

Ein cyf/Our ref: CAS-245120-R3G2
Eich cyf/Your ref: P/2022/1080

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 18 January 2024

Annwyl Syr/Madam/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 (CNC)/Natural Resources Wales (NRW) about the additional information for the above, which we received on 18 December 2023.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites, groundwater protection and land contamination. If this information is not provided, we would object to this planning application. Further consideration is also required from your Authority regarding foul drainage. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding protected landscape should be attached to any planning permission granted.

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

Protected Sites

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

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 (as amended) 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 Class 1 full retention oil separator would be installed and that this 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 \(netregs.org.uk\)](https://netregs.org.uk/guidance-for-pollution-prevention-3-2022-update-v2.pdf)

We note that the two proposed round wood storage areas would be formed using permeable ground cover and not formally drained. The submitted information also states that a substation platform would be constructed, from permeable materials where possible. The substation would contain hazardous substances to provide electrical insulation and cooling.

Therefore, we advise that 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 storing round wood on permeable ground cover instead of hardstanding, due to the potential impact on soil and groundwater.

The proposed lorry park and car park areas would comprise 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 noted 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 be submitted to demonstrate that adequate safeguards would be in place to minimise the loss of hydrocarbons and other contaminants to the drainage layer and that provisions would be implemented 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 taken in the event of a loss of containment and proposed mitigation should be submitted. A soil / groundwater

assessment 'baseline report' should be submitted to enable any degradation over time to be detected.

The Technical Memorandum (reference 410.V05415.00009, dated 13/12/2023) submitted in relation to the proposed compensatory flood storage areas along the Afon Bradley shows four potential storage areas. The detailed design for these has not been finalised, however we would advise that standard pollution prevention measures are employed during their construction due to the proximity to the Afon Bradley watercourse and subsequently the River Dee and Bala Lake SAC. Further information can be found here: [Guidance for Pollution Prevention \(GPP\) documents | NetRegs | Environmental guidance for your business](#)

- Foul Drainage

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](#) (August 2023), 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.

This application for the erection of a new weighbridge building, lorry park and associated works unit proposes connection of foul water to the mains sewer. The information set out in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' has been submitted with the application.

Your Authority will need to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

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 SSSI & Nant Y Belan and Prynella Woods SSSI

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 Prynella 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 regarding adequate justification and safeguards should be submitted to demonstrate that there would be no detriment to groundwater or nearby watercourses through infiltration of pollutants to ground.

The design and maintenance of storage and transmission facilities, such as tanks, lagoons and pipework should ensure 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. Operators should adopt appropriate engineering standards, considering the nature and volume of materials stored and the sensitivity of the groundwater.

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.

The proposed route for the electricity connection via underground cables crosses through a farm property and within close proximity to other dwellings. Water abstractions for human consumption or food production purposes have a default Source Protection Zone (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.

We therefore advise that you should seek further information from the applicant in the form of a preliminary site assessment in order to determine whether the proposed cable route would affect any water abstractions for human consumption or food production. We advise that you discuss the results of any assessment with your Environmental Health Officer in relation to potential impacts on any SPZ's that may be affected by the proposed cable route.

Protected 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 and is in response to the submission of additional and amended details.

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 at this location. 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.

Our previous concerns related to the impact of the proposed development on views from Viewpoints U & W within the grounds of Chirk Castle which lies within the AONB. We advise changes to the proposed development – which lies outside of the AONB but within its setting - would not materially reduce the impact at these viewpoints. Although the northern extent of the lorry park has been reduced in the revised proposals, lorry parking, activity, and ancillary elements would still be visible and noticeable at these viewpoints. These elements would replace agricultural fields that currently make a positive contribution to the character and visual amenity of the AONB, particularly at Chirk Castle. Our previous advice therefore remains applicable. We continue to recommend that off-site landscape enhancements within the National Trust's Chirk Castle Estate are confirmed prior to determination, including planting and management of the existing historic parkland to reduce the visual impact of the existing and proposed development.

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. As the offsite enhancements are outside the red line boundary, but within the blue line boundary, your Authority may consider that the measures need be secured under a Section 106 agreement. If you consider that a condition is appropriate to secure the offsite measures, then you may wish to combine conditions 1 and 3 into a single condition.

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-revB (September 2023)

'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.

We note that greater attention is drawn to the proposed acoustic walls in the revised photomontages from Viewpoints U & W than in the original photomontages. We assume this is due to the way in which these elements have been rendered in the revised photomontages, because the height of these elements is unchanged and limited changes have been made to the length and placement of these elements. This evidence highlights the potential for these elements to draw further attention to the proposals. We advise any permission granted by your Authority should include a landscape condition relating to the proposed on-site landscape works (Figure 4.3a Illustrative Landscape Masterplan, Rev A, Axis, July 2023) which specifically highlights the requirement for the details of any acoustic walls - including colours and materials – to be submitted for approval by your Authority prior to commencement of works, and for implementation to be in accordance with the approved details.

Condition 3: No development shall commence until a landscape scheme for on-site enhancements relating to acoustic walls as identified in Figure 4.3a_revB Illustrative Landscape Masterplan, Rev A, Axis, September 2023 has been submitted to and approved in writing by the Local Planning Authority. The on-site Landscaping Scheme should include:

- Details of colours and materials to be used in the acoustic walls

Justification: An on-site landscape scheme should be submitted to ensure the development conserves and enhances the character and tranquillity of designated landscapes.

Flood Risk

The planning application proposes less vulnerable development (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 Zones 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 previously reviewed the FCA undertaken by SLR, dated December 2022, reference 416.05415.00009. In our response to you dated 02/11/2023 we advised that the FCA failed to demonstrate that the risks and consequences of flooding could be managed to an acceptable level.

We have reviewed the Technical Memorandum (reference 410.V05415.00009, dated 13/12/2023) submitted in response to our comments; this outlines the proposals for compensatory floodplain storage along the Afon Bradley.

We note that the Technical Memorandum provides a conservative analysis of compensation required to offset intrusion into the fluvial floodplain. We consider that this approach is

proportionate to the level of flood risk at the site. The additional information submitted within the Technical Memorandum shows that the risks and consequences of flooding are manageable to an acceptable level.

However, the Technical Memorandum also states that *'the final detail for regrading of flood plain compensation areas will be defined post consent'*. Therefore, to ensure that floodplain compensation areas would function as intended and freely fill and drain, we advise that the design details for these measures are appropriately secured in any future consent to the satisfaction of your Authority.

On the basis of the above, we have no objection on flood risk grounds to the application as submitted.

Any culverts proposed within the access road and other infrastructure may require approval from the Lead Local Flood Authority. Culverts or preferred open span crossings should be appropriately sized in line with industry standards. We therefore advise further discussion with the Lead Local Flood Authority regarding blockage scenarios and culvert capacity under the access road to Afon Bradley Farm and the B5070 downstream.

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 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, and the subsequent Air Quality Assessment Addendum, dated 11/07/23 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

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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.