



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-49937-R1J5

Eich cyf/Your ref: P/2017/0919

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15/01/2018

Er sylw / For the attention of: Matthew Phillips,

Annwyl / Dear Matthew Phillips,

TOWN AND COUNTRY PLANNING ACT 1990

DEDDF CYNLLUNIO GWLAD A THREF 1990

BWRIAD / PROPOSAL:

Erection of new three-storey office building together with secondary packing area on ground floor, storage and dispatch areas, construction of new service yard, amendment to existing entrance and ancillary landscaping works

LLEOLIAD / LOCATION:

Ipsen Biopharm Ltd, Unit 55, Ash Road North, Wrexham Industrial Estate, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 13/12/2017.

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. We would object if the consent does not include these conditions.

Requirement 1: Flood risk: The submission of a revised flood consequence assessment (FCA), which demonstrates that the consequences of flooding can be managed over the lifetime of the development

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

Condition 5: Geoscience: Piling

Flood Risk

Whilst the site is located in Zone A, the previous FCA and drainage strategy dated May 2017 raised a few issues relating to the consequences of flood risks and impacts on the unnamed watercourse on the site.

The revised FCA V-R6472/FRA-DS October 2017 has been submitted within a revised planning application proposal P/2017/0919.

Requirement 1: Flood risk: The submission of a revised flood consequence assessment (FCA), which demonstrates that the consequences of flooding can be managed over the lifetime of the development

The FCA suggests there is no impact of flood risk and culvert capacity for 0.1% AEP.

However, the assessment only includes two blockage scenarios of 30% and 60% blockage for the 1% AEP and not all three blockage scenarios for a range of events for 1% and 1% plus climate change (as set out in GPG101 2015 producing flood risk hydraulic models and flood consequence assessments for development planning purposes).

The assessment refers to an upper end estimate of climate change of 30% for up to 2050s which is equivalent of a 33-year lifetime of development and not the expected 75 years for a non-residential development. The assessment of surface water flood risks is inconclusive, as further assessment of infiltration is required and refers to higher finished floor levels (FFL) but does not specify what these will involve in terms of Units 11, 12 and 55.

- Impact on culverted watercourse

The proposal will involve the building over a culverted watercourse which is not considered best practice and will require the advice of the Lead Local Flood Authority (LLFA).

The LLFA may not consider that the CCTV survey and condition assessment and proposed four mitigation measure which includes, strengthening of foundations, manhole repairs, culvert repairs, maintaining future access and culvert lining to be acceptable. In addition, the FCA does not specify the existing or proposed maintenance of the culvert within the site and this should be included within the revised report.

In conclusion, the revised FCA is currently deficient and does not demonstrate the acceptability of development as required by TAN 15.

Geoscience

Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity given the site overlies a principal aquifer and is within a groundwater Source Protection Zone and the Dee Water Protection Zone and contamination is known/strongly suspected at the site given the previous industrial land uses.

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.

Condition 2: Geoscience: Verification Report

Prior to commencement of 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 verification report is required in order 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

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.

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.

Condition 4: Geoscience: Unsuspected contamination

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.

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

Condition 5: Geoscience: Piling

It's not clear from the drawings if piled foundations are required for the buildings. If they are we request that the following conditions is applied. There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

- Informative/ advice to LPA

These conditions have been recommended as 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 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 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 the above conditions are applied.

Protected Species

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

Williamson, K (2017) Ecological and Protected Species Survey Ipsen Biopharm. Cambrian Ecology Ltd (unpublished)

NRW is 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.

- 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

Environmental Management

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/>

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 Environmental Permitting Regulations 2010. 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.

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

Our comments 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/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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. Any site owner/developer 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

Siôn M. Williams

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Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales