

Ein cyf/Our ref: CAS-250936-H1W7
Eich cyf/Your ref: P/2022/1080

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 20 March 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 07 March 2024.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Condition 1: Protected Sites

Condition 2-4: Protected Landscape

Please note, without the inclusion of these conditions, we would object to this planning application.

Further consideration is also required from your Authority regarding foul drainage. Further details are provided below.

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.

- Pollution Prevention

We have reviewed the information within the Flood Consequence Assessment and Surface Water Drainage Strategy (undertaken by SLR, reference 416.05415.00009, Version 1.2, December 2022) and the Surface Water Drainage Strategy Plan (ref 410.005415.00009/DR01 Revision P2).

Section 6.12.2 of the Flood Consequence Assessment and Surface Water Drainage Strategy states that the substation compound will include measures to control the potential release of hazardous substances from equipment and the applicant's responses to consultee comments (Responses to Consultation v1 10.01.24), submitted to us on 19/02/24, states that the hazardous substances will be covered and within a bunded area.

To secure appropriate mitigation measures, we advise that the condition set out below should be attached to any planning permission for this development. Provided the development is carried out in accordance with that condition, we do not consider that it will adversely affect the integrity of the SAC.

Condition 1: No development or phase of development, shall commence until details regarding the storage and containment of hazardous substances relating to the electrical sub-station and compound has been submitted to and approved in writing by the Local Planning Authority.

Justification: The details should be submitted to ensure necessary measures are approved prior to commencement of development or phase of development and implemented to prevent the deterioration of water quality within a sensitive site.

We note from the Surface Water Drainage Strategy Plan that the two proposed round wood storage areas would be formed using impermeable surfacing and would be formally drained. The surface water run off would then be directed through the interceptors prior to discharge into the attenuation pond and reed bed. We are satisfied that this addresses our concerns in relation to the roundwood storage area drainage.

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 before being discharged at a controlled rate into the Afon Bradley. It is noted from the Surface Water Drainage Strategy Plan that a SPEL Purceptor (ref. P700/1C/ESR) oil interceptor would be installed prior to discharge into the attenuation pond and reed bed. We also note that there will be penstocks installed at the discharge point into the pond and reed bed in addition to controls installed at the discharge into the Afon Bradley in order to contain any major spills occurring on site and prevent them entering the Afon Bradley. The information submitted has addressed our concerns in respect of the oil interceptors and pollution containment measures.

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 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.

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 considers 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 concerns relate 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.

In our previous response dated 18/01/24 (reference P/2022/1080) we advised that off-site landscape enhancements within the National Trust's Chirk Castle Estate should be confirmed prior to determination, including planting and management of the existing historic parkland to reduce the visual impact of the proposed development. We note from the applicant's responses to consultee comments (Responses to Consultation v1 10.01.24) submitted to us on 19/02/24 that the proposed off-site enhancements within the National Trust's Chirk Castle Estate are no longer part of the proposals. However, no alternative off-site landscape enhancements appear to have been proposed. Therefore, we recommend that you consider whether further information should be submitted to demonstrate how the residual effects on the AONB could be mitigated or compensated.

In respect of proposed off-site landscape enhancements within the applicant's landholding, we advise that the following condition should be attached to any permission granted by your authority for the above application. As the offsite enhancements are outside the red line application boundary, but within the blue line site ownership boundary, your authority may consider that the measures need to 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 2 and 3 into a single condition.

Condition 2: No development shall commence until a landscape scheme for off-site enhancements 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.

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 therefore advise that 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 C, Axis, March 2024) 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_revC Illustrative Landscape Masterplan, Rev A, Axis, March 2024 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.

Section 5.6.67 of the Environmental Statement (Chapter 5), reference: 3046-01, December 2022, by Axis, states that lighting of the proposed development would accord with the Institute of Lighting Professionals (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 4: 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.

Groundwater protection and land contamination

We have reviewed the information within the Flood Consequence Assessment and Surface Water Drainage Strategy (undertaken by SLR, reference 416.05415.00009, Version 1.2, December 2022) and the Surface Water Drainage Strategy Plan (ref 410.005415.00009/DR01 Revision P2). We are satisfied with the measures proposed regarding the storage of potentially hazardous materials associated with the sub-station compound in relation to impacts on groundwater.

We also note from your email dated 22/02/24 that the buried electrical cable connection to the existing 132kV overhead line no longer forms part of this proposal and that the Statutory Undertaker would carry out this work if consent is granted.

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.

A soil / groundwater assessment 'baseline report' should be submitted with an environmental permit application or an application for variation of an existing permit to enable any degradation over time to be detected, we advise that you contact our permitting team for further advice: [Natural Resources Wales / Pre application advice for environmental permits](#)

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

E-bost/E-mail: northplanning@cyfoethnaturiolcymru.gov.uk

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.

