

**LAND AT BRYMBO IRON AND
STEELWORKS, NEW HIGH
STREET, BRYMBO**

DISCHARGE OF CONDITION Nos.
4, 9, and 10 of PLANNING
PERMISSION BRY P/2023/0667

SUPPORTING STATEMENT

APRIL 2024

BRYMBO HERITAGE TRUST

LAND AT BRYMBO IRON AND STEELWORKS, NEW HIGH STREET, BRYMBO

Background

Planning Permission was granted on 13th November 2023 to vary condition 1 of Planning Permission BRY P/2018/0661 to extend the time limit for commencement of development.

That permission related to:

ONE NARROW GAUGE TRAIN MAINTENANCE DEVELOPMENT, ONE SINGLE-STOREY BUILDING INCORPORATING THE TEMPORARY USE OF FOUR SHIPPING CONTAINERS, ONE ADDITIONAL SHIPPING CONTAINER ALONGSIDE BUILDING, ASSOCIATED LAMP HUT BUILDING, NARROW GAUGE TRACK AND PARKING TO BE CONSTRUCTED, TWO STATIONARY HERITAGE TRAIN CARRIAGES ON ISOLATED TRACK, SECURITY FENCE TO PERIMETER, FOUR SHIPPING CONTAINERS ALONGSIDE EXISTING PATH FOR STORAGE.

The necessity to extend the time limit was brought about as throughout 2020 and 2021 the potential for effecting the development was seriously hampered because of the Covid Pandemic and the associated lockdowns and restrictions which resulted. The Brymbo Heritage Group continued throughout this period in its efforts to secure the necessary agreements with partners and third parties and whilst significant advances have been made, the site remained undeveloped.

The original planning permission also contained conditions requiring formal approval of schemes prior to commencement of development and it was considered expedient to seek to vary the planning permission to extend the period of time within which development must commence in order to secure the permission.

The delay has provided additional time to ensure all outstanding matters are considered comprehensively and provided the opportunity to evaluate the changed circumstances over the intervening period and plan for the future accordingly.

Priorities have changed during the intervening period particularly with regard to the narrow-gauge railway maintenance element. The unforeseen delays and difficulties brought about through the pandemic have resulted in the loss of a potential partner to assist in taking this particular development forward at this time. Discussions with other parties continue as this phase of railway network development within the Heritage Area remains an important element in the

overall vision but the timing of its full development may now be deferred in the short term as other requirements take priority. As a result, development is currently limited to providing the permitted storage and ancillary uses and activities important to the development and viability of the Heritage Area concept but not required to be located directly within the Heritage Area proper. Indeed, it is important that these uses be moved out of the core of the Heritage Area to enable the full and beneficial development of that area.

This Statement deals with the discharge of Condition Nos. 4, 9 and 10 of the planning permission, with a view to commencing the delayed development at the earliest opportunity.

CONDITION 4

Condition No.4 of the permission states as follows:

'No part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.'

A full copy of the Smith Grant Land Contamination Review of November 2019 (SGR) is attached but set out below is a summary of the salient points with particular reference to the Duck Pond Site. (My highlighting)

- The SGR confirms that the Duck Pond area has not substantially changed since the 2009 report, and the descriptions remain largely relevant. It notes that only minor drainage works, the placement of clean stone aggregate to surfaces of running and storage areas and works to stabilise buildings and structures have taken place.
- The 1991 NEC investigation indicated the site surface comprised a thin patchy veneer of coal with slag and coke, underlain by an ash and slag fill, in turn underlain by slag gravel and cobbles (partially cemented in areas), further underlain by an ashy clay fill with occasional coal/coke, burnt shale, masonry, glass, wood and metal to depths varying between 1.0m and >3.5m. Natural ground was encountered at depths of 1.0 – 2.15m consisting of silty/sandy clays with occasional gravel (boulder clay). Sandstone and mudstone bedrock were encountered in BM5 and BM6 at 2.6m-3.0m under the glacial deposits.
- A total of 20 soil samples were collected and submitted for comprehensive analysis by NEC in 1991. In order to update the assessment for the SGR, the results are compared to updated assessment criteria. The planned use of the site does not correspond exactly to any published Generic Assessment Criteria for soil contaminants. However, is likely to involve, sporadic, low intensity exposure by visitors, so values for Public Open Space, away from residential properties and appropriate for public parks have been adopted. Not all of the analysis suites or determinands are

compatible with these criteria. Where total concentrations for groups of contaminants are given, a qualitative approach is adopted with discussion as to whether the results are likely to indicate exceedances.

- Results and Conclusions:
 - Elevated levels of nickel and lead were detected in a few samples in exceedance of the S4ULs.
 - In terms of Aggressive Conditions for Building Materials, most of the samples were neutral to alkaline, with 10 samples exceeding the United Utilities' upper threshold limit for pH. **However, these samples were taken in 1991 or 1995, and by 2005 most had receded to more neutral levels around 7 or 8 pH.**
 - There was one exceedance reported for acid soluble sulphide. A sample taken from the duck pond area in 1991 was reported to contain 8,465 mg/kg, exceeding the 7,500 United Utilities guideline value and potentially indicating that high sulphate conditions could exist in the future if oxidation occurs.
 - Since the materials on the site potentially contain pyritic material in colliery spoil the oxidisable sulphide content of the overburden fill and formation level was calculated in accordance with the methodology outlined in BRE SD1. The 0.3% threshold for total oxidisable sulphide was marginally exceeded in 1 out of 5 samples. **On this basis pyrite is considered unlikely to be present in significant amounts.**
 - With regard to exposure **SGR acknowledges that the upper Duck Pond area has been partially covered by a layer of clean stone aggregate and is only to be used for storage of a number of containers it is considered that exposure in this area will be highly sporadic, and of low intensity and duration.**
 - **The SGR concludes that in general, the contamination status of the Heritage Area is not considered to pose a significant constraint to the planned future educational, tourism, commercial and social enterprise uses.**
 - **Whilst it is acknowledged that thresholds for human health protection commercial and Public Open Space (POS Parks) uses are exceeded for heavy metals in a minority of the sample population available for review, these are derived using much higher exposure frequencies and durations than would be**

anticipated under the planned land uses. Despite this some basic, practical mitigation measures can be adopted to further reduce exposure under some of the anticipated development / construction scenarios that will need to take place to facilitate the planned uses of the site.

- **Pollution risks appear to be limited; risks to groundwater are not considered to be significant and there is a historical precedent that this has been agreed with the regulators, such risks are unlikely to be increase under the proposals.**

In accordance with the recommendations contained in the SGR and in light of the current intention only to place containers within the Duck Pond Area it is suggested that no further site investigation is required at this time but in the unlikely event of any of the following, appropriate measures will be undertaken:

1. For any activities involving excavations, the operatives and site supervisors will maintain a watching brief for any suspicious materials, including asbestos containing materials, wastes, oils, unusual odours, colours or staining. If suspect materials are encountered works will cease in the impacted area and an assessment made by a competent person. Arisings should be treated as contaminated, adequately characterised, and stored and disposed of appropriately.
2. Any new utility trenches will be backfilled with clean materials; if new potable water supply pipes are to be laid, then the utility provider is likely to require a risk assessment in case chemical resistant pipe materials are required.
3. If new concrete structures are proposed, further testing for pH and sulphate /sulphide / total sulphur will be carried out as part of any geotechnical assessment for assessing ground stability, bearing capacity etc.
4. Existing and new paths, tracks, roads and running areas will be appropriately surfaced and maintained to prevent erosion and release of windblown dust, runoff and tracking back of soils into vehicles and indoor areas. This could include metalled roadways in high traffic areas or the application of a layer off compacted aggregate, provided this is maintained. The use of a basal geotextile as a marker layer and regular inspections can allow early indication that erosion and exposure of the underlying, potentially contaminated materials is possible so that reinstatement can be carried out.

CONDITION 9

Condition No.9 of the permission states as follows:

'No part of the development shall commence until details of the proposed Reasonable Avoidance Measures (RAMs) have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

- a) Details of a toolbox talk on the identification and ecology of great crested newts to be made available to all construction staff employed on the project.***
- b) Details of an artificial amphibian hibernacula to be constructed adjacent to the site.***
- c) Details of a walkover survey of the site prior to commencement of development, and a destructive search (under the supervision of a licensed great crested newt handler) made of any potential great crested newt habitat (such as rubble piles or sheet materials that are on site. Any amphibians found should be relocated to the artificial hibernacula.***
- d) Details of storage of material on pallets off the ground and bulk materials which are to be delivered on site and used within the day of delivery.***
- e) Confirmation that excavated trenches will be covered over at the end of each working day with plywood and the edges sealed with sand or soil. Trenches are to be checked each morning for any amphibians. Any amphibians located are to be moved to the artificial hibernacula.***

The development shall be carried out in strict accordance with the RAMs as are approved.'

Dealing with each in turn:

a) TOOLBOX TALK

A toolbox talk related to great crested newts (GCN) will be in the form of a briefing given to all site construction personnel. This will cover the following:

- 1. Identification of GCN:** The talk will include information (photographs and description) on how to identify great crested newts. *(Adults up to 15 cm in length. Skin is black or dark brown and has a rough, 'warty' appearance. Underside is bright orange with irregular black blotches. Males have a crest along their backs which is more pronounced during the breeding season. Males have a white flash on the tail and females a yellow/orange one).* This will help workers recognize these species if they encounter them during construction or development activities.

2. **Legislative Protection:** Workers will be informed about the legal protection afforded to GCN. Understanding the legal context helps prevent unintentional harm to these species. Things that would cause personnel to break the law include:
 - capturing, killing, disturbing or injuring great crested newts deliberately
 - damaging or destroying a breeding or resting place
 - obstructing access to their resting or sheltering places (deliberately or by not taking enough care)
 - possessing, selling, controlling or transporting live or dead newts, or parts of them
 - taking great crested newt eggs
 - (unlimited fine and up to 6 months in prison for each offence if you're found guilty).
3. **What to Do If Newts Are Found:** The toolbox talk will outline procedures to follow if newts are discovered on the site. If personnel think that they have seen a GCN then they must stop work and report this to the site supervisor (name and telephone no. to be provided). Keep a careful look out when moving logs, stones or rubble or clearing a site near to ponds as these are favourite habitats for great crested newts. This ensures that appropriate actions are taken to protect the newts and comply with legal requirements.
4. **Reasonable Avoidance Measures (RAMs):** RAMs may be adopted to minimize impact on GCN during works. These measures may include sensitive vegetation clearance, drain-down of ponds, and good site housekeeping practices to avoid attracting newts onto development sites.
5. **Site-Specific Measures:** The toolbox talk may also cover any site-specific measures that should be adopted to protect GCN. These could include seasonal timing constraints for vegetation clearance, searches for newts, and other on-site requirements.

b) HIBERNACULA

Hibernacula will be provided and constructed in the following manner (intended to mimic artificial and natural conditions in which great crested newts have frequently been found overwintering):

- Dimensions should not be below 2m length x 1m width.

- Given the relatively free draining nature of the ground surface on site it will be formed within an excavated depression on the ground.
- The depression will be filled with logs, branches, bricks and rocks, leaving plenty of gaps in between.
- Entrance tubes (drainpipes) will be inserted at ground level into the hole.
- The pile will then be covered with soil to about 500mm and seeded.

c) DETAILS OF WALKOVER SURVEY

A walkover survey will be undertaken under the supervision of a licenced GCN handler in accordance with best practice immediately prior to any proposed development activity. The results of the survey will be forwarded to the local planning authority prior to commencement.

d) STORAGE

It is not anticipated that any building/construction materials requiring storage will be brought onto site. In the unlikely event of this happening, materials will be stored on pallets avoiding the site surface and will be used on the day of delivery.

e) TRENCHES

It is confirmed that any excavated trenches will be covered over at the end of each working day with plywood and the edges sealed with sand or soil. Trenches will be checked each morning for any amphibians. Any amphibians located are to be moved to the artificial hibernacula.

CONDITION 10

Condition No.10 of the permission states as follows:

No part of the development shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall include appropriate measures to prevent the introduction of Invasive Non-Native Species (INNS) during the construction phase, and measures to control INNS as are currently present on site. The measures and proposals shall be fully implemented in strict accordance with the details as are approved.

It is not intended to import any materials to the site other than the shipping containers which are already in use on other parts of the site within the Heritage Area. In these circumstances it is considered that there is little risk of introduction of Invasive Non-Native Species.

The Updated Ecological Appraisal carried out by Enfys Ecological in July 2022 (copy attached) included a Biosecurity Risk Assessment and this assessment is reproduced below in order to discharge this condition.

BIOSECURITY RISK ASSESSMENT FOR BRYMBO HERITAGE SITE

During the desk study and consultation with NRW a 5km data search was carried out to identify invasive species in close proximity of the site. The following were recorded within 5 km, with the species highlighted within 1km of the site. The majority of these are classed as non-native species rather than invasive non-native species.

- Japanese Knotweed
- Himalayan Balsam
- Canadian Waterweed
- Cherry Laurel
- Floating Pennywort
- Giant Hogweed
- Himalayan Cotoneaster
- Hybrid Monkeyflower
- Japanese Rose
- Least Duckweed
- Monkeyflower
- New Zealand Pigmyweed (963m)
- New Zealand Willowherb
- Nuttall's Waterweed
- Parrot's-feather
- Portugal Laurel

- Rhododendron ponticum
- Three-cornered Garlic
- Wall cotoneaster
- Water fern
- White Stonecrop

This document tabulates those species that have been identified as having the potential to be imported on to the site. The likely pathways, likelihood of risk and operational mitigation have also been identified.

Species route	Potential contamination	Likelihood of risk	Operational Procedure
Himalayan balsam .	Spread of species via construction machinery/ movement of soil. Introduction of seeds via contaminated soil.	Low. Low. There are no requirements to import soil	Himalayan Balsam is not known to be present on site. Ensure contractors, staff and volunteers know what Himalayan Balsam looks like. If any plants are identified these should be pulled up and left to dry before the seeds set (July/ August).
Japanese knotweed	Spread of species via construction machinery/ movement of soil. Introduction of seeds via contaminated soil.	Low. Japanese knotweed is not known to be present on site. Low. There are no requirements to import soil.	Ensure contractors, staff and volunteers know what Japanese knotweed looks like. If it is identified on site, refer to the Environment Agency's Japanese knotweed Code of Practice.
Giant Hogweed	Seed being carried from site to site	Medium.	Ensure all boots, tools, tyres, plant and machinery are thoroughly cleaned before coming on site.

INN plants	Planting	Medium	All new planting stock be to grown in an environment free from INN plants.
Chytrid	Transport of spores on boots or field equipment from one water body to another. Machinery used to excavate new ponds as part of the mitigation package.	Low. No contact by personnel with other amphibian sites.	Ensure all staff, ecologists and volunteers working in proximity to the ponds clean their footwear and survey equipment between sites. If amphibians are handled disposable vinyl gloves should be worn.
Crassula helmsii – Stonecrop, Australian swamp	Spread of species on footwear or machinery.	Medium. Crassula is known to be present in north Wales but not found on site.	Ensure all ecologists, staff and volunteers clean their footwear between sites. Ensure contractors know what it looks like and all machinery is cleaned prior to arriving on site. If it is found on site it must be treated using glyphosphate
Other non-native aquatic plant species	Spread of species on footwear of machinery	Medium	Ensure all staff, volunteers and ecologists clean their footwear between sites.
Water fern, Parrot's feather, Floating Pennywort, Waterweed, least duckweed, New Zealand pigmy weed			Ensure contractors know what it looks like and all machinery is cleaned prior to arriving on site

Phytophthora ramorum – Sudden oak death	Via spores which can be dispersed by wind, rain and watercourses. Pathogen may be transmitted in debris e.g. leaves, needles, bark and soil on machinery. Introduction via new tree planting	Low . if no contact has been made with infected area Low	All equipment (machinery and footwear) thoroughly cleaned before entering site. All boots should be cleaned using the Propellor disinfectant. All stock to come from supplier free of infection.
Chalara Ash die back	Via spores but the main threat is introduction via imported nursery stock.	Medium	No new ash to be planted as part of the planting scheme.
White nose syndrome Fungus isolated from a bat in the UK in 2013 and 2014 but no cases in the UK.	Contamination is through international bat workers.	Low	Site specific equipment for handling bats

Disinfect boots and machinery that would be in contact with amphibians or pond water.

Note that when making up bleach or Virkon solutions, pond water can be used so long as it contains little or no organic matter (as this reduces disinfectant effectiveness).

Follow this procedure:

- Use a brush to scrub off any debris, plant fragments, mud etc.
- Rinse with water.

Disinfect using one of the following methods:

- Soak in a bleach solution (1 measure of household bleach to 9 measures water) for 10 minutes; OR
- Virkon (10 mg/ml, as per suppliers' instructions) for 1 minute; OR
- Fabrics including those worn while doing amphibian fieldwork can be washed on a 40°C cycle (with detergent, ensuring sufficient rinsing).
- Nets should be boiled for 10 minutes or if the fabric allows disinfected with spray bleach in a well-ventilated area.
- Rinse with clean water and if possible, allow to dry for before next use.
- Keep field gear (traps, net frames etc) inside plastic bags during transit and storage to reduce the chance of transmitting Chytridiomycosis.
- Ideally all used disinfectant solutions should be poured directly into a sink/drain and flushed with clean water. In the field, pour onto an area of hard-standing, or similar unvegetated area well away from the pond. Used gloves can be disposed of as domestic rubbish.

Biosecurity washdown stations:

Washdown facilities should be provided on site, preferable wherever it is likely that machinery will enter site, one at the main buildings and a mobile washdown station.

These should provide areas where staff, volunteers and contractors are able to wash footwear before entering and prior to leaving site and the stationary ones should have access to hot water where possible.