



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-47312-C2V2
Eich cyf/Your ref: P/2017/0927

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06/12/2017

For the attention of: Matthew Phillips

Dear Mr Phillips,

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990

PROPOSAL: HYBRID PLANNING APPLICATION COMPRISING: FULL PERMISSION TO DEMOLISH VACANT BUILDINGS AND ERECT 54 BEDROOM LOW SECURE UNIT WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING. OUTLINE PERMISSION (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) TO DEMOLISH EXISTING BUILDINGS AND ERECT HOUSING DEVELOPMENT

LOCATION: LAND OFF MOLD ROAD GWERSYLLT WREXHAM

Thank you for consulting Natural Resources Wales (NRW) on the application above, which was received on the 16th of November 2017.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions:

Condition 1: Geoscience: Universal condition for development on land affected by contamination

Condition 2: Geoscience: Verification Report

Condition 3: Geoscience: Long-term monitoring

Condition 4: Geoscience: Unsuspected contamination

These conditions apply to both the full application for the low secure unit and the outline application for residential development.

Flood Risk & Management of Surface Water Runoff

The site lies entirely in Zone A, as defined by Welsh Government's Development Advice Map (DAM) referred to in TAN15: Development & Flood Risk. Our Flood Map information confirms that the site lies outside of the extreme flood risk outline. The updated Flood Map for Surface Water Flooding indicates that portions of the site are considered to be at risk from surface water flooding.

Although the Flood Map information indicates that flooding is unlikely to constrain development at the site, there is the potential for onsite and/or offsite flooding risk to increase as a result of the development if surface water runoff from the developed site is not effectively managed. The Applicant has submitted a Flood Consequences Assessment & Drainage Strategy in support of the planning application (Clancy Consulting Limited, 8/1547, 03 November 2017). The report outlines how the Applicant intends to manage surface water from the development site. A variety of Sustainable Drainage techniques (SuDS) are proposed by the Applicant.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDS approach. Under Approved Document Part H, the first option for surface water disposal should be the use of SuDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Whilst we offer no flood risk objections to the development, NRW would recommend that your Authority consult your Drainage/Flood Risk Department, who act as Lead Local Flood Authority, so that they have the opportunity to comment on the surface water drainage proposals prior to the grant of planning permission.

Discharge for surface water disposal should be treated (i.e. oil water separator) prior to discharge to the proposed soakaway.

The Lead Local Flood Authority will review the submitted information and confirm whether the Applicant has fully demonstrated that soakaway/infiltration techniques are a viable means of surface water disposal at this site. The LLFA are also likely to request the imposition of appropriate planning conditions, to ensure that a sustainable and effective surface water drainage scheme is delivered as part of the development, and that controls are in place to ensure that any scheme remains operational and effective over its lifetime. Further guidance available at:

http://www.wrexham.gov.uk/english/planning_portal/publications/surface_water.htm

Geoscience & Ground Water

The sites' historic uses mean that there is potential for contamination of groundwater and soil. The presence of an above ground fuel storage tank on site also presents a risk of contamination. We note that site investigation works have been completed where access was possible as buildings still occupy the site.

The application was supported by a Geo-Environmental Appraisal Report (Clancy Consulting Limited, Report Ref: 10/1014/001, November 2017). This report details recommendations to be completed, for the most part once the buildings have been removed. We agree with these recommendations and therefore request the following suite of conditions be imposed on any planning permission granted.

Condition 1: Geoscience: Universal Condition for development on land affected by contamination.

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - 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 site investigation results and the detailed risk assessment (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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity and contamination is known/strongly suspected at the site from the previous use of the site.

Condition 2: Geoscience: Verification Report

Prior to the commencement of the development, a verification report demonstrating completion of the 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 any plan (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, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: The verification report is required to demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition 3: Geoscience: Long-term monitoring

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Long-term monitoring of the site will ensure that longer term remediation criteria relating to controlled waters have been met and will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition 4: Geoscience: Unsuspected contamination

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 the developer has submitted an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority for it.

Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

Informative/ advice to Local Planning Authority

The above conditions have been recommended as the Natural Resources Wales is 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 to ensure that risks are appropriately addressed prior to development commencing.

In line with the advice given in Planning Policy for Wales we understand that the authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition we would request that this condition is applied.

Advice to applicant

Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to Environment Agency document '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 Groundwater protection: Principles and practice (GP3)

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to our Position Statement on the Definition of Waste: Development Industry Code of Practice and www.naturalresourceswales.gov.uk for further guidance.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations

is clear. If in doubt, the Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Protected Species

Bats are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

NRW is satisfied that the Bat Report (reference Everett, N. (2017) Bat Survey and Assessment: Mold Road, Ascerta) has been carried out to an acceptable standard. The report states that no bats were recorded roosting at the site. We concur with the recommendations and conclusions of the report.

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.

Please do not hesitate to contact us if we can be of any further assistance to you or if you wish clarification on the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). 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.

Yn gywir / Yours sincerely,



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