

Ein cyf/Our ref: CAS-235608-Y1M8
Eich cyf/Your ref: P/2023/0387

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 29 September 2023

Annwyl Syr/Madam/Dear Sir/Madam,

**BWRIAD/PROPOSAL: CODI ESTYNIAD AR WARWS A CHANOPI BAE LLWYTHO /
ERECTION OF WAREHOUSE EXTENSION AND LOADING
BAY CANOPY**

**LLEOLIAD/LOCATION: Bridge Road South, Wrexham Industrial Estate, Wrexham,
LL13 9SQ**

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 21 August 2023.

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

**Conditions 1-2: Protected Species
Conditions 3-5: Contaminated land**

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

Approved documents:

- Biosecurity Risk Assessment- F Lloyd (Penley) Ltd. Wrexham Industrial Estate. Report No UES03411/08, United Environmental Services Ltd.
- Ecological Compliance Audit - F Lloyd (Penley) Ltd. Wrexham Industrial Estate, Report No UES03411/08 United Environmental Services Ltd.

Without the inclusion of these conditions and documents we would object to this planning application.

Protected Species

Great Crested Newt

We note that the Preliminary Ecological Appraisal submitted in support of the above application (Halliwell, M. (2023). Preliminary Ecological Appraisal: F Lloyd (Penley() Ltd – Extensions 1 and 2, Bridge road, Wrexham Industrial Estate, Wrexham. United Environmental Services Ltd.) has identified that Great Crested Newts (GCN) have been recorded in the vicinity of the application site.

GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). 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 tests set out in the Regulations (please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to *“demonstration of no detriment to the maintenance of the favourable conservation status of European protected species”*.

We note that Section 4.2 of the report contains information regarding the proposed Reasonable Avoidance Measures in respect of GCN for Extension 2 (also referred to as Extension 1). On the basis of the information submitted, we consider that the proposed scheme will, subject to the inclusion of a condition as advised below, demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the GCN at a favourable conservation status in its natural range.

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

Condition 1: No development shall take place until a GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

- a) Implementation of appropriate GCN reasonable avoidance measures. We advise that further details and associated plans concerning GCN avoidance and mitigation measures are provided including, but not limited to: fence design, specifications and locations; considerations of access issues (including PROW if applicable); monitoring and maintenance requirements; and supervised removal. Submission to include proposed timescales and reporting requirements;
- b) Submission of measures designed to prevent the accidental capture/killing of GCN during operational (and decommissioning) phases of the scheme (i.e., post-construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features)
- c) Details of timing, phasing and duration of construction activities and conservation measures
- d) Timetable for implementation demonstrating that works are aligned with the proposed development
- e) Persons responsible for implementing the works
- f) Post-construction monitoring (if subsequently applicable)

The measures above shall be carried out in accordance with the approved details.

Justification: To ensure that an approved species Conservation Plan is implemented, which protects the species affected by the development.

We note that a biosecurity risk assessment (Biosecurity Risk Assessment- F Lloyd (Penley) Ltd. Wrexham Industrial Estate. Report No UES03411/08, United Environmental Services Ltd.) and ecological compliance audit (Ecological Compliance Audit - F Lloyd (Penley) Ltd. Wrexham Industrial Estate, Report No UES03411/08 United Environmental Services Ltd) have been submitted in support of the application and we confirm that both of the reports are satisfactory. The reports should be included within the approved documents and plans condition within the decision notice should consent for the project be granted.

Otter and Water Vole

We have reviewed the (Halliwell, M. (2023). Preliminary Ecological Appraisal: F Lloyd (Penley) Ltd – Extensions 1 and 2, Bridge road, Wrexham Industrial Estate, Wrexham. United Environmental Services Ltd. (Unpublished)) submitted in support of the application and note the otter and water vole mitigation measures within Section 4.2.5.

We note that Section 4.2.5 of the report confirms no external lighting is proposed along the length of the river bank. However, no information appears to have been provided in relation to external lighting on the North-West or South-East elevations nor on potential internal light spillage on the South-East elevation. Therefore, we advise that a Lighting Plan detailing the siting and type of any external lighting as part of the proposed development should be submitted to the Local Planning Authority.

On the basis of the information submitted, we consider that the proposed scheme will, subject to the inclusion of a condition as advised below, demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of Otter and Water Vole at a favourable conservation status in their natural range.

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

Condition 2: Prior to commencement of development, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall consider existing and proposed lighting together with any spillage originating from internal locations. Details shall include:

- An assessment of lighting in respect of wildlife interests of the site, notably otters and water vole.
- Details of the siting and type of any external lighting and internal light spillage during and post development. This shall include plans illustrating the location and type of lighting together with isolux drawings.
- Details to demonstrate that light spillage will not affect wildlife sensitive areas.
- Measures to monitor light spillage once development is operational (post-construction light monitoring)

Lighting shall accord entirely with the details so approved for the duration of the operation of the development.

Justification: To protect the wildlife and ecological interests of the site including protected species.

In the meantime, we are unable to give you any assurance that the proposal 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.

Contaminated Land

We have reviewed the submitted Phase 1: Preliminary Risk Assessment by LK Consult (February 2023) and concur with the recommendations of the report that intrusive investigation is required. There is potential for contamination associated with the former and current industrial use of the site. The site is of relatively high sensitivity as it lies adjacent to the River Clywedog and over secondary A aquifers, we therefore advise that the following conditions should be attached to any permission granted by your authority for the above application:

Condition 3: No development or phase of development, in a specific parcel of land known to be / suspected of contamination, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority:

1. A preliminary risk assessment which has identified (this is understood to already have been completed):
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 4: Prior to the occupation or operation of the development or phase of development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-

term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Justification: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 5: 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.

Protected Sites – 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.

However, recognising the specific nature of the application submitted for additional warehousing with no change to staffing numbers or additional foul drainage provision (as noted in paragraph 1.6 of the Combined Planning Statement by Red Plan, dated May 2023) we are satisfied that it is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

Flood Risk

The planning application proposes less vulnerable development (an extension to existing warehousing for storage purposes). Our Flood Risk Map confirms the site to be partially within Zone B 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 application site to be at risk of flooding and falls into Flood Zone 2 (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 Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.

The FCA (FCA 23 1007, Shape Consulting Engineers Ltd, February 2023) shows that the risks and consequences of flooding are manageable to an acceptable level. Therefore, we have no objection on flood risk grounds to the application as submitted.

As it is for the Local Planning 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 or grant 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.

Flood Risk Activity Permit

Please note that the Environmental Permitting Regulations (2016) would require the Applicant/Developer to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the Afon Clywedog, a designated "main river". Further advice and guidance is available on our website at:

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

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.