

Appendix 11.1: Consultation



LAND NORTH OF BRYN LANE

WREXHAM

WREXHAM

APPENDIX 11.1 - BIODIVERSITY CONSULTATION

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Body/organisation	Contact	Date & form of consultation	Summary
Wrexham County Borough Council (CBC)	Planning Policy Lead	Email, 13/02/2023 Email, 23/03/2023	Initial consultation was made in February to understand the phosphate assessment requirements. Final response was received in March outlining Wrexham CBC's expected approach to the phosphate assessment (Phosphate Update – Dee Catchment). This correspondence is attached below.
Natural Resources Wales (NRW) and Wrexham CBC	Senior Species Adviser and Planning Officer	Meeting, 24/03/2023	Meeting to discuss great crested newt (GCN) mitigation requirements including a discussion of potential mitigation opportunities on- and off-site. No agreements were made during the meeting.
Wrexham CBC	Ecologist and Planning Officer	Meeting, 29/03/2023	Meeting to discuss ecological mitigation, specifically relating to GCN. Wrexham CBC advised that the application site should contain on-site mitigation for GCN as previously required from the original allocation. The development should not rely on off-site mitigation.
NRW	Senior Species Adviser	Telecom, 25/05/2023	Phone call to discuss mitigation feedback received from Wrexham CBC on 29/03/2023. Were advised to arrange an official meeting with the NRW team to discuss in detail.
NRW, Networld Sports and CBRE	Senior Species Adviser	Meeting, 15/06/2023	Meeting to confirm GCN mitigation requirements and strategy, including whether some off-site mitigation is acceptable.

Shona Redman

From: Chris Smith <Chris.Smith@wrexham.gov.uk>
Sent: 23 March 2023 15:49
To: Clarkson, Helen @ Manchester
Subject: RE: Land north of Bryn Lane - Phosphate assessment
Attachments: Phosphate Update March 2023.pdf

External

Hi Helen

The attached provides an update on the current state of play, in essence, progress is being made but it will be a few weeks before we start to understand the implications for individual treatment works, and in some cases it could be 12-18 months, though it's hoped that Five Fords serving Wrexham will be more the former than later.

Regards

Chris

From: Clarkson, Helen @ Manchester <Helen.Clarkson@cbre.com>
Sent: 23 March 2023 15:17
To: Chris Smith <Chris.Smith@wrexham.gov.uk>
Cc: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>; Grady, Sarah @ Manchester <Sarah.Grady@cbre.com>
Subject: RE: Land north of Bryn Lane - Phosphate assessment

Hi Chris,

Thank you for providing the information below. I just wanted to check whether this remains the latest position or if there is any further update, as I understand that further meetings with NRW and Welsh Water may have taken place in the interim?

Thanks,
Helen

Helen Clarkson | Associate Director

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From: Chris Smith <Chris.Smith@wrexham.gov.uk>
Sent: 14 February 2023 11:52
To: Alun Evans <AlunEvans@tep.uk.com>
Cc: Clarkson, Helen @ Manchester <Helen.Clarkson@cbre.com>; Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>
Subject: RE: Land north of Bryn Lane - Phosphate assessment

Good afternoon

Whilst the cause of the problem rests largely with the water industry and agricultural sectors, Wrexham Council have a role to play, as you are aware we produced the Dee Catchment Phosphorous Reduction Strategy, established a Dee Catchment Nutrient Management Board and we have commissioned consultants, to produce a mitigation strategy looking at specific solutions.

However, the delivery of solutions is very closely linked to ongoing work by Dwr Cymru (AMP8) and Natural Resources Wales (Review of Permits and various technical work streams). This work will confirm if treatment works have headroom for growth, and under what conditions and if there isn't headroom whether actions will be delivered to address this and when. If DCWW don't have plans to produce headroom that will indicate where alternative mitigation solutions will be needed. We are working closely with both parties and hope that later this spring information releases will provide clarity on the route forward. If you can afford to wait, the outcome of this process will be critical to your proposal as it will confirm whether mitigation is required or not. I cannot be more specific on dates as this is out of our control so suggest we keep in touch.

I also suggest you still give thought to calculating the phosphate load from your proposal, this will either inform your mitigation strategy if there isn't headroom in Five Fords/headroom was not provided early enough, or the loading calculations will help demonstrate that the proposal can be met within the headroom identified by DCWW.

With regards to the All Wales Calculator, due this summer, I'm not sure it will be of much use to your proposal, it relates to housing development, this may be adaptable for overnight uses (hotel) but it is not intended to cover employment uses.

NRW allow us to screen out developments providing places of employment for a local population served by residential connections to existing public or private sewers discharging within the SAC river catchment. However the scale of development provided by the proposal at Bryn Lane, in our opinion is too large to be served by the existing residential population. A further complication, there is no guidance from NRW or any other organisation on how to treat these cases.

In our view these are the steps to the process (assuming there are no specific employment processes that could generate phosphate loadings, you need to confirm this);

1. Confirm phosphate pathways (i.e. waste water from staff, land use, specific processes associated with employment use)
2. Calculate the phosphate load from current land use (agricultural use of the site)
3. Calculate phosphate load from future land use (open spaces and hard surfaces)
4. Calculate the phosphate load from staff waste water discharges (model the staff generated by the proposal, estimate how many staff would come from outside the Dee catchment, calculate the water usage, calculate additional phosphate to the Dee after WWTW)
5. Combine the phosphate load from step 3 with step 4 load and deduct step 2, to give a net phosphate figure from which you can calculate mitigation requirements.

There is no formal guidance as to how these steps should be done, any proposals would need to be robustly evidenced for compliance with the Habitat Regs. I have set out a few tips to consider;

The approach to step 2 is broadly set out in the Carmarthenshire calculator, if this or something similar were used I suggest this would need to be adapted with local data (soil, rainfall, landcover). You suggest Farmscoper but without technical knowledge of the product I am not sure how robust the methodology would be for site calculations.

With regards to modelling staff numbers, a robust approach is required. In the absence of a specific end user, I suggest using the attached employment density guide to calculate the employment generated by the site based on

floor-space and use class. This is a robust nationally generated guide by industry experts. There may be alternatives, but it would be for you to justify the approach.

The question of how many staff come from the Dee Catchment is much harder to calculate. In the absence of robust data we may need to assume that all staff are from outside the Catchment (as is the case with new housing). Our view, annual Welsh Government Travel surveys ([Commuting patterns by Welsh local authority and measure \(gov.wales\)](#)) suggest that around 28%-33% of people who work in the County Borough commute from outside the County. Taking a pre-cautionary approach I would suggest calculations assume 40% of staff commute (33%+20% buffer), this would appear to be a reasonable estimate.

Finally you suggest on site PTP's. The current Welsh Government circular 008/2018 is relevant to the use of PTP's, the circular is clear that the first presumption is to connect into a public sewer, and recent planning appeals have rejected phosphates as a reason not to connect to main sewers. However, recognising that PTP's could play a significant role, perhaps as an interim measure, Welsh Government established a working group looking at circumstances that could justify a relaxation of the circular. The group are due to report to the Minister on this matter soon, and hopefully a decision is quickly communicated. Until such a time we would not be able to support PTP's for this proposal.

For a proposal of this scale, strategic off site constructed wetland mitigation, riparian buffers etc. are probably best options. I can suggest a number of guidance documents that may assist. NRW are currently reviewing Natural England's Guidance on constructed wetlands with a view to adopting it (with Welsh references), I suggest this is a starting point.

I hope this is of assistance, if you have any queries, please get in touch.

Kind Regards

Chris Smith

Arweinydd Polisi Cynllunio / Planning Policy Lead
Economi a Chynllunio/Economy and Planning



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From: Alun Evans <AlunEvans@tep.uk.com>

Sent: 13 February 2023 15:40

To: David Fitzsimon <David.Fitzsimon@wrexham.gov.uk>; Chris Smith <Chris.Smith@wrexham.gov.uk>

Cc: Clarkson, Helen @ Manchester <Helen.Clarkson@cbre.com>; Matthew Phillips

<Matthew.Phillips@wrexham.gov.uk>

Subject: Land north of Bryn Lane - Phosphate assessment

Good afternoon both

TEP are assisting Net World Sports with their hybrid application for development of employment uses on land north of Bryn Lane, which will also include an element of overnight accommodation through the provision of a hotel.

I understand that the Dee Catchment Nutrient Management Board met today and would be grateful if you could provide an update on the requirements from applicants in terms of phosphate assessments and mitigation.

Other authorities in Wales such as Carmarthenshire have produced a Nutrient Budget Calculator for use on residential developments www.carmarthenshire.gov.wales/home/council-services/planning/ecology-advice/new-phosphate-targets/#.Y-oimi_P1PZ. Is this something WBC are looking to produce or will you be providing further guidance building on the Dee Catchment Phosphorus Reduction Strategy? If a nutrient budget calculator is not going to be available could you advise what other assessment tools (for instance Farm Scoper) would be acceptable to support application to demonstrate nutrient neutrality.

On-site mitigation through the provision of a package treatment system may be one option but we welcome your thoughts on this.

Kind regards

Alun

Alun Evans
Principal Ecologist
Ecology

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Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.

Phosphate Update – Dee Catchment¹

It is expected that soon, the route for planning authorities to make decisions on new development will be clearer. Natural Resources Wales (NRW) will begin to confirm phosphate limits at waste water treatment works. This will enable Dwr Cymru (DC) to confirm if investment is needed and confirm capacity and development headroom within a treatment works for new development, there are three potential outcomes for every treatment works:

1. Capacity and development headroom now, nutrient neutrality not required;
2. Capacity and development headroom subject to future planned/confirmed investment works², interim measures possibly required if development needed in advance of investment; and
3. Insufficient capacity and/or development headroom, any future investment at the Waste Water Treatment Works (WWTW) would have to wait for consideration in a future Asset Management Plan (AMP) but there would be no certainty investment is viable or feasible, alternative solutions may be needed, possibly in collaboration with DC³. Nutrient neutrality may be required.

Knowing which of the three outcomes applies to a waste water treatment works is key to allowing planning decisions that can release development. The timing will first be dictated by NRW who are releasing permit levels in tranches starting in the coming weeks with completion of the full permit review process in 18 months. Furthermore, as discussed above, DC then need to confirm investment plans and headroom for capacity. In some smaller treatment works where phosphate has not previously been controlled or monitored, DC will need monitoring data to confirm compliance with a new permit level, monitoring has commenced but will not be complete until January 2024.

The first two options will likely allow local authorities to conclude in a Habitat Regulations Assessment (HRA), with regards to phosphate there will be no adverse effect, to the integrity of the River Dee and Bala Lake SAC arising from development connecting to treatment works with a revised permit. The first option would allow development to proceed without providing mitigation. The second would require a Grampian condition⁴ and/or interim measures if development were delivered before DC investment.

However, in limited cases, the third outcome, typically in areas served by smaller treatment works and private drainage systems, and for treatment works not covered by NRW's Review of Permits (the review only considers those with daily flows >20m³), nutrient neutrality may be required for development.

¹ Position Statement relates to the Welsh part of the Dee with separate governance for the English part.

² AMP7 period 2020-25, AMP8 2025-30

³ [SAC Rivers: Source Apportionment Reports | Dŵr Cymru Welsh Water \(dwrcymru.com\)](https://www.dwrcymru.com)

⁴ A condition attached to a planning permission, which prohibits development authorised by the planning permission commencing, or sometimes from being occupied, until a specified action has been taken or achieved, usually on land outside the applicant's control.

We don't yet know the order in which NRW will confirm permit levels, it is hoped that our main works (Five Fords, Cefn Mawr, Lavister and Gresford) will be prioritised but it is not in our control. We also know the outcomes for many of our smaller treatment works will be uncertain in the short term, they may be lower priority for NRW's Permit Review and they require additional monitoring from DC. These treatment works have never previously had phosphate controls or subsequent monitoring but will now have a target to achieve. It will take DC 12 months to monitor the works to see if they comply with the new permit level and to determine which of the above three outcomes apply to the works. Therefore for at least the next 12 months any development connecting to the following treatment works will need to achieve phosphate neutrality;

- Bangor on Dee, Bronington, Dolywern, Froncysyllte, Glyn Ceiriog, Halton, Holt, Llanarmon, Overton, Penley, Pontfadog, Tregeiriog

There are also a number of treatment works which due to their small scale (output is <20m³ per day) are not subject to NRW's Permit Review. Consequently DC has no regulatory requirement to achieve a target phosphate output and with very limited housing growth planned, DC has no need to invest, these are:

- Fenns Bank, Erbistock, Whitehurst, Abenbury, Hanmer Arrowry, Worthenbury and Bowling Bank.

In these locations new development will need to achieve nutrient neutrality, DC are open to collaboration⁵ with third parties to deliver Constructed Wetlands (CTW) fed by flows from the treatment works, the third party would own, manage, and take all phosphate credits for the CTW to enable development to be released.

⁵ [SAC Rivers: Source Apportionment Reports | Dŵr Cymru Welsh Water \(dwrcymru.com\)](https://www.dwrcymru.com)