Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-27441-W5T6
Eich cyf/Your ref: P/2016/1137

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

16 January 2017

Er sylw / For the attention of: Matthew Phillips

Annwyl / Dear Mr Phillips

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

BWRIAD / PROPOSAL: Retention of listed barns and demolition of later additions, redevelopment of site to provide 16 dwellings through conversion of barns to 4 dwellings and erection of 12 new dwellings together with associated road and sewers

LLEOLIAD / LOCATION: App Chem House, Hugmore lane, Llan y Pwll, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 16 December 2016.

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.

Contaminated Land

The site sits over a principal aquifer and within a Source Protection Zone III. The site has been subject to previously potential contaminative uses including a car/motor workshop and a chemical works/store. Therefore, the controlled waters at the site is of highly sensitivity/vulnerability. 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.

Condition 1 - 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.

Reasons

Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity (Principal aquifer and Source Protection Zone III); and contamination is suspected from the historic use of the site as a motor workshop and use associated with the chemical industry.

Condition 2 - Land contamination - Verification report

Prior to [commencement of development]/ [occupation of any part of the permitted 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.

Reasons

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 – Land contamination - 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.

Reasons

To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition 4 - 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, 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.

Reasons

It is difficult for any site investigation to fully characterise a site. It is possible that there may be unidentified areas of contamination at the site resulting from the past industrial uses of the site that could pose a risk to controlled waters if they are not remediated.

Informative

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).

Condition 5 – Sustatinable Urban Drainage Scheme

No infiltration of surface water drainage into the ground is 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 controlled waters. The development shall be carried out in accordance with the approval details.

Reason

Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity (Principal aquifer and Source Protection Zone III); and contamination is suspected from the historic use of the site as a motor workshop and use associated with the chemical industry.

Condition 6 – 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.

Reasons

Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity (Principal aquifer and Source Protection Zone III); and contamination is suspected from the historic use of the site as a motor workshop and use associated with the chemical industry. There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

Ecology

NRW has reviewed the Ecological Surveys and Assessments submitted in support of the application, as listed on your local planning authority's website.

Based on the content of the ecological submissions, we consider that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of bat.

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

Meryl Read
Uwch-gynghorydd Cynllunio Datblygu /Senior Development Planning Advisor
Cyfoeth Naturiol Cymru / Natural Resources Wales