

FAO Sharon Holman

24/04/2019

Dear Sharon,

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

BWRIAD / PROPOSAL: ERECTION OF 14 NO. DWELLINGS COMPRISING 8 NO. ONE BED APARTMENTS, 4 NO. TWO BED HOUSES, 1 NO. TWO BED BUNGALOW AND 1 NO. ONE BED BUNGALOW AND ALL ASSOCIATED CAR PARKING, LANDSCAPING AND HIGHWAY WORKS.

LLEOLIAD / LOCATION: Nant Silyn, Pont Wen, Caia Park, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 05/04/2019.

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 requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

Summary of Requirements and Conditions

Requirement 1: An updated FCA is submitted to demonstrate compliance with the requirements of A1.2 of TAN 15 and demonstrate no flood mitigation measures are required for fluvial risks.

Condition 1: Appropriate reasonable avoidance measures are adopted for otter.

Condition 2: Submission and implementation of a Biosecurity Risk Assessment.

Floodrisk

This site is located within Development Advice Map (DAM) Zone B to the south of River Gwenfro which is designated as Zone C2. The site itself is significantly higher than the river and separated by a wooded embankment, and has an existing nursing home Nant Silyn.

The proposals for the erection of 15 new residential units have been subject to pre-application discussions with Natural Resources Wales and the application is supported by a flood consequences assessment (FCA). This FCA has been produced by WSP is dated December 2018 and referenced Project 70050799 Issue 2.

The FCA confirms the site survey levels to the north east/north west corners of the site are 63.95 m AOD and 64.96 m AOD which are approx. 1.5 metres higher than the levels associated with the River Gwenfro. The fluvial flood risks have been assessed against the Gwenfro modelling study 2016. This confirms the site would remain dry during the 1% annual exceedance probability event (AEP) with climate change. Demonstrating compliance with the requirements of A1.14 and A1.15 of TAN 15.

Whilst the justification tests do not apply to this site TAN 15 sets out a clear requirement for Zone B new development will need to be assessed against the extreme outline 0.1% event. We would request that the FCA include the outputs of the River Gwenfro modelling project for the 0.1% event with and without climate change and specify why blockage assessment is appropriate for this location. To comply with the requirements of A1.2 of TAN 15 and demonstrate no flood mitigation measures are required for fluvial risks.

Requirement 1: An updated FCA is submitted to demonstrate compliance with the requirements of A1.2 of TAN 15 and demonstrate no flood mitigation measures are required for fluvial risks.

Surface water drainage proposals any local flood risks to the site should be subject to separate consultation with Wrexham Lead Local Flood Authority.

Protected Species

We note the Ecological Surveys (Proposed Development at Nant Silyn, Pont Wen, Wrexham – Otter Survey, Marches Ecology, 10/01/2019).

We note that there is a possibility that otters might be affected during the construction process. Therefore, the Reasonable Avoidance Measures (RAMs) outlined in the ecology report should be implemented.

Condition 1: Appropriate reasonable avoidance measures are adopted for otter.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases.

Condition 2: Submission and implementation of a Biosecurity Risk Assessment.

We consider that this assessment must include:

- (i) appropriate measures to control any INNS on site; and

- (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

Contaminated Land

Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the [Guiding Principles for Land Contamination \(GPLC\)](#) should be followed.

These comments are based on our assumption that **gross contamination** is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult Natural Resources Wales.

Overall the information provided does not satisfy the requirements of current best practice guidance as site investigation is not based on a preliminary risk assessment. However, as Natural Resources Wales currently do not consider this site as a 'high priority', Natural Resources Wales will not provide detailed comments with regard to land contamination issues at this time.

Natural Resources Wales strongly recommends that the guidance below is referred to, prior to submission of future applications:

- The risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination' when dealing with land affected by contamination.
- The Environment Agency's '[Guiding Principles for Land Contamination](#)'.
- The [Environment Agency's \(2017\) 'Approach to Groundwater Protection'](#)

If future submissions do not reach the minimum standard for land contamination reporting, then it could result in a significant delay to development proceeding.

Any site that is not remediated to an appropriate standard may be inspected and subsequently determined by the local authority as Contaminated Land under Part 2A of the EPA 1990.

Natural Resources Wales advises that the site has not been investigated in line with current best practice and guidance, and on this basis we are unable to advise whether or not there are significant pollutant linkages with respect to controlled waters under Part 2A of Environment Protection Act (1990).

Please do not hesitate to contact us if you require further information or clarification on any of the above.

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

Advice to Applicant

Pollution Prevention

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are 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>

Bedrock

The proposed development is in an area of bedrock aquifer. This designation is consistent with the Water Framework Directive and reflects the importance of aquifers in terms of groundwater as a resource (drinking water supply) and also their role in supporting surface water flows and wetland ecosystems.

In the event that surface water from the development discharges to ground, we refer the developer to the Groundwater Protection: Principles and Practice (Environment Agency, 2013) Position Statements. We refer the developer to the Environment Agency 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the advice under Position Statements G13 (sustainable drainage systems) which applies to this development:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/658135/LIT_7660.pdf

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,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales