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Wrexham County Borough Council,
The Guildhall,
Wrexham,
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ebost/email:
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28/02/2023

Dear Sir/Madam,

BWRIAD / PROPOSAL: CREU FFORDD FYNEDIAD NEWYDD, PARC LORIS, PONT BWYSO AC ADEILAD, MAES PARCIO, BLOC CYFLEUSTRAU, ARDALOEDD STORIO COED CRWN, IS ORSAF 132 KV A GWAITH ATEGOL / CONSTRUCTION OF NEW ACCESS ROAD, LORRY PARK, WEIGHBRIDGE AND BUILDING, CAR PARK, FACILITIES BLOCK, ROUNDWOOD STORAGE AREAS ,132 KV SUBSTATION AND ANCILLARY WORKS

LLEOLIAD / LOCATION: KRONOSPAN LTD, HOLYHEAD ROAD, CHIRK, WREXHAM, LL14 5NT

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 9th January 2023.

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 flood risk, protected sites, foul drainage, groundwater protection and land contamination. 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 landscape should be attached to any planning permission granted.

Condition 1: Landscape – offsite enhancements

Condition 2: Landscape – lighting design

Without the inclusion of these conditions, we would object to this planning application.

Flood Risk

The planning application proposes less vulnerable development of an electrical substation, lorry park and timber storage. Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the FMfP identifies the application site to be at risk of flooding and falls partially into Flood Zone 2 & 3 (Rivers).

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the FCA undertaken by SLR, dated December 2022, reference 416.05415.00009. Our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

Section 8 of the FCA states that 'given the minimal area and that any variation to flood extent would be an increase to the applicant's own development land on the opposite side of the river it is not considered necessary to provide purpose-built flood compensation storage.'

However, we note that Afon Bradley Farm lies in close proximity to the proposed development and the Afon Bradley therefore we advise that further information should be provided to assess potential impacts on flood risk beyond the development site. Further hydraulic assessment should quantify the potential loss of flood storage and impact on flood flows which could cause impact to 3rd party property and assets, including the access road.

The loss of flood storage will need to be quantified and any potential impacts on flood flow routes resulting from the development should be assessed. Any loss of flood storage resulting from the development should be compensated for, calculated on level for level basis for various return periods and this may require detailed modelling depending on the quantification of losses.

Blockage scenarios and culvert capacity under the access road to Afon Bradley Farm and also the B5070 downstream should also be considered within the FCA.

In summary, the FCA needs support of hydraulic modelling and quantification of flood storage losses and compensation to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development.

If no further information is submitted, or a revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we object to this application.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Protected Sites

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

We have concerns that a significant effect from the proposed development on the River Dee and Bala Lake SAC cannot be ruled out. The application is located approximately 1.4km upstream of the SAC.

Further information should be provided to the Local Planning Authority to inform a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application. The HRA should demonstrate that there will be no adverse effect on site integrity.

- Pollution Prevention

We note that Section 6.12.1 of the Flood Consequence Assessment and Surface Water Drainage Strategy (reference 416.05415.00009, December 2022) confirms that a Class1 full retention oil separator will be needed for the scheme and that the oil interceptor should be compliant to BS EN 858-1:2002. The report also states that the ‘detailed drainage design will include details of oil interceptors...’.

Further details regarding the surface water drainage treatment should be submitted as outlined below, specifically information relating to interceptors and separators to remove silts and chemicals prior to discharge into the Afon Bradley which subsequently enters the River Dee and Bala Lake SAC. Guidance on interceptors is available via [guidance-for-pollution-prevention-3-2022-update-v2.pdf](https://netregs.org.uk/guidance-for-pollution-prevention-3-2022-update-v2.pdf) (netregs.org.uk)

The two proposed round wood storage areas are to be formed using permeable ground cover and not formally drained - a move that appears at odds with increased use of hard standing on site. The submitted information also states that substation platform would be constructed, where possible from permeable materials. The substation will contain hazardous substances to provide electrical insulation and cooling, therefore further information should be provided to your Authority to demonstrate that adequate safeguards would be in place to prevent loss of containment of hazardous substances to ground in the event of a substation incident. Justification should also be provided for not storing round wood on hardstanding in order to minimise the impact on soil and groundwater.

The proposed lorry park and car park areas would be constructed as a permeable sub-base and paving on a geo-cellular and geomembrane to provide a drainage layer that would drain surface water to the two northern attenuation basins. This surface water would then be discharged at a controlled rate into the Afon Bradley. It is stated that an oil interceptor would be installed as a precautionary measure prior to the point where the drainage would discharge into the proposed attenuation basins. Further information should demonstrate that adequate safeguards would be in place to minimise the loss of hydrocarbons etc., to the drainage layer and that provisions would be put in place for the priority off-loading of tankers of hazardous substances to avoid parking up (this applies to any loads of hazardous substances). Consideration should also be given to what remedial action would be carried out in the event of a loss of containment and proposed mitigation should be detailed in a full planning application. A soil / groundwater assessment 'baseline report' should be submitted with the application to enable any degradation over time to be detected.

- Foul Drainage

We note the proposed 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. 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. As such, we refer you to our Planning Advice and advise that you provide further information in support of any future planning application to be made. We note that no information has been submitted in respect of foul drainage arrangements for the proposed development. We advise you to seek further information as identified in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' or 'What does this mean for development proposals involving private sewage treatment systems' of that advice.

The suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine. We therefore advise that as part of any future planning application submission, you provide your Authority with sufficient details of the proposed method of foul drainage to inform your Habitats Regulations Assessment (HRA) or to confirm whether or not any additional wastewater would be discharged from the site. If additional wastewater is to be discharged, it is likely your Authority will require further information from the applicant to inform your HRA.

River Dee Site of Special Scientific Interest (SSSI)

We consider the proposals have the potential to impact upon the River Dee SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, we consider the features of the SSSI will also be adequately safeguarded

Chirk Castle and Parkland & Nant Y Belan and Prynela Woods Sites of Special Scientific Interest (SSSI)

We have considered the Environmental Statement, reference: 3046-01, December 2022, axis, submitted in support of the above application.

Based on the information submitted, we consider that the proposed development is not likely to damage the features for which Chirk Castle and Parkland SSSI & Nant Y Belan and Prynela Woods SSSI are of special interest.

Modifications to the scheme as currently proposed may affect our view, and may merit a further consultation with us.

Groundwater protection and land contamination

We have concerns regarding the proposed permeable drainage for the substation area as described within Section 4.2.10 and Section 4.2.11 of the Environmental Statement (Chapter 4), reference: 3046-01, December 2022, axis and the potential for hazardous substances at the substation to enter the ground through infiltration. We note that Section 4.2.11 states '*...detailed drainage design for the proposed substation would be completed post-submission and will include pollution control measures ...*'. As referenced in our protected sites section above, further information on adequate justification and safeguards should be submitted to demonstrate that there would be no detriment to groundwater or nearby watercourse through infiltration.

The design and maintenance of storage and transmission facilities, such as tanks, lagoons and pipework, must be in such a way that hazardous substances are prevented from being released to the environment and the input of non-hazardous pollutants to groundwater is limited so as to not cause pollution. The expectation would be for operators to adopt appropriate engineering standards, taking into account the nature and volume of materials stored and the sensitivity of the groundwater. Where it is judged there to be an unacceptable risk to groundwater from the storage of pollutants or their transmission through associated pipework or infiltration drainage, we will normally oppose such storage or transmission. If other material planning considerations determine that the development should proceed, we would expect best available techniques (BAT) to be applied. Where storage already exists we will work with operators to assess and if necessary mitigate the risks to groundwater, with an aim to meet the objective set by this position statement. Re-use of existing facilities for new applications should be accompanied by a thorough assessment to demonstrate that the facilities are adequately designed and fit for purpose for the proposed new use, and that there will be no unacceptable input of pollutants to groundwater.

Any design should bear section D of The Environment Agency's approach to groundwater protection February 2018 Version 1.2 [The Environment Agency's approach to groundwater protection \(publishing.service.gov.uk\)](https://www.environment-agency.gov.uk/publications/groundwater-protection.aspx)

We note that the proposal includes an underground cable between the proposed electrical substation and the existing 132kV Overhead line approximately 2.6km to the East of the application site.

We will normally object to pipelines or fluid filled cables that transport pollutants, particularly hazardous substances that pass through a Source Protection Zone 1 or 2 (SPZ1 or SPZ2) where this is avoidable, and/or are below the water table in principal or secondary aquifers.

Where there is an existing or unavoidable need for pipelines or fluid filled cables to pass through SPZ1 or SPZ2, operators are expected to adopt BAT and operate in accordance with the Energy Networks Association guidance. Where existing pipelines or fluid filled cables are already below the water table or if the water level subsequently rises, we will work with operators to mitigate the risks.

We will only agree to any redevelopment scheme with sub water table pipelines or fluid filled cables for the transport of hazardous substances where there are substantial mitigating factors. When the opportunity to replace existing fluid filled cables in SPZ1 and SPZ2 arises we will work with the operators to agree the best environmental option. It is expected that operators carry out a site-specific risk assessment prior to the decommissioning of pipelines or fluid filled cables in SPZ1 and SPZ2. We will then work with operators to agree the best available environmental option.

Please note that this position statement applies to underground and on-ground cables but not aerial cables. For the purposes of this position statement, the term 'water table' is taken to mean any laterally continuous groundwater including perched groundwater. Operators should consider the lifetime of the pipeline or cable in their assessment of the depth to groundwater.

We note that the proposed route for connection to the electricity via underground cables crosses through a farm property and close proximity to other dwellings. Further information should be submitted to demonstrate that water abstractions for human consumption or food production purposes will not be adversely impacted by the proposed cable installation and operation. All water abstractions for human consumption or food production purposes have a default Source Protection Zone (SPZ) – this is SPZ1 with a minimum radius of 50 metres. In some cases depending on the volumes abstracted, a default SPZ2 with a minimum radius of 250 metres would apply.

The developer should undertake a preliminary site assessment, which should include the following information:

- Identification of all water features both surface and groundwater (ponds, springs, ditches, culverts etc.) within a 300 metres radius of the site and access roads.
- Use made of any of these water features. This should include the construction details of wells and boreholes and details of the lithology into which they are installed.
- An indication of the flow regime in the spring or surface water feature, for example whether the water feature flows throughout the year or dries up during summer months.

- Accessibility to the spring/well.
- This information should be identified on a suitably scaled map (i.e. 1:10,000), tabulated and submitted in support of the application. It would be useful for the developer to photograph each of the identified water features during the survey.
- Based on the results of the survey the applicant must assess the likely impacts from the development on both quantity and quality of the surface water and groundwater. This should take into consideration both the preferred methods of construction and the assumed hydrogeology in the vicinity of the development.
- Identified groundwater features may need to be monitored during the proposed workings. We would therefore recommend that the survey be undertaken as soon as possible to enable the developer to carry out suitable baseline monitoring prior to the commencement of workings at the site.

Landscape

Our advice relates to the potential impacts on the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty's (AONB) landscape character, visual amenity and special qualities. This response is to the full application for the proposed development. It is further to our previous comments made in October 2022 in response to the Statutory Pre-application submission.

The proposal is for a new link road, 132kV substation, lorry park and roundwood storage areas in farmland located to the north of the existing Kronospan site. The site lies in the small valley below and to the east of the AONB. Chirk Castle Parkland and a section of Offa's Dyke national trail lies within the AONB here. Views from these publicly accessible locations extend over the valley. Views are rural with a strong pattern of trees. In places, housing development in Chirk is evident. The roofs of large shed like buildings, stacks and vapour plumes of Kronospan influence some views and their areas within the AONB that are unaffected by modern development.

An important objective for the AONB (PPW11) is to conserve and enhance the public's experience of Natural Beauty and the area's special qualities. The AONB management Plan 2020- 2025 lists the landscape special qualities as: tranquillity, remoteness and wildness, space and freedom. Tranquillity is associated with an atmosphere of calm and stillness. Space and freedom are related to access to the landscape and the uninterrupted and extensive views from the high places within it.

We note that specific consideration to the effects on tranquillity and other AONB Special Qualities is provided within Table 5.4 of the Environmental Statement (Chapter 5), and that Appendix 5.5 provides the landscape effects on LCA5a which covers the relevant area of the AONB.

Table 5.4 states that views to the existing Kronospan facility and movement of traffic (including HGVs) are typically available from the AONB and that the effects on the AONB of the proposed development (i.e. increase in the facility and in traffic movement) would not be

significant. It also states that changes in noise levels would not be significant, and that the proposed development would comply with 'dark skies' criteria. Therefore, it concludes that "the introduction of the proposed development would not result in any changes that would materially reduce the tranquillity of the designation."

ES Chapter 8 Noise and Vibration finds that from the monitoring location at New Hall Farm in the AONB the increase in noise would be negligible. Although there is likely to be some reduction in the tranquillity of the parts of the AONB that are within view or earshot of the proposed development, this is considered to be minor at most. Therefore, we concur with the assessment in terms of tranquillity.

We note that off-site landscape enhancement measures within the Kronospan landholding are illustrated on Figure 4.3b and described in Table 4.1 of ES Chapter 4.0. This includes, within the vicinity of the Offa's Dyke Path, allowing existing hedges to grow higher in order to reduce visibility of the existing and proposed Kronospan facility. There is also a proposal for a new belt of woodland at a minor road junction north of Chirk Castle. This appears to be in close proximity to the Offa's Dyke earthwork and therefore an assessment of impacts on the heritage asset should be undertaken along with details of off-site landscape enhancements and management in relation to views from Offa's Dyke Path, including avoidance of impacts on Offa's Dyke heritage asset.

We also note that it is stated in Section 5.3.8 that further off-site enhancements on third party land will be identified in consultation with landowners. And Section 5.8.5 states that outline landscape enhancements - new planting and changes to existing management - are proposed within Chirk Castle estate, and that these are to be identified in close consultation with the National Trust (NT) and would seek to enhance the existing historic parkland landscape. Details of off-site landscape enhancements within the NT Chirk Castle estate, including planting and management of the existing historic parkland to reduce the visual impact of the existing and proposed development should be submitted in the form of a landscape scheme.

We welcome these proposed enhancements and understand that the screening of all views of the proposed development from key viewpoints within the AONB would not be possible, or indeed desirable, without cutting off the views to the more distant lower-lying landscape to the east of Chirk. These wide views are an interesting feature giving contrasts to this eastern edge of the AONB.

We advise that the following condition should be attached to any permission granted by your authority for the above application in respect of proposed off-site enhancements:

Condition 1: No development shall commence until a landscape scheme for off-site enhancements relating to items 4 & 5 as identified in Figure 4.3b (December 2022) 'Off-site Landscape Enhancements (within Kronospan landholding) has been submitted to and approved in writing by the Local Planning Authority. The Landscaping Scheme should include:

- Earthworks plan showing existing and proposed landforms and retaining structures including contours and/or spot heights as appropriate.

- Highway and utility plan, plotting the location of highway sight lines and existing and proposed utilities on the layout plan to ensure tree planting and hedgerows essential for landscape integration of the development are achievable.
- Details of existing habitats / trees and hedgerows on the site to be retained and measures for their protection, remedial work and management.
- Details of existing and proposed walls, fences, surfacing and structures, including historic features.
- Details of treatment of site boundaries.
- Details of the extent, distribution and type of new planting.
- Details of the extent, distribution and type of new habitat creation on the site.
- Specification of ground preparation and planting operations - including specification of topsoil quality and depth, remediation of compacted soils, planting season, plant protection, watering of newly planted stock, mulching etc.
- Details and timings of when the landscape scheme will be implemented including the phasing of any landscaping.
- Details of contingency measures should any trees or plants die, be removed or become seriously damaged within 5 years of planting.
- Maintenance schedule setting out annual operations, frequency and standard of workmanship during the establishment period.
- Long term management plan, setting out management activities, frequency and standard of workmanship, responsibilities for management and monitoring.

The landscape scheme shall be carried out in accordance with the approved details.

Justification: A landscape scheme should be submitted to ensure the development conserves and enhances the character and visual amenity of designated landscapes.

Section 5.6.67 of the Environmental Statement (Chapter 5), reference: 3046-01, December 2022, axis, states that lighting of the proposed development would accord with ILP criteria for Environmental Zone E0, i.e. for 'dark sky' areas. We concur with this approach and advise that the following condition should be attached to any permission granted by your Authority for the above application:

Condition 2: Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used
- Drawings setting out light spillage in key sensitive areas
- Light modelling images to present the nighttime effects of lighting on building elevations and ground surfaces from key viewpoints
- Details of lighting to be used both during construction and operation
- Measures to monitor light spillage once development is operational

The lighting shall be installed and retained as approved during construction and operation.

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 dark skies, visual amenity and night time tranquillity of designated landscapes.

Protected Species

We note that the report Environmental Statement, reference: 3046-01, October 2022, axis, has been submitted in support of the above application.

The development site is located within 960m of the Chirk Castle and Parkland SSSI, Lesser Horseshoe Bats are a feature of the protected site.

We advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places, the potential impact pathway from proposed lighting is adequately addressed through the Environmental Statement.

We also note that Appendix 7.3 of the Environmental Statement – ‘Great Crested Newt Presence or Absence (eDNA) Survey Report’ includes a baseline assessment of waterbodies within 500m of the site and concludes that the identified pond is unsuitable habitat for Great Crested Newts due to its connectivity to the Shropshire Union Canal. We concur with this assessment and have no further comments in relation to protected species.

Air Quality

We note the Air Quality Assessment, V05, December 2022, Smith Grant Environmental Consultancy LLP, submitted in support of the proposed development and have no concerns to raise in relation to potential impacts on air quality.

Advice for Applicant/Developer:

- Permitting

The Operator needs to satisfy the requirements of The Environmental Permitting (England and Wales) Regulations 2016 (as amended) and the Best Available Techniques (BAT) Reference Document for Wood-based Panels Production and submit an application to vary the newly consolidated Natural Resources Wales environmental permit to update of any changes that may have consequences for the environment e.g. change to the installation boundary, 132 KV substation, round wood storage, site drainage and discharge to surface water and amenity impacts etc.

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