



PRE-APPLICATION CONSULTATION REPORT (PAC)

In support of a Full Planning Application for Development of Site for a Warehouse (Class B8 use) with ancillary offices, associated means of access, car parking, servicing and infrastructure, landscaping, ecological mitigation zone and ancillary works

On behalf of FI Real Estate Management Limited

Located at Site 5, Clywedog Road South, Wrexham Industrial Estate

JULY 2022

DOCUMENT REFERENCE: FI005_004v2



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APPENDICES

- 1 Consultation responses
- 2 Consultation letters and notices issued

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1 INTRODUCTION

- 1.1 Plan Red has prepared this Pre-Application Consultation Report ('PAC') on behalf of FI Real Estate Management ('FIREM'), the owner of the site and applicant.
- 1.2 This Report sets out statutory pre-application process undertaken, the comments received from that process and the response of the applicant and its development team to those comments and how this is reflected in the planning submission now being made.
- 1.3 The PAC and this Report is a statutory requirement for all major development proposals, which this is one by reason of its nature, character and scale. The relevant legislation is set out in section 61Z of the *Town & Country Planning (Development Management Procedure) (Wales) Order, 2016* and related guidance *New Development Management Procedures*, February 2016.
- 1.4 The report is set out as follows:
 - Section 2 summarises the comments received from residents, businesses and specialist consultees – this is supported by full details set out in Appendix 1
 - Section 3 sets out the response of the applicant and development team to the comments and how the application now being made responds to those comments
 - Section 4 summarises the consultation process undertaken – this is supported by copies of relevant letters and notices in Appendix 2

2 COMMENTS RECEIVED

- 2.1 Appendix 1 provides a full copy of comments received through the consultation process.
- 2.2 Comments were received from the following statutory and non-statutory bodies:
- Natural Resources Wales
 - Welsh Water
 - Wrexham MBC – Contaminated Land
 - Wrexham MBC – Local Planning Authority (Policy & Regulatory)
 - Wrexham MBC – Public Protection
- 2.3 One comment was received from an adjacent business to the site on the opposite side of Clywedog Road South.
- 2.4 No comments were received via email from the online consultation portal. Details of the online consultation are provided in Appendix 2.
- 2.5 No comments were provided in person at the offices of F Lloyd where the draft application drawings and documents were made available for viewing.

Natural Resources Wales ('NRW')

Comment 1 – Protected Sites and Foul Drainage

- 2.6 Insufficient information provided relating to protected sites and foul drainage and NRW may object if this information is not provided at application stage.
- 2.7 Application site is within the catchment of the River Dee and Bala Lake Special Conservation Area ('SAC') and guidance on phosphorus levels for all river SACs in Wales published on 21st January 2021 applies. NRW refers to its *Planning Position Statement* on development that may lead to an increase in the amount of phosphate (or phosphorus) within a SAC river catchment that may lead to damaging effects to the SAC. The local planning authority is required to screen such development proposals through a Habitats Regulations Assessment ('HRA').
- 2.8 Impact on foul drainage arrangements is for the local planning authority to determine.

Comment 2 – Land contamination

- 2.9 A planning condition for land contamination is likely to be sought in event of a grant of planning permission based on information submitted to date. NRW would be likely to object if this was not imposed. NRW notes:

The proposed development site is located on the Salop Formation, a Secondary A aquifer of medium vulnerability.

The aquifer is within the Dee Carboniferous Water Framework Directive (WFD) Groundwater Body, which is classified as Poor Status for Chemical and Groundwater-Surface Water.

The WFD Clywedog - Dee to Gwenfro river water body is located approximately 400m to the south of the site and is classified as Moderate status for Ecology and Chemistry (Cadmium and Zinc).

- 2.10 With reference to the Phase II Geo-Environmental Assessment, SP Associates (June 2020) the NRW has limited concern that the proposed development poses a risk to controlled waters, however it still recommends a condition on unidentified contaminations
Proposed condition wording:

Condition: 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.

- 2.11 NRW also provides links to additional advice to the applicant on land contamination and ground water.

Comment 3 – Protected Species

- 2.12 NRW confirms the two submitted reports prepared by UES are satisfactory for purpose of information planning decision making relating to Great Crested Newt; namely the Preliminary Ecological Appraisal, ref. UES03416/01 and Landscape & Ecological Management Plan, ref. UES03416/03.
- 2.13 Specifically NRW gives the following detailed comments on Great Crested Newts:



- We note that GCN have been recorded within 250m of the application site.
- We agree with the submitted reports that there is a lower risk of GCN being present, given existing developments will represent a partial barrier to dispersal. However, we consider that GCN could potentially be found on the site.
- If present, the proposed ecological component is satisfactory in principle if required for the purposes of demonstrating no detriment to maintenance of Favourable Conservation Status.
- Based on existing information, we advise that the submitted GCN Reasonable Avoidance Measures Scheme is satisfactory.
- We welcome the construction of two new ponds.
- We advise that planting schemes consider biosecurity issues.

2.14 Relating to the Landscape & Ecological Management Plan the NRW notes:

- specified targets for identified species features;
- monitoring of key species including methodology and reporting requirements;
- potential EPS licensing requirements for habitat management/surveillance;
- reporting and mechanisms that the LPA can access in the event of a lack of/inappropriate management actions being carried out.

2.15 NRW advises the ecology area freehold should be either transferred to the local authority or an approved body per the Environmental Act 2021, Section 119.

Welsh Water

Comment 4 – Sewerage connection

2.16 Welsh Water concludes that the foul flows generated from the proposed development can be accommodated within the public sewerage system. It provides advice on connection / adoption procedures.

Comment 5 – Public sewerage system

2.17 General notation that its records might be incomplete and it is for the applicant to establish the location / status of sewers and lateral drains within / surrounding the site.

Comment 6 – Sewerage treatment

2.18 Welsh Water confirms the Five Fords Wastewater Treatment Works (WwTW) has a phosphate permit. It advises this matter [of connection and phosphates as raised by NRW] should be considered further by the local planning authority. It envisages no issues for treatment of domestic discharges from the site.



Comment 7 – Potable water supply

- 2.19 Welsh Water does not provide the potable water supply to the site.

Wrexham MBC – Contaminated Land

Comment 8 – Queries relating to Phase II Geo-environmental report

- 2.20 Four queries / comments are raised by the officer on the submitted report:
1. Provide further details on the position of trial pits to assist understanding
 2. Provide reason(s) why only 2 soil samples were taken from trial pits and the other 4 samples from boreholes so the sampling can be considered sufficient
 3. Gas and controlled waters risk assessment is sufficient
 4. Per Section 7.1.3 acknowledgement of potential unidentified contamination concerns a relevant condition should be applied, even with satisfactory answers to points 1 & 2
- 2.21 No detail on a relevant condition is provided in the response.

Wrexham – Local Planning Authority (Policy & Regulatory)

Comment 9 – Principle of development

- 2.22 The principle of development is supported under adopted UDP Policies E1 and E8, and the extant permission P/2018/1087 (Classes B1 and/or B8 use), subject to satisfactory details on matters of ecology and trees; highways; residential amenity; and contamination and drainage.

Comment 10 – Phosphorous and River Dee SAC

- 2.23 References NRW advice published in January 2021 [see Comment 1] which applies and to be addressed by the development, noting this is an additional issue to that considered at point of determination of permission P/2018/1087.

2.24 References phosphate provision at Five Fords WwTW [see Comment 6] and states:

The site drains to the Five Fords Waste Water Treatment Works and although this has provision to remove a percentage of phosphorus from wastewater, a residual amount of phosphorus remains in the treated water discharged from it. The treatment plan has consent to discharge treated water into the River Dee and it is operating within the limits of that consent. However, as circumstances have changed since the treatment works consent was issued, we cannot rely on the consent to conclude there would be no adverse effect (in a Habitat Regulations Assessment) to the River Dee SAC from waste water discharges. This means that any development that is likely to generate foul water flows (as employment developments will) will ultimately increase phosphorus entering the River Dee and potentially damage the Special Area of Conservation.

Permission for the development can only be granted where it has been demonstrated it will not increase phosphorous entering the river. That will require mitigation of some sort, either in the form of an upgrade to the waste water treatment works or some other form of mitigation on or offsite. The Dee Catchment Phosphorus Reduction Strategy identifies some of the measures that have potential to achieve this, such as creation of wetlands in the wider locality. We, as a Council, do not currently have mitigation projects that we can advance as solutions to enable developments to progress. In addition, work being undertaken by Welsh Water needs to be completed which assist in identifying the nature, location and extent of mitigation required.

2.25 In connection with permission P/2018/1087 it does not consider the permission as a fallback position to give weight in the matter of phosphorous controls because no pre-commencement conditions have been discharged and in doing so the phosphorous issue would need to be addressed.

Comment 11 – Validation requirements

2.26 The following documents are considered necessary for a valid planning application: [in addition to national / mandated requirements and drawings]

- Landscape scheme
- Ecology Reports as required by Natural Resources Wales and Ecology Officer
- Drainage scheme
- Noise reports as required by Public protection (comments forwarded)
- Highways reports as required by Highway Authority
- Tree report
- Contamination Report
- Pre-application Consultation report [This document]

Comment 12 – Design / General

- 2.27 Main issues with the scale of the development and the impact on the street scene, biodiversity and the adjoining dwellings to the east.

The proposed building is significantly higher and larger than the building shown in the outline application, with much reduced space for landscaping as required by adopted guidance note 26 on landscape and employment development:
<https://www.wrexham.gov.uk/service/development-plans-and-other-planning-policy/local-planning-guidance-notes>

In terms of the impact on the street scene, it will have an unattractive relationship with the curving Road and the offices opposite. The frontage will be entirely taken up with car and HGV parking.

The development is closer to residential properties, much larger and also higher and would have a significant adverse impact on residential amenity.

The development also encroaches on the buffer zone for the watercourse as shown on your drawings, and does not achieve the required balance between developed and undeveloped areas as set out in adopted Guidance Note 29 Ecology and Employment Development.

It is the view of the Local Planning Authority that the proposal represents an over development of the site in comparison with the indicative scheme shown on the outline application and raise serious concerns in terms of ecology and amenity.

These comments are made without prejudice to any formal decisions of the Local Planning Authority.

Wrexham MBC – Public Protection

Comment 13 – Noise

- 2.28 Refers to the proximity of homes to the rear of the site at Pilgrim Way and Maes Brenin that will be sensitive to noise and will require assessment relating to the potential loss of amenity to these residents which may be significant, depending on the operational hours of the facility.
- 2.29 Layout / structure is noted as beneficial in this matter as it provides a screen to noise on unloading / loading.
- 2.30 Requests noise assessment considers operational noise from the movement of HGV & LGV vehicles, fork lifts, noise from any fixed plant, noise from refrigeration equipment on vehicles (including whether HGV/LGV vehicles are expected to remain on site due to drivers' hours) and car park noise. The Transport Assessment and Noise Impact Assessment shall reference busiest periods for HGV/LGV arrivals/departures, shift change-overs in terms of car park noise.



Comment 14- Lighting

- 2.31 Concern about bringing a sizeable structure closer to homes with concerns on lights activated at rear and suggest lights should be off unless people are present.

Comment 15 – Air quality

- 2.32 It may be necessary to undertake a cumulative Air Quality Assessment to consider other approved / existing storage / distribution sites – noting at least one recent application. If the application lacks an AQA this must be justified by the applicant.

Comment 16 – Amenity space

- 2.33 The officer notes the land *appears to be used by local residents as amenity space*. The officer anticipates local objection to the loss of the use may arise even though it is acknowledged there is no requirement for the developer to mitigate the loss of the space for such benefit. Encouragement is given to consider provision of amenity space for nearby residents to the rear on land between homes and the site *in lieu of the lost space*.

Neighbour comments

Comment 17 – HGV access

- 2.34 A leaseholder of Unit 3A raised no objections to the principle of the development but had a concern to raise on highway safety relating to the access of the site by HGV and a suggestion to consider repositioning of the HGV access point slightly eastward than proposed. In the view of the respondent it would create a safer access and cause less impact on highway safety because it was not directly opposite the access point to Units 2-4.

3 RESPONSES MADE

- 3.1 Responses to the 17 comment points extracted from the responses by the applicant / development team are provided below.

Comments 1, 6 & 10 – Foul drainage, phosphorous and protected sites

- 3.2 The three comments share a common theme on advice related to the discharge of foul drainage and potential impact from phosphates / phosphorous on the protected River Dee SAC. Welsh Water confirms that the Five Fords WwTW has capacity and licence to treat discharge from the development in connection with phosphates and NRW confirms that, in line with its national guidance and standing advice, it is for the local planning authority to lead on the matter including relevant Habitats Regulations Assessment ('HRA'). However, the local authority raises the matter that notwithstanding the licence at the Five Fords WwTW that it considers that circumstances have evolved since the licence was issued such that it is uncertain it can treat effluent to remove all traces of phosphates and therefore not lead to increase in discharge into the river catchment.
- 3.3 In response Bradley Marshall, advisors to FIREM, has prepared a response to the matters of effluent treatment to address the concerns of the phosphate pollution within the Drainage Strategy, Section 3.8. It proposes to use an onsite treatment plant as outlined to treat effluent before discharge into the public foul sewer.

Comments 2 & 8 – Land contamination

- 3.4 The applicant shall re-present the draft Phase II Geo-Environmental Report with clarification on the trial pit locations and reasons for the selected soil sampling locations as sought by the Contaminated Land officer.
- 3.5 The applicant confirms it supports application of the planning condition proposed by both NRW and Contaminated Land officer relating to unexpected contamination. Wording to be confirmed by the local planning authority.

Comment 3 – Protected species

- 3.6 Comments from NRW in support of the evidence base and proposed mitigation measures is noted and the two reports shall be resubmitted for approval as part of the planning application.



- 3.7 Comment on land ownership and potential transfer is noted. This is not considered central to the planning issues and would be subject to a public body being willing to take on the long-term management responsibility and associated risks.

Comments 4& 5 – Sewerage connection

- 3.8 Welsh Water confirmation connection is available to the development and for the applicant to satisfy itself of any unrecorded sewers and lateral drains in noted.

Comment 7 – Potable waters supply

- 3.9 Welsh Water response noted and the applicant will identify the relevant supplier.

Comment 9 – Principle of development

- 3.10 Policy support to the principle of development and relevant site history is noted and will be reflected in the Planning Statement.

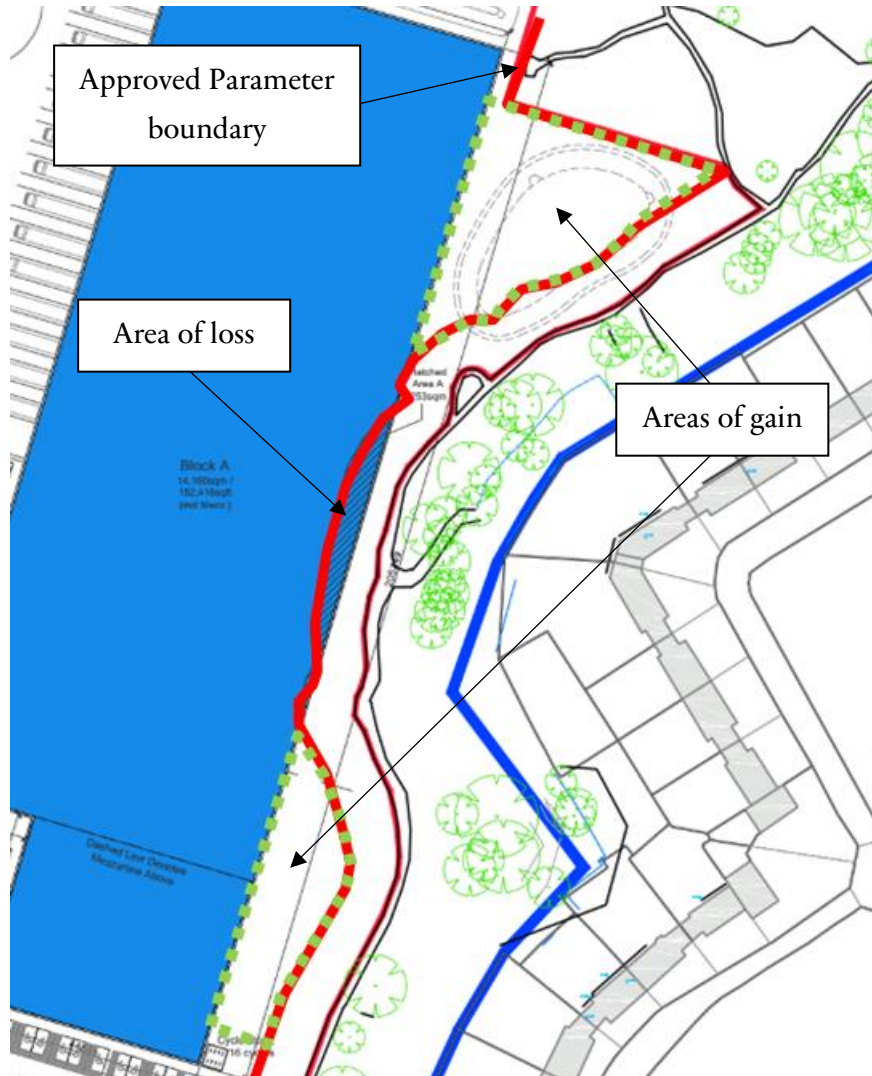
Comment 11 – Validation requirements

- 3.11 The list of proposed documents is agreed, in addition to other statutory requirements, and will be provided in the application submission.

Comment 12 – Design / general

- 3.12 The comments of the policy officer are noted and will be comprehensively addressed in the Planning Statement, Design and Access Statement, other technical evidence and the relevant drawings. The following response shall be made in the application:
- As part of the design response the siting, landscaping, parking and access shall be reviewed.
 - Some uncertainty has arisen whether there is or is not a watercourse present because of how it is represented in some records. To clarify there is no watercourse, but it is a dry ditch as surveyed and described in the Preliminary Ecological Assessment. Where necessary submission drawings will be annotated to provide clarification.
 - Comparison of the net impact on the approved buffer zone (permission P/2018/1087) and the revised buffer zone to this proposal will not lead to a net loss in area for ecological mitigation. The approved Parameters Plan allowed a considerable area of the site to the east of the planned building / curtilage to be developed which is now incorporated into landscape / ecology zone as illustrated below, outweighing the area

lost to the building footprint with a net gain of 1,414 sqm [1,667 sqm gain – 253 sqm loss]



- Evidence will be provided (visual / sections) to demonstrate the relative scale, separation and inter-visibility of the proposed building to the existing homes at Pentre Maelor, the closest dwelling being 49m distance to corner (no windows) with the principle (window) elevations at 45-degree, and separated by existing tree belt and understorey planting, will not lead to harm to outlook / visual amenity
- Impact of residential amenity will be demonstrated to be negligible in context
- Context shall be provided on Wrexham Industrial Estate, one of the largest such in Europe, its importance as a location for major commercial development and



investment such that the scale of proposals is appropriate and not “over development.”

Comment 13 – Noise

- 3.13 A draft Noise Impact Report was provided in the PAC submission. The Report shall be reviewed to include reference to the issues of concern raised related to residential amenity and recommendations made in relation to plant, vehicle movements, refrigeration, site activities, etc.
- 3.14 It remains the intent that the unit will be in use for 24-hour operation. This is the same as in outline permission P/2018/1087 and is of course similar to multiple properties within the Industrial Estate. Potential impact on adjacent residents will be considered and any mitigation measures necessary set out. The inherent layout / orientation to face away from homes will be set out as part of this evidence, as is the B8 Use which necessarily has less noise outbreak compared to manufacturing and other B1 or B2 industrial uses now no longer proposed.

Comment 14 – Lighting

- 3.15 Details of external lighting will be accepted to be limited as set out through planning condition. Rear elevation lighting will not be required other than for security / emergency exits and will be limited and can be user activated rather than permanently on to protect residential amenity.
- 3.16 Not referenced in the public protection comments this will also take into consideration lighting impact on habitats and wildlife aligned with the recommendations in the Landscape & Ecological Management Plan.

Comment 15 – Air Quality

- 3.17 A draft Air Quality Assessment was provided in the PAC submission. The Assessment shall be reviewed to include reference to cumulative impacts if deemed necessary with explanation given for the approach taken.

Comment 16 – Amenity Space

- 3.18 The public protection officer is correct to state that the land is not amenity space and that there is no policy protection or requirement to compensate for its “loss.”



- 3.19 The scheme retains a significant area of grassland as part of the ecological habitat that will be open to public access on a permissive basis as it is now including the existing footpath access to the rear of Pentre Maelor homes.

Comment 17 – HGV access

- 3.20 Comment and concern of the adjacent occupier is noted.
- 3.21 The northern HGV site access point is unchanged from the approved Parameters Plan to outline permission P/2018/1087. As such it is not proposed to amend this access as it has already been assessed as a safe operating access for HGV by the local highway authority.



4 CONSULTATION UNDERTAKEN

Consultation period

- 4.1 Formal consultation was undertaken for 28 days starting on 1st March 2022, ending on 28th March 2022.
- 4.2 By 1st March the following matters were completed to erect site notices in English and Welsh languages at the site; letters had been sent to residents and businesses; and emails and letters sent to specialist consultees. The details of those consulted is set out below and supported by information in Appendix 2.

Consultation details

- 4.3 The consultation consisted of the setting of a website¹ which provided by a series of 5 illustrated 'boards' and the draft planning pack as a series of PDF documents available to view online or download to view off line. A physical copy of the draft application documents, drawings and plans was provided for public viewing at the offices of F Lloyd Penley, Bridge Road, Wrexham Industrial Estate. Residents and businesses were advised of the availability to view the documents.
- 4.4 Copy of the notices are provided at Appendix 2.
- 4.5 Copy of the 5 illustrated 'boards' are reproduced at Appendix 2 (reduced scale).
- 4.6 The list of draft planning documents, drawings and plans comprising the consultation pack were:
- Drawings (all draft):
 - 1200-02-000 Rev P04 Existing Site Plan
 - 1200-02-001 Rev P02 Proposed Site Plan
 - 1200-03-001 Rev P02 Proposed Floor Plans
 - 1200-05-001 Rev P02 Proposed Elevations
 - Documents (all draft):

¹ Website: <https://consultation.fi-rem.com/site-5-wrexham-industrial-estate-consultation-page/>



- Air Quality Assessment
- Design and Access Statement
- Drainage Strategy Report
- Employment Land Statement
- Flood Risk Assessment
- Landscape & Ecological Management Plan
- Noise Assessment Report
- Phase II Geo-Environmental Assessment
- Planning Statement
- Preliminary Ecological Assessment
- Transport Assessment
- Travel Plan
- Waste Management Plan

Residents

- 4.7 Residents were consulted at Pentre Maelor which is situated to the west / southwest of the site. All properties at the following addresses were written to and served notices in dual languages. All residents were provided with opportunity to view the drawings / documents in person at the offices of F Lloyd near to their homes.
- 4.8 A list of the consulted homes is provided at Appendix 2.