Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-268791-S4Q5
Eich cyf/Your ref: P/2024/1554

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 24 January 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: PROPOSED METAL RECYCLING SORTING FACILITY, SOIL HEAP REMOVAL, CONCRETE YARD EXTENSION, LANDSCAPING AND ASSOCIATED WORKS AT EXISTING BUSINESS PREMISES

LLEOLIAD/LOCATION: HYDRO ALUMINIUM DEESIDE LTD, BRIDGE ROAD, WREXHAM INDUSTRIAL ESTATE, WREXHAM, LL13 9PS

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 16 December 2024.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding protected species, contaminated land and protected sites should be attached to any planning permission granted. Without the inclusion of these conditions we would object to this planning application.

Protected Sites

River Dee and Bala Lake Special Area of Conservation (SAC)

Construction phase

Section 4.4 of the Preliminary Ecological Appraisal states that the River Dee and Bala Lake SAC is hydrologically connected to the application site via a watercourse to the north of the site connecting to the Redwither Brook, which subsequently discharges to the River Clywedog and River Dee.

Section 5.3 refers to the production of a Construction Environmental Management Plan (CEMP) in order to demonstrate how adjacent watercourses will be protected, however a CEMP has not been submitted with this application.

We concur that a CEMP should be prepared in support of the proposed development and this should include effective pollution prevention measures. Our statutory pre-application consultation response advised that, if this information could be provided with the full planning application it could negate the need for a CEMP condition. However, as the information has not been submitted with the planning application we advise that the following condition should be applied to any planning permission granted for this proposal.

Condition 1: No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include the following information:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development or phase of development and implemented for the protection of the environment during construction.

Operational phase

Further information should be submitted with the planning application in relation to the storage of materials during the operation of the recycling facility, including recycling materials and any fuels, oils or chemicals stored on site.

Oils and chemicals must be stored under cover within bunded areas and located at least 10 metres away from any ditch or surface water drain. Spill kits must be located adjacent to chemical storage and readily available in case of spillages. Please refer to relevant GPPs:

- GPP 2 Above ground oil storage | NetRegs | Environmental guidance for your business
- GPP 26 Safe storage - drums and intermediate bulk containers | NetRegs | Environmental guidance for your business

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), your authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC.

Foul drainage

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In line with our *Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation* (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the 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.

The information submitted within the application form indicates a reduction in numbers from existing to proposed. We note that the PAC report states no additional sanitary provisions are proposed as part of this application.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine. We therefore advise you seek clarification from the applicant to aid in your determination of whether the development is likely to have a significant effect on the SAC. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity.

Site of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the Afon Dyfrdwy SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

Protected Species

We have reviewed the following information which has been submitted in support of the application:

- Hydro Aluminium Wrexham Industrial Estate Preliminary Ecological Appraisal, reference: 9871.002, Version 3.0 dated 2024, The Environment Partnership Ltd
- eDNA results, reference ADAS-91, 9871, dated 25/05/2023, ADAS
- Hydro Aluminium Wrexham Industrial Estate Ecological Desk Study, reference: 9871.001, Version 2.0 dated May 2024, The Environment Partnership Ltd
- Response to Letter from Natural Resources Wales (dated 19/07/2024, reference CAS-258267-L9V2), The Environment Partnership Ltd

The information has identified that Great Crested Newts (GCN) are material to the application site.

Section 3.26 of the Preliminary Ecological Appraisal states that there are GCN records within 2km of the application site. Our records show that GCN have been recorded within 200m of the application site.

GCN and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981. Where GCN are present and a development proposal is likely to contravene the legal protection, they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
ii. There is no satisfactory alternative; and,
iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

To avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note 5 into account when considering development proposals where a European Protected Species is present.

We consider that the above reports provide an adequate basis upon which to consider the potential impacts of the scheme on GCN and inform the decision-making process.

Section 5.13 of the Preliminary Ecological Appraisal states that works can continue under a “Precautionary Working Method Statement (PWMS)” and that this should be appended to the CEMP. We note that a CEMP has not been submitted for this application.

We advise that the further information regarding the PWMS is required to manage the potential impacts of the scheme on GCN. However, we would be content for this further information to be provided via a suitably worded condition.

We note the contents of the applicant's 'Response to Letter from Natural Resources Wales'. However, please note that there are GCN records from within 200m of the application site, not 320m as stated in the response note. We also advise that, whilst the eDNA results were negative, given the existing terrestrial habitat and potential future use of the ponds (Pond 2 is stated to have an excellent Habitat Suitability Index score) details of the long-term management proposals for the proposed ecological areas referenced in Section 5.10 of the Preliminary Ecological Appraisal and Drawing reference 2027.P.003 (dated 23.05.24) and the SuDS ponds should be submitted prior to development commencing.

We therefore advise the following conditions in respect of GCN are included on any permission granted.

Condition 2: No development including site clearance, shall commence until a Great Crested Newt (GCN) plan of reasonable avoidance measures has been submitted to and approved in writing by the Local Planning Authority. The plan of reasonable avoidance measures should include, but not necessarily be limited to the submission of details and plans concerning GCN reasonable avoidance and mitigation measures including:

- fence design, construction and maintenance (the erection of a one-way amphibian fence/alternative barrier on hardstanding, prior to and throughout the duration of construction operations)
- details of timing, phasing and delivery of reasonable avoidance measures

The plan of reasonable avoidance measures shall be carried out in accordance with the approved details.

Justification: To ensure that GCN are protected by the development.

Condition 3: No development including site clearance, shall commence until a Landscape and Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features at the site has been submitted to and approved by the Local Planning Authority. The Plan should build upon the principles outlined in the ecology report and include, but not necessarily be limited to:

- The submission of a long-term site management plan that includes:
    - Details of habitats and ecological features present or to be created, both in written form and shown on appropriate drawings, including planting plans
    - defined aims and objectives for each identified ecological feature (including defined key performance indicators for long term monitoring indicators)
    - Monitoring and management prescriptions for identified ecological areas and SuDS features;
    - Details of the desired condition for each habitat and criteria to determine when habitats have achieved this
    - details of short and long-term habitat management prescriptions to both achieve and maintain the desired condition, including contingency prescription is invasive non-native species (INNS) or predators of identified ecological features (e.g. fish in respect of amphibians are detected)
    - biosecurity measures which consider invasive non-native species and specific diseases (e.g. Chytrid) to prevent the introduction of and where present control, removal or for the long-term management of invasive species both during construction and operation.

Justification: A LEMP should be agreed to ensure necessary habitat management measures for Great Crested Newt are agreed prior to commencement and appropriately managed in the long-term.

Should any Great Crested Newts be found at the application site then work must stop and Natural Resources Wales should be contacted for further advice.
Other Ecology Interests

Wrexham Industrial Estate is considered to support a nationally important butterfly interest (including dingy and grizzled skipper). One of the principal habitats supporting these species is located to the south of the application site. We note that a grizzled skipper survey has been carried out (Conops Entomology Ltd, 27/06/2023, Report reference 23.32) and we would therefore advise discussion with your ecologist regarding potential impacts on grizzled skippers (a species listed on Section 7 of the Environment (Wales) Act 2016).

Contaminated Land

We have reviewed the following information submitted in support of this application:

- Phase I Geoenvironmental Site Assessment Hydro Aluminium Deeside Ltd Reference:16-685-R1-2 Date: May 2024
- Phase II Geoenvironmental Site Assessment Hydro Aluminium Deeside Ltd Reference: 16-685-R2-2 Date: May 2024, prepared by E3P

We are in broad agreement with the conclusions and recommendations for further work in the Phase II report and advise that this is secured via an appropriately-worded condition. We also advise that the proposed additional work is carried out in line with the following:

1. Follow the risk management framework provided in Land contamination risk management (LCRM)
2. Refer to 'Development of land affected by contamination: A guide for developers' (WLGA, 2023) for the type of information required in order to assess risks to controlled waters from the site. The Local Authority may be able to advise on risk to other receptors, such as human health.
3. Refer to our groundwater protection advice on www.gov.uk

Furthermore, due to the previous land use on site (ammunitions production during World War II) as referred to in the Phase I Geoenvironmental report, we would advise that the following conditions should be applied to any planning permission granted for this proposal.

Condition 4: 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, have 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 (largely completed)

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 (largely completed).

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 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.

5. The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 5: 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.

Justification: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 6: 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.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Condition 7: Surface Water Drainage - 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.

Justification: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterized both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Rachael Burke
Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.