

Ein cyf/Our ref: CAS-255653-J6R5
Eich cyf/Your ref: P/2023/0624

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 22 May 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 09 May 2024.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted:

- **Condition 1: Contaminated Land**

We also advise that based on the information submitted to date, the document identified below should be included in the approved plans and documents condition on the decision notice.

- **Enfys Ecology, April 2024. Conservation Plan for Great Crested Newts. V1**

Without the inclusion of this condition and document we would object to this planning application.

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.

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.

We note that an additional GCN Conservation Plan (Enfys Ecology, April 2024. Conservation Plan for Great Crested Newts. V1) has been submitted to support the application. The plan appropriately considers the advice articulated in our letter dated 10 November 2023, and therefore we consider the GCN Conservation Plan to be satisfactory. We advise that the plan should be included within the approved documents condition, should planning permission be granted.

Great Crested Newts (GCN) and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981. 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 the third test “demonstration of no detriment to the maintenance of the favourable conservation status of European protected species”. We advise that before any consent is given, as informed by the provisions of Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) the LPA satisfy itself as to whether the scheme satisfies the other two tests, namely a relevant Habitats Regulations purpose and whether there is no satisfactory alternative to the proposal.

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 1: 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.

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.

This application for extensions and conversion of the former machine shop to an exhibition area proposes connection of foul water to the mains sewer. We note that information has been provided by DCWW to confirm that the permit for the associated wastewater treatment works has been reviewed against the revised water quality targets for the SAC. DCWW have also confirmed that they have hydraulic capacity to accept the proposed flows from the development without leading to an increase in the environmental impact of storm overflows and will be able to remain within their permit limit for those works. As per our Planning Advice and the information set out in the section titled 'What does this mean for development

proposals involving connection to public wastewater treatment works', we therefore have no objection to the proposals.

Your Authority will need to take the above into account in your determination of whether the development will have a likely significant effect on the SAC.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

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.

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.