Nathan,

Note on Consultation Responses and Planning Committee 8th January 2024

The Agenda for the 8th January 2024 Planning Committee has been published today. The Gamford House application is not included on this Agenda as the officer's report has yet to be finalised. The next Planning Committee is scheduled for **Friday, 19th January, 2024** at 4.00pm. However, two large housing projects are recommended for Approval on 8th January, despite objections from the Community Council. These are:

P/2019 /0923: Gwersyllt WARD:
Gwersyllt South LOCATION: LAND EITHER SIDE STANSTY CHAIN ROAD OFF A483 TRUNK ROAD AND A541 MOLD ROAD STANSTY WREXHAM LL11 4YF
M Phillips recommends Outline Approval for 455 dwellings.

P/2021 /1057: Gwersyllt WARD: Gwersyllt South
LOCATION: LAND OPPOSITE OF ST PETERS CLOSE LLAY NEW ROAD RHOSROBIN WREXHAM LL11 4RB
Officer recommends approval of 92 dwellings.

I feel that these approvals bode well for the Gamford House application but we will see what the Planning Committee decide.

I have been through the consultation responses for the Gamford House application and extracted the following points from NRW and Welsh Water. These suggest that the issues of Phosphates, drainage, protected species and contamination can all be dealt with through planning conditions attached to any consent.

NRW Consultation Response 19th December 2023

Foul Drainage and Protected Sites

'We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our Planning Advice (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note from the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site.

Should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).'

In anticipation of a request for further information Appleton Deeley have notified a marine biology/drainage consultant of the proposals and they are awaiting instruction.

Protected Species

'We note that a Preliminary Ecological Appraisal (Reid, M., September 2023, Preliminary Ecological Appraisal and Preliminary Roost Assessment, Arbtech Consulting Limited) has been submitted in support of the above application. However, we advise that the report has insufficient information to assess the need for avoidance / mitigation measures in relation to bats and Great Crested Newts (GCN).

We advise that further information should be submitted to assess the extent of adverse effects on the bats and GCN and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Bats

Table 6 (page 20) of the appraisal report makes reference to a previous survey in 2015 (not submitted for this consultation) having identified a potential maternity roost for pipistrelle bats although the roof of that building has since collapsed. Table 8 of the report confirms a number of the buildings on site as having moderate potential for roosting bats and recommends activity surveys in respect of those buildings. We concur with this assessment and advise that activity surveys are carried out and results along with proposals to mitigate or compensate for them. Where appropriate, this should be supported with detailed plans.

Table 8 of the Preliminary Ecological Appraisal Report recommends discussion with Natural Resources Wales (NRW) as to whether further surveys are required given the timeframe since the last survey. We advise that further survey is needed in order to establish the current conservation status and this information should be used to inform the requirement for appropriate mitigation and longterm compensation. The survey work should include the ponds identified in the report (Ponds 1 and 2) in addition to the application site itself.

Water Vole

We have reviewed the (Reid, M., September 2023, Preliminary Ecological Appraisal and Preliminary Roost Assessment, Arbtech Consulting Limited) submitted in support of the application and ***concur with the mitigation measures*** *detailed within Table 8 (page 43) in respect of Water Voles.*

Contaminated Land

The proposed development is within a source protection zone, sensitive with respect to controlled waters, and has previously been used as a workshop depot for commercial vehicle repairs. Based on the information submitted, we would advise that you should only grant planning permission for this scheme if the conditions listed below are attached to the planning permission:

Condition 1: *Land affected by contamination - No development, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.*
1. A preliminary risk assessment which has identified:
a. all previous uses
b. potential contaminants associated with those uses
c. a conceptual model of the site indicating sources, pathways and receptors
d. 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 results of the site investigation and the detailed risk assessment referred to in (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 the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Condition 2: *Contamination verification report - Prior to the occupation or operation of the development a verification report demonstrating completion of 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 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. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Condition 3: *Long term monitoring plan - Prior to the occupation or operation of the development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:*
a. Details of the methods and triggers for action to be undertaken
b. Timescales for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required
c. Timescales for submission of monitoring reports to the LPA e.g. annually
d. Details of any necessary contingency and remedial actions and timescales for actions
e. Details confirming that the contingency and remedial actions have been carried out
The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

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 a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.*

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 Local Planning Authority (LPA) 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 conditions we would request that these conditions are applied.'

Welsh Water Consultation Response 18th December 2023

'We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. We would request that if you are minded to grant Planning Consent for the above development that the Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE
We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We can advise that Lavister WwTW has a phosphate permit. You will need to discuss this matter further with the local planning authority.

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features.'

There is no requirement for SAB approval be obtained before outline planning permission can be granted. The need to obtain SAB approval means that there are adequate controls in place to ensure surface water is properly managed.