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04/04/2023

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT
(WALES) REGULATIONS 2017**

EIA SCOPING OPINION REQUEST FOR:

- SITE CLEARANCE AND PREPARATION WORKS, INCLUDING DEMOLITION OF EXISTING BUILDINGS, REMOVAL OF HARDSTANDING AREAS AND VEGETATION, WHERE NECESSARY;**
- CONSTRUCTION OF MULTIPLE UNITS, COLLECTIVELY PROVIDING A TOTAL OF UP TO 160,000 SQM GROSS EXTERNAL AREA (GEA) FOR B1C (LIGHT INDUSTRY APPROPRIATE IN A RESIDENTIAL AREA), B2 (GENERAL INDUSTRIAL), AND B8 (STORAGE AND DISTRIBUTION) USES, AS WELL AS ADDITIONAL USE CLASSES WHICH ARE LIKELY TO INCLUDE ANCILLARY RETAIL/DRIVE-THRU FACILITIES AND POTENTIAL FOR A HOTEL AND PETROL FILLING STATION;**
- THE PROPOSED BUILDINGS WILL BE UP TO 28.5M IN HEIGHT ABOVE GROUND LEVEL;**
- ACCESS AND PARKING PROVISION, INCLUDING NEW ACCESS JUNCTIONS, INTERNAL ROADS, SERVICE YARDS, AND CAR AND HGV PARKING. TWO NEW JUNCTIONS ARE PROPOSED PROVIDING VEHICULAR ACCESS FROM BRYN LANE, WHILE A FURTHER ACCESS POINT IS PROPOSED FOR CYCLISTS (CYCLE LANE MAY BE WITHIN THE ROAD) AND PEDESTRIANS FROM INDUSTRIAL ESTATE ROAD TO THE WEST OF THE SITE. UP TO 1,350 CAR PARKING SPACES AND UP TO 300 HGV TRAILER SPACES AND 15 HGV LORRY SPACES ARE ANTICIPATED;**
- RETENTION AND ENHANCEMENT OF SOME EXISTING ON-SITE GREEN SPACES AND PROVISION OF LANDSCAPING AROUND THE SITE;**
- IMPLEMENTATION OF DRAINAGE/ATTENUATION MEASURES; AND**
- OFF-SITE ECOLOGICAL ENHANCEMENT INCLUDING THE RELOCATION OF PONDS.**

LOCATION: LAND NORTH OF BRYN LANE, WREXHAM INDUSTRIAL ESTATE, WREXHAM

Thank you for referring the above proposal for a scoping opinion, which we originally received on 15/11/2022 and the additional information which we received on the 13/03/23.

Natural Resources Wales (NRW) has reviewed the information provided in the 'EIA Scoping Report' ('Request for an EIA Scoping Opinion for Land North of Bryn Lane, Wrexham Industrial Estate'; dated 2 November 2022; Net World Sports) and the information provided by the applicant in their email of 03/03/23.

We are commenting because we consider that the proposals are likely to give rise to significant effects.

We advise that the likely significant effects are assessed by the applicant, and we consider that they should be 'scoped in' to any future Environmental Statement (ES).

Please note that the comments provided herein are made without prejudice to any further advice NRW may need to give, or decisions NRW may need to take, should different circumstances or new information emerge that NRW will need to take into account.

Our following comments include those matters within NRW's remit that we consider will need to be taken into account and applied to the Environment Impact Assessment (EIA) and the resulting ES. In order to aid review, where possible we have provided cross-references to the relevant sections of 'the report'. For matters relating to English environmental interests, we would defer to the advice of the Environment Agency (EA) and Natural England (NE).

Our advice is made without prejudice to comments we may subsequently wish to make when consulted on any planning application, the submission of more detailed information or an ES.

Our comments 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.

Description of the Project (Sections 1 – 3 of the EIA Scoping Report)

We advise that the ES should describe the proposed scheme in detail in its entirety. This description should cover construction, operation and decommissioning phases as appropriate and include detailed, scaled maps and drawings as appropriate.

Any maps, drawings and illustrations that are produced to describe the project should be designed in such a way that they can be overlaid with drawings and illustrations produced for other sections of the ES, such as biodiversity.

Protected Sites

Air Quality (Section 5.4 of the EIA Scoping Report)

The application site is within:

- 2.6km of the River Dee Site of Special Scientific Interest (SSSI)
- 2.7km of the River Dee and Bala Lake Special Area of Conservation (SAC)
- 3.3km of Midlands Meres and Mosses Ramsar / Vicarage Moss SSSI
- 4.8km of Sontley Marsh SSSI
- 4.9km of Marford Quarry SSSI

The project has the potential to affect air quality and have indirect effects on protected sites (e.g., SSSIs, SACs, Ramsar sites) during both the construction and operational phase (due to both air pollution and dust). The EIA Scoping Report refers to potential effects from the following sources:

- *Traffic generation during both the construction and operational stages; and*
- *Dust generated by construction activities.*

We therefore advise that the ES should fully assess impacts of air pollution and dust on protected sites. We would expect the ES to include an assessment of the amount of predicted pollution from the proposal against the relevant critical loads and critical levels for any designated sites that may be affected.

Phosphorus sensitive river Special Areas of Conservation (Section 7.3 of the EIA Scoping Report)

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](#) (July 2022), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments.

Section 7.3.25 of the EIA Scoping Report states:

“Furthermore, given that the proposed development comprises light industrial / storage and distribution uses, rather than new residential development (that would lead to increased nitrate and phosphate emissions), and the proposals will also include the demolition of two existing residential properties and will take agricultural land out of use (removing nitrate and phosphate emissions associated with these existing uses), significant adverse effects in regard to nitrates and phosphates are not anticipated.”

The suitability of foul drainage arrangements for the proposed development is a matter for the LPA to determine. We therefore advise that as part of any future planning application submission, the applicant provides the LPA with sufficient details e.g., of the proposed method of foul drainage to inform their Habitats Regulations Assessment (HRA). If

additional wastewater is to be discharged, it is likely the LPA will require further information from the applicant to inform their HRA.

Incidents / Pollution Prevention / Water Quality (Section 6.2 of the EIA Scoping Report)

The site is within 160m of Redwither Brook (Main River) which discharges to the River Clywedog, a major tributary of the River Dee.

Section 6.2. “*Major Accidents and Disasters*” of the EIA Scoping Report states that this topic will not require an individual chapter and further information provided by the applicant in their email of 03/03/23 proposes that the Ground Conditions ES chapter will report potential contamination impacts from the proposed development in respect of water quality (surface water and ground water resources). We concur with this approach and advise that the Ground Conditions chapter should clearly identify the risks assessed and mitigation proposed across the whole development.

There should be sufficient infrastructure in place to mitigate and contain any spills and a review of the site drainage and oil interceptors should be undertaken and submitted before planning permission is granted. An appropriate environmental management system (EMS) should be implemented, which addresses emergency procedures.

The site lies within the Dee Protection Zone (DPZ) and may need a consent to produce and store the fuels onsite. Please see the following link for further information: [Natural Resources Wales / Dee Water Protection Zone](#).

Biodiversity (Section 5.6 of the EIA Scoping Report)

We advise that the ES should include sufficient information to enable the relevant decision maker to determine the extent of any environmental impacts arising from the proposed scheme on legally protected species, including those which may also comprise notified features of designated sites affected by the proposals.

Evaluation of the impacts of the scheme should include: direct and indirect; secondary; cumulative; short, medium and long-term; permanent and temporary; positive and negative, and construction, operation and decommissioning phase and long-term site security impacts on the nature conservation resource, landscape and public access.

Significance and Favourable Conservation Status

We advise that the ES considers significance (both alone and in combination) and where applicable conservation status. In respect of conservation status, we advise consideration to be given to current conservation status (CCS), and demonstration of no likely detriment to maintenance of favourable conservation status (FCS) during construction, operation and

decommissioning phases of the scheme. Reference to CCS and FCS in accordance with [EC Guidance](#)¹ is advocated.

Key Habitats

Any habitat surveys should accord with the NCC Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC, Peterborough). We advise that Phase 1 surveys are undertaken and completed during the summer to ensure the best chance of identifying the habitats present. We also advise that Habitats Directive Annex 1 habitats are identified as part of this assessment.

Protected Species Surveys

We advise the site is subject to assessment to determine the likelihood of protected species being present and that targeted species surveys are undertaken for all species scoped in. These should comply with current best practice guidelines and if the surveys deviate or there are good reasons for deviation that full justification for this is included within the ES.

Should protected species be found during the surveys, information should be provided identifying the species-specific impacts in the short, medium, and long term together with any mitigation and compensation measures proposed to offset the impacts identified. We advise that the ES sets out how the long-term site security of any mitigation or compensation will be assured, including management and monitoring information and long term financial, tenure, and management responsibility. Where the potential for significant impacts on protected species is identified, we advocate that a Conservation Plan is prepared for the relevant species and included as an Annex to the ES. In respect of European protected species, we advise consideration of Section 3.3.2 of [Guidance on the strict protection of animal species of Community interest under the Habitats Directive](#).

Where a European protected species is identified and the development proposal is predicted to likely contravene the legal protection they are afforded, a licence should be sought from NRW. The ES should include consideration of the requirements for a licence and set out how the works will satisfy each of the three requirements as set out in the Conservation of Habitats and Species Regulations 2017 (as amended).

These requirements are translated into planning policy through [Planning Policy Wales \(PPW\) Edition 11](#) dated February 2021, sections 6.4.22 and 6.4.23 and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009).

Local Biodiversity Interests

We recommend that the local authority's ecologist is consulted on the scope of the ES to ensure that regional and local biodiversity issues are adequately considered, particularly those habitats and species listed in the relevant Local Biodiversity Action Plan, and areas that are considered important for the conservation of biological diversity in Wales.

¹ [EUR-Lex - C\(2021\)7301 - EN - EUR-Lex \(europa.eu\)](#). See section 3.2.3.b) re. conservation status

The developer is advised to contact other relevant sources for biological information/records relevant to the site and its surrounds. These include the appropriate Local Records Centre and any local ecological interest groups (e.g., bat groups, mammal groups).

Legislation and Policy Compliance Review

We advise that the ES audits compliance in respect of relevant nature conservation legislation (UK and Wales) together with relevant local and national policies including BS 42020:2013.

Great Crested Newt

The EIA Scoping Report (5.6.10. Amphibians) states: *“A positive result for the presence of great crested newt was identified in a number of ponds on site. The report is currently being prepared.”*

We note and concur with the Biodiversity ES chapter being supported by a Great Crested Newt Assessment.

Breeding and Wintering Birds

We note and concur with the Biodiversity ES chapter being supported by Breeding Bird Survey and Winter Bird Survey Reports.

Bats

We note and concur with the Biodiversity ES chapter being supported by Preliminary Roosting Assessment and Emergence / re-entry bat survey results.

Groundwater and Land Contamination (Section 7.2 of the EIA Scoping Report)

‘Ground Conditions’ are referred to in section 7.2 of the EIA Scoping Report under *“Topics where potential for likely significant effects is not anticipated”*. However, the site is highly sensitive with respect to groundwater. It is located within a Source Protection Zone (SPZ) 3 (an area defined around large and public potable groundwater abstraction sites; the purpose of SPZs is to provide additional protection to safeguard drinking water quality through constraining the proximity of an activity that may affect a drinking water abstraction); and overlies a principal bedrock aquifer. As stated in Section 7.2.7 of the EIA Scoping Report, above the bedrock the superficial aquifer is clayey till, which is classed as a Secondary aquifer.

Till can act as an aquitard, slowing, but not preventing subsurface movements of liquids, the extent of which will likely be determined by sand and gravel lenses as much as the referenced thickness of the till in Section 7.2.7.

We acknowledge that the greenfield area of the site has limited potential for ground contamination to be present, and that till can give a degree of protection to the underlying bedrock aquifer. However, due to the points stated above it does not appear reasonable to scope out potential impacts that the development might have on hydrogeology, particularly the underlying bedrock aquifer. We therefore do not agree with the statement in Section 7.2.17 that the proposed development is not likely to give rise to significant effects relating to ground contamination (which we have interpreted as including hydrogeology, as it is not mentioned elsewhere). **We advise that ‘Ground Conditions’ should be scoped in to the ES.** However, we acknowledge that a Preliminary Risk Assessment may also be required or used to inform the ES.

It is particularly important to consider any potential inputs to the ground, for example (but not limited to) from the petrol filling station, HGV parking, and infiltration SuDS as well as any additional pathways being created such as piled foundations, service runs and subsurface structures e.g., tanks. A conceptual model should be developed then refined as the proposal progresses.

It should be noted that we have referred to the [Environment Agency’s Approach to Groundwater Protection Position Statements](#) when considering the principle of this development (there are numerous statements that apply to this proposal) together with the following references relating to petrol filling station design and siting:

[DEFRA, Groundwater Protection Code: Petrol Stations and Other Fuel Dispensing Facilities Involving Underground Storage Tanks \(2002\)](#)

[Groundwater Protection Code: Underground Storage Tanks Welsh Government 2016](#) which references source protection zones

APEA [‘Blue Book’](#) Design, construction, modification and decommissioning of petrol filling stations. Specifically, sections on leak detection and double skinned.

Flood Risk (Section 7.3 of the EIA Scoping Report)

Wrexham County Borough Council drainage department in their capacity as lead local flood authority may be able to advise on any local problems in relation to surface water disposal and any associated flood risk.

Permitting

The proposed commercial development including light / general industrial, storage and distribution, ancillary retail and hotel floorspace (and potentially a petrol filling station) should be mindful (as applicable) of the requirements of The Environmental Permitting (England and Wales) Regulations 2016 (as amended).

Waste

We agree with the scoping of 7.4. Materials and Waste Management and the proposed survey and assessment methods.

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

Yours faithfully,

Rachael Burke

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