

Ein cyf/Our ref: CAS-234982-T8Y3
Eich cyf/Your ref: P/2023/0482

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 30 August 2023

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Adeiladu cyfleuster gweithfynhychu a maes parcio a gwaith tirlunio cysylltiedig/ Construction of manufacturing facility and associated car parking and landscaping.

LLEOLIAD/LOCATION: Land at Ash Road North, Wrexham Industrial Estate, Wrexham, LL13 9JT

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 11 August 2023.

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 contaminated land and give further consideration to foul drainage. 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, conditions regarding contaminated land 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.

- Hall, C. (2023). Preliminary Ecological Assessment: preserve Site, Wrexham Industrial Estate. Cambrian Ecology Ltd.

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

Foul Drainage and Protected Sites

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 a new manufacturing facility proposes connection of foul water to the mains sewer. We note from the information submitted that there would be a reduction in the overall building footprint from 8000m² to 4000m² in addition to the proposed staff levels of 24 compared to 60 staff prior to the demolition of the buildings in 2018. However, we also note that the site has been vacant for nearly 5 years. We would therefore advise that you determine whether this can be viewed as a reduction given that the current site will not have discharged any foul drainage for years. 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.

Protected Species

Great Crested Newt

We note that the Preliminary Ecological Appraisal submitted in support of the above application Hall, C. (2023). Preliminary Ecological Assessment: Proserve Site, Wrexham Industrial Estate. Cambrian Ecology Ltd. (unpublished) has identified that Great Crested Newt (GCN) have been recorded in the vicinity of the application site. However, we advise that there is insufficient information included in the report regarding the avoidance, mitigation and compensation measures with respect to GCN.

In our view, the overall proposal has the potential to cause disturbance to GCN and/or loss or damage to their resting places.

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 would be 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 8.2.4 of the submitted report recommends replacement hibernacula in respect of lost habitat through the development and that an example hibernacula is shown in drawing reference IED-LMA-XX-XX-DR-A-7035 Revision P1. However, we advise that

there is insufficient information to demonstrate that the development would not be likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN.

Therefore, we advise the following details should be provided to demonstrate no detriment to the maintenance of the favourable conservation status of the local population of GCN: Compensatory habitats must be provided on at least a “like for like” basis in terms of area. Details shall identify areas of terrestrial and aquatic habitat to be maintained enhanced and created;

- a) Submission of further details and associated plans concerning GCN avoidance and mitigation measures 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 a site management scheme. This to include details of management
- c) prescriptions that may need to be carried out under derogation licence;
- d) Submission of measures designed to prevent the accidental capture/killing of GCN in 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).
- e) Details of timing, phasing and duration of construction activities and conservation measures.
- f) Ecological Compliance Audit, including key performance indicators for each identified feature / factor. These should consider GCN and Biosecurity.
- g) Submission of a biosecurity risk assessment.

The above should be incorporated into an appropriate Conservation Plan and be carried out in accordance with the approved details.

This advice applies to the proposal in its present form. If the plans are changed in ways that may further affect GCN on this site, you should provide a revised ecology report that takes account of such changes.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

In the meantime, we would be unable to give the LPA 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.

Bats

We note that the bat report submitted in support of the above application (Hall, C. (2023). Preliminary Ecological Assessment: preserve Site, Wrexham Industrial Estate. Cambrian Ecology Ltd.) has identified that bats are likely to be using the site for foraging and commuting. From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document '*Natural Resources Wales Approach to Bats and Planning* (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

As this is a lower risk case for bats, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Furthermore, we advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided the avoidance measures described in section 8.2.2 of the ecology report are implemented.

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Please consult us again if any further information shows that this is no longer a lower risk case.

Contaminated Land

We have reviewed the Ground Investigation Report (Ipsen East, Phase 1 & 2 Ground Investigation Report. 14 July 2023. Ref: 2867/01 Rev A Prepared by GroundSolve Ltd.) and note the following (as detailed in our response to our response to the applicants statutory pre application Consultation ref CAS-219403-H3J4 dated 30.06.23) :

- Appendix F. No laboratory analysis for soil testing at CP01 and CP02 has been included (only BH1 to 6).
- Section 9.1 states the following in relation to sample locations: *“to investigate the specific locations of previous potentially contaminative land uses as identified within the Phase 1 desk study and subsequent CSM”*.

Further information relating specifically to CP01/CP02 and what potential sources these locations are targeting i.e., justification of targeted/grid-based sampling strategies, including the locations, depths and number of samples taken should be submitted.

We advise that conditions should be applied to any planning permission granted for this proposal, as follows.

Condition 1: Land Affected by Contamination - No development, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, have been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
 - a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways, and receptors
 - d. potentially unacceptable risks arising from contamination at the site (largely completed)
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 (largely completed).
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 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.
5. 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 2: Contamination Verification Report - Prior to the occupation or operation of the 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 3: Unsuspected Contamination - 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.

Condition 4: Piling - No development, or phase of development, shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Justification: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

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

Sara Thomas

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.