

Ein cyf/Our ref: CAS-254312-P8Z8
Eich cyf/Your ref: P/2024/0247

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 16 May 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Estyn adeilad storio oer, addasur parcio ar tirlunio / extension of cold storage building, alterations to parking and landscaping.

LLEOLIAD/LOCATION: Norish Food Care, Ash Road South, Wrexham Industrial Estate, Wrexham, LL13 9UG

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 29 April 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 protected species 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, a condition regarding land contamination should be attached to any planning permission granted and the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this condition and document we would object to this planning application.

- **Approved Document:** Preliminary Ecological Appraisal, Ref. JM1124, Version 2, Just Mammals Ltd

We also advise that further consideration is required regarding foul drainage. Further details are provided below.

Protected Species

We note the submission of an ecology report by Just Mammals Limited Ecological Consultancy, dated February 2024 (Preliminary Ecological Appraisal, Ref. JM1124, Version 2) and our advice regarding protected species is detailed below.

Great Crested Newts (GCN)

We note that the ecological report submitted in support of the application has identified Great Crested Newts (GCN) to be material to the application site. Section 10.3 of the report recommends that further survey is required.

Wrexham Industrial Estate supports a nationally important population of Great Crested Newts. This species is protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

The ecological report identifies a record of a breeding population of GCN within 350m of the site. The report also notes the presence of water bodies and willow carr within the vicinity of the site, indicating the site's suitability to support GCN.

Where GCN are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- ii. There is no satisfactory alternative; and,
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

To avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note 5 into account when considering development proposals where a European Protected Species is present. Please note, for the purposes of providing advice at the planning application stage, our comments are limited to compliance with the third test only.

We consider that there is currently insufficient information to assess potential effects of the proposal on any GCN that may be present. We concur with the recommendations of the ecological report that further information is required to inform the planning application.

We therefore advise that the information as set out in Section 10.3 of the above report should be submitted to assess the impact(s) of the scheme on GCN and any conservation measures required. This must 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.

Information concerning GCN mitigation requirements can be found within Wrexham County Borough Council's GCN [Supplementary Planning Guidance Note 35](#). Guidance concerning GCN within Wrexham Industrial Estate can be found within [Supplementary Planning Guidance 29](#).

Bats

We note the ecological report identifies that neither the buildings or trees onsite have potential to support roosting bats, no evidence of roosting bats was identified and no further survey is advised. We are satisfied with the findings and have no further comment to make regarding bats.

Otter

The ecology report states there to be no evidence of otter onsite. However, the presence of waterbodies and wet ditches on and within close proximity to the site indicate the potential use of the site by otters for feeding and commuting. We note the precautionary measures outlined in section 10.4 of the report and advise that these should be secured as part of any planning permission granted for this proposal.

Land Contamination

We note the submission of a Combined Phase 1 and Phase 2 Ground Investigation Report (March 2024, Reference 23284-JCE-XX-XX-RP-GCA-001 P2, Jubb Consulting Engineers Ltd) and are in broad agreement with the conclusions. We agree that additional ground investigation should be undertaken within the area of the proposed Blast Freezer Plant Room 2, as this was not included within the scope of the ground investigation completed to date.

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

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.

Flood Risk

The application proposes less vulnerable development (extension of existing cold storage facility building and all associated works). Our Flood Risk Map confirms that a small area to the west of the site is within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the access to the application site to be at risk of flooding and falls into Flood Zone 2 (Rivers).

At this location the Flood Map for Planning (FMfP) is the best available information on flood risk. The FMfP identifies that the proposed building within the application site is located in Flood Zone 1, meaning there is less than a 0.1% chance of flooding in a given year.

We have reviewed the submitted information and understand there will be nominal work to the access/car parking arrangements. The updated Flood Risk Technical Note (Reference 23284, TN01-P03, Jubb Consulting Engineers Ltd) confirms that the service road is to be as close to the existing ground levels as possible and would not compromise the flood storage of the Redwither Brook.

Based on the above, we would have no objection to the proposed development on flood risk grounds.

Access to Flood Risk Management Assets

NRW carries out routine maintenance along the Redwither Brook, a Main River adjacent to the proposed development site. Our access route spans from the crest of the watercourse to the existing site boundary fence, along the entire length of the site boundary.

We understand the proposed changes are confined to within the existing boundary fence, except for the altered site access and that no works are planned between the boundary fence and the watercourse. Therefore, we have no concerns in relation to accessing the Redwither Brook.

Flood Risk Activity Permit

Please note that the Environmental Permitting Regulations (2016) require a bespoke Flood Risk Activity Permit to be obtained for any works or structures located in, under, over or within 8 metres of the bank top of the Redwither Brook, a designated “main river”. Further advice and guidance is available on our website:

<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

Protected Sites and 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 extension of an existing cold storage facility building and associated works proposes connection of foul water to the mains sewer. We note the consultation response letter from DC/WW dated 03/05/2024. If your Authority deems that the proposal would increase the volume of foul discharge from the site, we advise that further confirmation is sought from DC/WW with regards to the bullet point relating to hydraulic capacity set out in the section 'What this means for development proposals involving connection to public wastewater treatment works?' of our Planning Advice: [Natural Resources Wales / Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation.](#)

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.

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.