

Head of Environment and Planning
Wrexham County Borough Council
16 Lord Street
WREXHAM
LL11 1LG

10 January 2016

Er sylw / For the attention of: Philip Forster

Annwyl / Dear Mr Forster

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

BWRIAD / PROPOSAL: Upgrade works to incorporate demolition of existing reservoir and installation of two 12Mi service reservoirs (total capacity 24 Mi) – One on the footprint of a former treatment building and one on the footprint of the existing reservoir

LLEOLIAD / LOCATION: Llwyn Onn Water Treatment Works, Cefn Road, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 19 December and which has also been subject to a Schedule 1C Article 2D Major pre-planning application consultation.

Based on the information submitted to us, we have significant concerns with the proposed development. On this basis, we would recommend that you should only grant planning permission if the conditions listed below are attached to the planning permission and the scheme can meet the requirement identified. These would address significant concerns that we have identified. Therefore, we would not object provided the requirement is met and you attach the conditions to the planning permission

Condition 1: Submission and implementation of a nature conservation management scheme

Condition 2: Submission and implementation of a Biosecurity Risk Assessment

Requirement: Works are carried out in compliance with the Reservoirs Act

Species

Background Legislation Regulations 9(3) of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC) and the 2009 'Birds' Directive Birds' Directive (2009/147/EC) so far that they might be affected by those functions.

The application is supported by the following ecological submission: Glossop, J. (2016). Llwyn Onn Watrer treatment Works: Update Ecology Report. Atmos Consulting. Unpublished.

Great Crested Newt

Condition 1: Submission and implementation of a nature conservation management scheme

The applicant's ecological submission considered the presence of great crested newt. It is considered that the survey and assessment is satisfactory for the purposes of informing the public decision making process.

NRW concur with the conclusions of the report and consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of great crested newt

The inclusion of a condition requiring the submission and implementation of a nature conservation management scheme would be welcomed. This would facilitate implementation of management proposals recommended within the provisions of the ecological submission

Bats

The applicant's ecological submission considered the presence of bats. It is considered that the survey and assessment is satisfactory for the purposes of informing the public decision making process.

NRW concur with the conclusions of the report and consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of bat.

Badger, Breeding Birds, Reptiles

Under current NRW guidance, the LPA is the lead in respect of the assessment of impact on badgers, breeding birds and reptiles.

Biosecurity

Condition 2: Submission and implementation of a Biosecurity Risk Assessment

It is noted that Himalayan Balsam has been identified. As such, biosecurity is considered 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. We therefore advise that any planning permission includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

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.

Reservoirs Act

Requirement: Works are carried out in compliance with the Reservoirs Act

The proposed reconstruction of Llwyn Onn water treatment works indicates the removal of a large raised reservoir currently registered under the Reservoirs Act 1975. The design proposals for two replacement reservoirs indicate that the capacity of each reservoir exceeds 10,000 cubic metres above natural ground level. As such, the reservoirs would be liable for registration as large raised reservoirs.

Discontinuance

The removal of the current reservoir is controlled by section 13 of the Reservoirs Act 1975 which requires that a qualified civil engineer (QCE) is employed to design or approve and to supervise the work. On completion of the removal of the reservoir the QCE will issue a certificate of discontinuance and a copy of this must be sent to Natural Resources Wales (NRW). The QCE may also issue other “interim certificates” to stipulate controlled water

levels during the work, these must also be copied to NRW, and the prescribed water levels adhered to.

Construction

The construction of the two 12Ml reservoirs is controlled by sections 6 and 7 of the Reservoirs Act 1975. As with discontinuance, there is a requirement to appoint a QCE to design & supervise the construction. The appointment of the QCE must be notified to us at least 28 days before construction begins. A form for this notification is available on request. The QCE will issue a “preliminary certificate” prescribing the level to which the reservoir may be filled and the QCE must remain appointed for a period of at least 3 years following the preliminary certificate, after which a “final certificate” may be issued indicating that the engineer is satisfied with the construction.

A QCE for the purposes of work at Llwyn Onn must be currently appointed to either the Panel of Service Reservoir Engineers, or the All Reservoirs Panel. Details of the engineers currently appointed to these panels can be requested from our Reservoir Safety Team: reservoirs@naturalresourceswales.gov.uk. All certificates must also be copied to the same email address.

Geoscience

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

A preliminary risk assessment has not been submitted and so we have no understanding as to whether contamination exists at this site or not. In line with the advice given in Planning Policy Wales, we understand that the local planning authority must decide whether to obtain such information prior to determining the application or as a condition of any permission. We would recommend that the local planning authority refer to its own environmental advisors.

Landscape

The site lies at some distance from the Maelor Saesneg Landscape of Special Historic Interest and the Clwydian Range and Dee Valley AONB. As such, we do not have detailed comments to make on this planning proposal. For understanding of the landscape context and management recommendations for the area we recommend reference to Wrexham's LANDMAP SPG 2007 and LANDMAP data base <https://naturalresources.wales/planning-and-development/landmap/?lang=en>

The latter undergoes periodic review and update, the summary statements can provide a useful overview, so may supplement the local authority's SPG.

Dee Water Protection Zone

The site falls within the DPZ (Dee Water Protection Zones). A DPZ permit will be required if the site store chemicals above 50 litres in a single container.

Pollution Prevention Guidance

The following Pollution Prevention Guidance (PPG) may be relevant to the proposed works:

PPG 2: Above ground oil storage tanks

PPG 5: Works and maintenance in or near water

PPG 6: Working at construction and demolition sites

PPG 26 Safe storage - drums and intermediate bulk containers

The Guidance notes can be accessed at <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/>

Please don't hesitate to contact me if you require 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

Meryl Read

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Cyfoeth Naturiol Cymru / Natural Resources Wales