

Ein cyf/Our ref: CAS-247820-N0H2
Eich cyf/Your ref: P/2023/0624

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 26 March 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: CONVERSION OF FORMER MACHINE SHOP TO EXHIBITION AREA (USE CLASS D1) WITH CAFÉ AND SHOP, BUSINESS USE (USE CLASS B1) AND GENERAL INDUSTRIAL USE (USE CLASS B2) AND ERECTION OF TWO LEAN-TO EXTENSIONS TO THE SIDE OF MACHINE SHOP

LLEOLIAD/LOCATION: BRYMBO IRON AND STEELWORKS, HERITAGE CENTRE, NEW HIGH STREET, BRYMBO, WREXHAM, LL11 5AX

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 14 February 2024.

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 foul drainage. 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 protected species and contaminated land should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.

Protected Sites

Special Area of Conservation (SAC)

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.

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 you to seek further information from the applicant, 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.

Should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Site of Special Scientific Interest (SSSI)

We have considered the ecology report (Cutts, R. (2022). Brymbo Heritage Area: Preliminary Ecological Appraisal. Enfys Ecology. Reference EE/373/LB) 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 Coedwig Ffossil Brymbo Fossil Forest SSSI is of special interest.

Protected Species

Great Crested Newts

We note that the ecological report submitted in support of the above application (Cutts, R. (2022). Brymbo Heritage Area: Preliminary Ecological Appraisal. Enfys Ecology. Reference EE/373/LB) has identified that Great Crested Newts (*Triturus cristatus*) have been found within the application site.

This species is protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

Section 6.5.1 of the report confirms the presence of Great Crested Newts (GCN) through bottle trapping/torching surveys. A summary method statement is included within the report and reference is made to a detailed method statement for GCN being submitted within the European Protected Species licence application.

However, we advise that the proposed working methods and details regarding compensation areas are not sufficient to demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

We therefore advise that the following condition should be attached to any permission granted by your authority for the above application:

Condition 1: No development shall commence until a Great Crested Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

- Further details and associated plans concerning GCN reasonable avoidance and mitigation measures including, but not limited to, one-way amphibian fence design and locations (prior to and throughout the duration of any work).

- Measures to be taken to prevent or reduce accidental capture or killing of GCN including installation of permanent amphibian fencing into the boundary fence line.
- Details of timing, phasing and duration of construction activities and conservation measures.
- Details of initial aftercare and long-term maintenance.
- Biosecurity Risk Assessment
- a timetable for implementation demonstrating that works are aligned with the proposed phasing of the development.
- Persons responsible for implementing the works.

Justification: To ensure that an approved species Conservation Plan is implemented, which protects species affected by the development.

We would have no objection to the conservation plan including other species considered by the LPA to be material to the planning decision making process.

Bats

We note that the bat report submitted in support of the above application (Enfys Ecology Ltd, August 2023. Preliminary Roost Assessment, Emergence Surveys and Bird Survey. Ref EE.672b.LB) has identified that bats are not using the application site (Machine Shop). However, as bats are present within the wider development site the report advises that appropriate avoidance/mitigation measures are implemented during the works. We recommend these measures are appropriately secured in any future consent to the satisfaction of your Authority.

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 01 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.

Contaminated Land

The submitted report (Smith Grant LLP, November 2019. Report Reference number: R2762-R01-v2-Final) is dated from November 2019. However, it is sufficient to define the risk to controlled waters. We note that there is a low risk to controlled waters with no remedial actions proposed.

However, due to the previous use of the application site, we advise that the following condition regarding unsuspected contamination should be included within any permission granted for this application.

Condition 2: 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.

Drainage

We note that surface water drainage details are marked as 'unknown' on the application form. Due to the nature of the application, we understand that the only runoff from this particular development at the site would be rainwater from the roofs, and therefore we would have no concerns. If this is not the case, we would wish to be reconsulted on the drainage details.

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,

Garmon Lewis

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.