed incinerator. Emissions from this incinerator will also require registration and regulation through the appropriate Authority.

Pollution Prevention

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

Waste produced during construction

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>

Yn gywir / Yours faithfully,

Daniel Davies

Daniel Davies

Cynghorydd, Cynllunio Datblygu / Advisor, Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales