

Ein cyf/Our ref: CAS-268802-W7S7
Eich cyf/Your ref: P/2024/0105

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 09 December 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Pwynt Cyrraedd Newydd Ar Gyfer Safle Treftadaeth Y Byd Traphont Ddwr Pontcysyllte, Yn Cynnwys Lle Parcio, Tirlunio, Llwybrau Troed, Arwyddion, Pyllau Draenio A Ffensio Ychwanegol / New Arrival Point To Pontcysyllte Aqueduct World Heritage Site, Including Parking, Landscaping, Pathways, Signage, Drainage Ponds And Additional Fencing

LLEOLIAD/LOCATION: Car Park, Queen Street, Cefn Mawr, Wrexham, LL14 3NN

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 20 November 2024.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

**Conditions 1 - 4: Protected Species
Conditions 5 - 8: Contaminated Land
Condition 9: Protected Sites**

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

Protected Species

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

- Preliminary Ecological Appraisal, January 2023, Version 2, Reference:10054502-AUK-XX-XX-RP-GE-3-1, Arcadis
- Proposed Drainage Strategy (Drawing reference: 10054502-ARC-SW-XX-DR-CE-00 Revision P0)
- Mayer, C, Moran, V and Silcock, P. (2024). Trevor Basin Area Site Arrival & Car Park Planning Statement. Arcadis. Reference: 10054502-ARC-XX-XXX-RP-PL-01003

- Gledhill, G. (2024). Trevor Basin Area Site Arrival & Car Park. Bat Technical Note. Arcadis. Reference: 10054502-ARC-XX-XX-XX-Bat
- Gibson, E. (2024). Trevor Basin Area Site Arrival & Car Park. Ecological impact Assessment. Arcadis. Reference: 10054502-ARC-XX-XX-XX-EcIA
- Moores, C (2024). Trevor Basin Area Site Arrival & Car Park. Herptile Technical Note. Arcadis. Reference: 10054502-ARC-XX-XX-XX-Herp
- Design Access Statement, August 2024, Trevor Basin Area, Reference: 10054502-ARC-XX-XXX-RP-LA-01002 Revision P03, Arcadis

Great Crested Newts (GCN)

In our response to the Statutory Pre-Application consultation dated 07/06/2024 (our reference CAS-255630-X0Z0) we advised that GCN abundance surveys should be carried out in order to determine the size of the populations present at the application site and its immediate environs, given that there are 3 ponds with confirmed GCN records within approximately 40m of the application site boundary.

We note that no GCN abundance surveys have been carried out to date (only eDNA surveys to confirm presence) and we understand that 70 GCN have been captured under licence during restoration works to the 3 ponds during the summer of 2024. In the absence of specific abundance surveys and in the knowledge that 70 GCN have been captured from the surrounding area, we do not agree with the assessment in Table 12 of the Ecological Impact Assessment that impacts will be low. We advise a precautionary approach is adopted of presuming a nationally important GCN population being present for the purposes of informing long-term mitigation requirements.

The proposal has the potential to kill, injure, disturb GCN, or damage or destroy their breeding sites and resting places. 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. Please note, for the purposes of providing advice at the planning application stage, our comments are limited to compliance with the third test only.

The submitted Ecological Impact Assessment refers to the creation of 2 wildlife ponds. However, no further details including their location has been submitted. We are aware that restoration works to the 3 ponds in close proximity to the application site have been carried

out under European Protected Species (EPS) License S094587, however these ponds are not within the red line boundary for this application and therefore do not appear to form part of the GCN mitigation measures.

Sections 5.3.4 and 5.3.5 refer to the submission of draft licence method statement in support of the Ecological Impact Assessment. However, no draft licence method statement has been submitted in support of this planning application.

Sections 4.4.4 – 4.4.6 reference several records of Invasive Non-Native Species (INNS) either within the site or within a 1km grid encapsulating the application site and Section 5.1.6 states that *“appropriate biosecurity measures will be documented in a method statement...”*. However, this document has not been submitted in support of the planning application.

We note that Sections 4.15 – 4.16 of the Design Access Statement (DAS) include details of planting schemes, including marginal planting to the ponds. We advise that the planting scheme is revised to reduce the risk of introducing biosecurity risks through imported plants and that pond edges are allowed to colonise naturally.

We advise that further information is required to manage the potential impacts of the scheme. However, we would be content for this further information to be provided via suitably worded conditions.

Condition 1: No development, including site clearance, shall commence until a Great Crested Newt (GCN) Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should build upon the principles outlined in the submitted ecology reports include, but not necessarily be limited to:

- a) The submission (to include proposed timescales and reporting requirements) of further details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to:
 - fence specifications, locations, construction and maintenance (amphibian fence/alternative barriers on hardstanding, prior to and throughout the duration of construction operations)
 - considerations of access issues (including PROW if applicable)
 - monitoring and maintenance requirements and supervised removal.
- b) The detail of planting to be delivered, shown on appropriate drawings
- c) The submission of a long-term site management plan (not less than 25 years) 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 (including defined key performance indicators for long term monitoring indicators)
 - 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
 - details of monitoring methodologies for habitat(s) and species
 - details of scheduling and timings of activities
 - contingency measures if fish or invasive non-native species (INNS) are detected

- current and any proposed changes to the freehold tenure of the compensation area (tenure of the ecology and heritage area to be approved by the Local Planning Authority)
 - persons or bodies responsible for undertaking management and surveillance together with required skills and competencies
 - site liaison and wardening
 - licensing requirements
 - 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.
 - details of reporting, review and update of the plan (informed by monitoring) at specific intervals as agreed
- d) The submission of detailed measures including plans designed to prevent the accidental capture/killing of GCN during operational phases of the scheme (including the installation and maintenance of an amphibian-friendly surface water management system that does not include gully pots (or other similar features)).
- e) Details of timing, phasing and duration of construction activities and conservation measures.
- f) Post-construction monitoring and record dissemination for a period of not less than 25 years. Methodology shall include annual GCN abundance counts and Habitat Suitability Index (HSI) assessments. All ponds (including SuDS water bodies) to be added to the Wales GCN Monitoring Scheme, with individuals/bodies being identified as being responsible for monitoring and reporting works.

The Conservation Plan shall be carried out in accordance with the approved details.

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

We have also reviewed the Proposed Drainage Strategy (Drawing reference: 10054502-ARC-SW-XX-DR-CE-00 Revision P0). The drawing includes details regarding the installation of gulley pots. Gulley pots are known to cause incidental capture/killing of amphibians. We therefore have concerns over the proposal's inclusion and retention of traditional gulley pots and advise that amphibian-friendly alternatives are proposed.

We also advise that the provision of SuDS ponds should not be considered as a component of any GCN compensation measures. Potential EPS licensing requirements should also be considered in relation to the maintenance and management of SuDS features.

Condition 2: No development shall take place until details of an updated Drainage Strategy to include an amphibian friendly surface water management scheme have been submitted to and approved in writing by the Local Planning Authority. The updated Drainage Strategy should include, but not necessarily be limited to:

- Biosecurity – diseases (e.g. Chytrid)/Invasive Non-Native Species
- Monitoring/surveillance for European Protected Species
- Species licensing requirements

Justification: To prevent or reduce accidental capture or killing of amphibians during the operational phase of the development.

Planning Obligation: A Planning Obligation Section 106 Agreement (as opposed to a Unilateral Undertaking) will be required. We advise that in respect of any such agreement, provisions relating to ecology include:

- defined commuted sum and/or requirement for index linked ground rent service charges to include ecological management, surveillance and wardening in perpetuity (a costed management plan will be required to inform costings)
- identification of relevant land to be subject to the planning obligation and be managed for biodiversity – this is to include the land within the red line application boundary and the land identified in the EPS licence S094587 method statement relating to pond restoration adjacent to the red line application boundary
- delivery of management
- regular liaison meetings
- management plan review, at minimum 5 years unless agreed in writing by the LPA
- transfer freehold ownership of the defined Ecology Area to a body that accords with the definition of “responsible” under Part 7 of the Environment Act 2021 [e.g., an appropriate body that is approved by the Local Planning Authority] before use of the site
- Tenure and any proposed changes to tenure shall be carried out to the satisfaction of the LPA in consultation with NRW
- The completion of a Management Agreement between the LPA and the long-term occupier/owner of the ecology under Section 39 of the Wildlife and Countryside Act 1981 (as amended) before the commencement of the operational phase of the proposals

We also advise that the works are carried out under licence. We refer you to the Chief Planning Officer’s letter dated 1 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Please note that any changes to proposals between planning consent and the licence application may affect the outcome of a licence application.

Bats

Section 4.4.6 of the report (Preliminary Ecological Appraisal (dated January 2023, Version 2, Reference:10054502-AUK-XX-XX-RP-GE-3-1, by Arcadis) confirms the presence of woodland with numerous large and mature trees and concludes the likelihood of the site to support roosting, commuting and/or foraging bats as high. Section 5.2.6 states that further survey work to assess the trees for potential roosting features (PRF) should be carried out and that further bat activity surveys may be required based on the results of the initial PRF survey.

Section 3.3 of the Bat Technical Note states that 18 trees were identified as either having potential roost features or needing further assessment. Section 5 of the report states that no trees or structures with potential roosting features are directly impacted and that the majority of trees will be retained. However, we advise that should any tree felling with the potential to impact on bats be proposed, further survey should be undertaken. We advise that this is secured through a suitably worded condition:

Condition 3: No tree felling with the potential to impact on bats, shall commence until a pre-construction bat survey has been carried out. If the survey confirms the presence of bats, the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

Justification: To ensure the potential presence of bats is confirmed prior to felling of trees and where necessary remedial measures are implemented for their protection.

Section 5 of the Bat Technical Note states that “*Site design will also incorporate sensitive lighting to further reduce any potential impacts upon local bat populations*”. Section 4.14 of the DAS states that a lighting strategy will be developed with the Ecology team. We note that Section 4.14 of the DAS also contains reference images for uplighting in both hard and soft landscaping areas. We advise that the details of a lighting strategy should be secured through a suitably worded condition:

Condition 4: Prior to commencement of development, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. This Lighting Plan Details shall include:

- An assessment of lighting in respect of wildlife interests of the site, notably bats
- Details of the siting and type of external lighting and internal light spillage during and post development. This shall include plans illustrating the location and type of lighting together with isolux drawings
- Details to demonstrate that light spillage will not affect wildlife sensitive areas.
- Details of lighting to be used both during construction and/or operation
- Measures to monitor light spillage once development is operational
- Ecological compliance audit for external lighting key performance indicators.
- Provisions of the scheme shall accord with the provisions of the Institution of Lighting [Guidance Note 08/23: Bats and Artificial Lighting at Night](#)

Lighting shall accord entirely with the details so approved for the duration of the construction and operation of the development.

Justification: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species.

As this is a lower risk case for bats, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. However, we advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site and, therefore, we advise that all avoidance and mitigation measures described in the bat report must be undertaken.

Please consult us again if any further information shows that this is no longer a lower risk case.

Otters

Section 4.4.8 of the Preliminary Ecological Appraisal (PEA, dated January 2023, Version 2, Reference:10054502-AUK-XX-XX-RP-GE-3-1, by Arcadis) confirms the presence of otters on site, although the PEA considers them likely to be commuting through the site rather than

the watercourse on site supporting holts or other resting places. We note that no further consideration of otters is included within the PEA report.

However, Section 3.1.2 of the Ecological Impact Assessment states that otters have been scoped out of further survey due to a “*lack of suitable aquatic habitat within the Site and the surrounding area*” but that measures are discussed within the report to reduce any potential impacts to nearby watercourses that may support otters (and other species).

We advise that due to the potential for disturbance to commuting or foraging otters Reasonable Avoidance Measures (RAMs) should be implemented to protect otters during the construction phase, and also the operational phase in relation to impacts from light spill.

Condition 5: No development or phase of development, including site clearance, shall commence until an otter plan of reasonable avoidance measures has been submitted to and approved in writing by the Local Planning Authority.

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

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

Furthermore, to minimise impacts from artificial lighting on otters, we would advise that the lighting plan condition detailed above in relation to bats should also consider otters.

Contaminated Land

We have reviewed the Phase 1 Report (Trevor Basin WHS Arrival, Phase I Geo-Environmental Desk Study, January 2024. Arcadis. Document Ref: 10054502-ARC-XX-XXX-RP-GE-01001) and have the following advice:

We concur with the recommendation in Section 8.6 of the report to carry out a Phase 2 site investigation. We advise that the proposed additional work is carried out in line with the following:

1. 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 can advise on risk to other receptors, such as human health.
3. Refer to our [groundwater protection](#) advice on www.gov.uk

In our response to the Statutory Pre-Application consultation dated 07/06/2024 (our reference CAS-255630-X0Z0) we advised that, if this information cannot be provided with a formal planning application, then the Local Planning Authority should attach the following conditions to any subsequent planning permission granted for this proposal:

Condition 6: No development or phase of 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:

- 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 *[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.
 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.

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 7: Prior to the occupation of the development or phase of 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 8: 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. A site investigation may not uncover all instances of contamination and this condition ensures that contamination encountered during the development phase is dealt with appropriately.

Condition 9: 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.

Protected Sites

River Dee and Bala Lake Special Area of Conservation (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.

However, we are satisfied that there is unlikely to be a source of additional nutrients and/or a pathway for impacts. As such, in our opinion, it would be reasonable for your Authority to screen out this proposal as not likely to have a significant effect on the River Dee and Bala Lake SAC in relation to nutrient inputs.

Water pollution and invasive non-native species

We note that a watercourse flows through the application site and subsequently discharges to the River Dee SSSI and River Dee and Bala Lake SAC. We therefore consider that the proposed scheme has the potential to affect the SAC through water pollution.

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

- Preliminary Ecological Appraisal, January 2023, Version 2, Reference:10054502-AUK-XX-XX-RP-GE-3-1, Arcadis
- Outline Construction Environmental Plan, July 2024, Version P01, Reference : 10054502-ARC-XX-XXX-RP-PL-01006, Arcadis

We note that Section 6.1.1 of the Preliminary Ecological Report (PEA) states that appropriate pollution control measures would need to be implemented but does not include any further details. Section 6.1.2 of the PEA confirms that the invasive non-native species Himalayan Balsam, Montbretia and Wall Cotoneaster have been found within the application site and that their removal should be carried out in accordance with an ecological method statement.

In our response to the Statutory Pre-Application consultation dated 07/06/2024 (our reference CAS-255630-X0Z0) we advised that that further information regarding pollution prevention measures and invasive non-native species management should be submitted in support of a full planning application. We note the submission of the Outline Construction Environmental Plan (OCEMP). Section 1.1.3 of the OCEMP states that it does not replace the principle contractor's site-specific CEMP and that "*The OCEMP will be updated prior to construction to a detailed CEMP*". We concur that a detailed CEMP should be created and that, if this cannot be submitted as further information prior to determination, then we would advise that the Local Planning Authority attach the following condition to any subsequent planning permission granted for this proposal:

Condition 10: No development or phase of development, including site clearance, shall commence until a site-wide detailed Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- 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.
- Invasive species: details of measures to control and eradicate any invasive species on site.
- 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.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management.
- 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

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.

The Local Planning Authority is a Competent Authority for the purposes of the Conservation of Habitats and Species 2017 Regulations. As such, they must not agree to any plan or project unless they are certain that it will not adversely affect the integrity of a Special Area of Conservation (SAC).

The Local Planning Authority should carry out a test of likely significant effects (TLSE) for the SAC, which is required under Regulation 63 of the *Conservation of Habitats and Species Regulations 2017*. This test applies to impacts on the SAC from the proposed works, either alone or in combination with other plans and projects.

If the test concludes there is likely to be a significant effect then an appropriate assessment of the impacts on the River Dee and Bala Lake SAC from the proposed works, either alone or in combination with other plans and projects, will be required. We would be able to assist with that assessment in our role as the statutory nature conservation body under the above Regulations.

Site of Special Scientific Interest (SSI)

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

Designated Landscape

Our landscape planning advice relates to the landscape character and visual amenity of the Clwydian Range and Dee Valley National Landscape (formerly AONB), and the statutory purpose of the designation to conserve and enhance its natural beauty.

The proposed vehicular parking is located on a brownfield site approximately 200m north-east of the National Landscape boundary, which in this location is also the boundary of the Pontcysyllte Aqueduct and Canal World Heritage Site (WHS). The proposed footpath would adjoin land within these designations, north of the Aqueduct. All of the site is located within the WHS Buffer Zone.

In our response to the Statutory Pre-Application consultation dated 07/06/2024 (our reference CAS-255630-X0Z0) we provided additional technical advice recommending that wider views and cross valley views from south of the River Dee are acknowledged in the DAS.

Whilst the DAS submitted for this full application does not include additional viewpoints from the wider landscape, the illustrative sections RP06 and Planting Strategy suggest screening of the site has been a design consideration.

We note the submitted Cultural Heritage Desk-Based Assessment states the site does not form an important element in any of the key views within the WHS and the surrounding areas, and it is our understanding the proposed development would not be visible from the aqueduct.

Therefore, although located near the National Landscape, and the landmark aqueduct, we do not expect the proposals to adversely impact upon the purpose of the National Landscape. This is due to the location of the main site away from the National Landscape, the context and screening function of existing vegetation, the former use and existing brownfield character of the site, and the nature of the proposals including those for planting. Further, where visible in views from the National Landscape, the development is expected to be seen in the context of existing settlement.

However, we recommend that you review whether your Authority is satisfied whether the proposed screening provides adequate mitigation for the setting of the National Landscape by way of viewpoint photography or by confirming in person that there are no views to the site.

Landfill

According to our records the proposed development site is located near to land that is, or has been, used for the deposition of waste material. We would therefore advise you to consult with the local authority's Environmental Health and Building Control Departments, as they may hold detailed records, and may wish to make appropriate recommendations in respect of landfill gas investigation/remedial work. You should decide whether or not to make your own investigations into the presence of landfill gas. It should also be noted that Waste Management Paper 27 states "It has been found that many sites which have taken only supposedly 'inert' waste have produced gas".

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.