



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-189412-J3P6
Eich cyf/Your ref: P/2022/0448

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29/06/2022

Dear Sir/Madam,

PROPOSAL: EXTENSION TO THE EXTRACTION AREAS WITHIN THE EXISTING PERMITTED QUARRY BOUNDARY

LOCATION: BALLSWOOD QUARRY, GEGIN LANE, LLAY, WREXHAM, LL12 0NU

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 18/05/2022 (the Pre-Application Consultation Report was shared with us on 23/05/2022). We requested additional information in order to inform our assessment of the case on 08/06/2022, which we have not received at the time of writing.

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 groundwater and protected species (bats). 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, a condition regarding protected species (Great Crested Newt) should be attached to any planning permission granted. Without the inclusion of this condition, we would object to this planning application.

Groundwater

We have reviewed the Planning Statement – Planning Application for 2No. Changes to the Limits of Extraction within the Existing Permitted Planning Boundary of Ballswood Quarry *Relating to Planning Permission ref. P/2016/0110* at Ballswood Quarry, off Gegin Lane, Llay, Wrexham LL12 0NU (Kedd Limited, May 2022).

The proposed sand and gravel operations are overlying a Principal and Secondary A aquifer and are located within a Source Protection Zone 3 for a public water supply. We therefore consider the site to be sensitive with respect to controlled waters (including groundwater).

The groundwater monitoring data collected at the site confirm that the base of the extraction area would be above the maximum recorded groundwater level. We therefore acknowledge that the extraction of minerals at the site would be from above the water table at the two proposed working areas.

We previously advised that a water management plan and pollution prevention measures method statement should be submitted to support the application (Statutory Pre-Application consultation response dated 29/03/2022, our ref: CAS-183525-X2D0). We note that these documents have been included in appendix 3 and 4 respectively of the submitted Planning Statement document.

The Surface Water Management Plan (appendix 3) details the use of five ponds on site. The ponds appear to be either natural ponds or constructed lagoons which are used as settlement lagoons prior to discharge. We advise that the applicant should confirm the status of the ponds' construction, *e.g.* whether natural or lined.

There does not appear to be a discrete discharge point to the environment, and we understand that water would be allowed to soak into the ground. We note that abstraction would occur from the ponds for dust suppression and wheel washing on site. However, it is not clear what volumes of water would be abstracted or discharged from the ponds and we advise that this detail should be provided.

From the plans submitted it also is not clear what elevation the ponds and lagoons would be located at when compared to the excavation areas, local groundwater levels and the River Alyn. We therefore advise that this detail should be provided with cross sections of the site.

In summary, we advise that additional information is submitted in order to:

- a. Confirm the status of the ponds' construction – whether natural or lined.
- b. Provide abstraction and discharge volumes from the ponds on site.
- c. Provide cross sections of the site to include the ponds and lagoons as detailed in Appendix 3 of the Planning Statement, the excavation areas, groundwater levels (from onsite monitoring data) and River Alyn.

With regards to the pollution prevention measures method statement (appendix 4) we note the measures to be employed on site and have no further comment regarding this.

Protected Species

We have reviewed the following documents:

- Anon. (2021) Ballswood Preliminary Ecological Appraisal [PEA] in respect of Planning Application For 2No. Changes to the Limits of Extraction within the Existing Permitted Planning Boundary of Ballswood Quarry. Heaton. (Unpublished)
- Anon. (2021). Ballswood Protected Species Surveys: eDNA Surveys in respect of Planning Application For 2No. Changes to the Limits of Extraction within the Existing Permitted Planning Boundary of Ballswood Quarry. Heaton. (Unpublished)

- Anon. (2020). Ballswood Bat Survey Report in respect of Planning Application For 2No. Changes to the Limits of Extraction within the Existing Permitted Planning Boundary of Ballswood Quarry. Heaton. (Unpublished).

Bats

We note that the PEA report submitted in support of the above application has identified that bats are present at the application site. From the information submitted, we consider that the proposed development is likely to represent a higher 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 amended).

Although the PEA (2021) and Bat Survey Report (2020) have been submitted, we advise that there is insufficient information to assess potential effects on bats, and how any effects will be avoided or mitigated.

We note that the 'Summary of Update Bat Surveys' letter from Kedd Limited dated 06/05/2022 states: *"Following the Response from Natural Resources Wales (NRW) and in line with the latest Bat Conservation Trust (BCT) Guidelines, Kedd Limited are now undertaking update bat roost emergence/re-entry surveys on the horse chestnut TPO tree located within Ballswood compound. This is due to the previous survey information now being out of date. These surveys commenced on the 05/05/2022 and will be undertaken over a 6 week period in order to comply with the BCT guidelines."*

However, the results of the above surveys do not appear to have been submitted with the application. We therefore advise that this further information is submitted with the application to assess the extent of adverse effects on the bats and any avoidance or mitigation measures required. This must demonstrate that the proposed development 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.

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.

Great Crested Newt (GCN)

We have reviewed the PEA and the GCN eDNA survey results both dated December 2021 (references above). However, we note that eDNA surveys were not carried out in ponds 5, 6, 7 and 8. We note the comments regarding habitat suitability in Section 4.13 of the eDNA survey report but advise that a number of nationally important populations of GCN have been recorded in quarries, many of which have exhibited sparse vegetation (terrestrial and aquatic). Given this uncertainty we would advise that the LPA considers including a GCN surveillance condition to any planning permission granted.

Condition: No development shall commence until a GCN Conservation Plan covering operation and post-operation has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, though not necessarily be limited to, the following:

- Details of protective measures to be taken to minimise the impacts during operation.
- Details of timing/phasing and duration of activities.
- Submission of a long-term site management plan that includes:
 - defined aims and objectives;
 - habitat management prescriptions;
 - contingency measures if fish or invasive non-native species (INNS) are detected;
 - proposals that are capable of being implemented in the event of failure to undertake or to appropriately implement identified or contingency actions; site liaison and wardening;
 - surveillance based on the methodology of results reported through the online Wales GCN Monitoring Scheme;
 - licensing requirements for undertaking habitat management and surveillance;
 - current and any proposed changes to tenure of the compensation area;
 - persons or bodies responsible for undertaking management and surveillance together with required skills and competencies;
 - reporting requirements; and
 - proposed dates for updating or revising the management plan.
- Reporting of the results of Ecological Compliance Audits.
- Details of measures to prevent or reduce incidental capture, injury or killing.

The Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved GCN Conservation Plan is implemented which protects GCN affected by the proposals.

We would have no objection to the Conservation Plan including other amphibian species.

Protected Sites

Sites of Special Scientific Interest (SSSI)

The application site is:

- adjacent to Chwarel Singret SSSI; and
- 80m from Marford Quarry SSSI.

Based on the information submitted in support of the above application, we consider that the proposed development is not likely to damage the features for which the above sites are of special interest, but please see our advice below.

Modifications to the scheme as currently proposed may affect our view and may merit a further consultation with us.

Please note that Ballswood Quarry has some connectivity with the adjacent Chwarel Singret SSSI and there may be potential impacts on Environment (Wales) Act Section 7 species. Ballswood Quarry itself may be important for psammophilic¹ invertebrates as sand quarries provide ideal habitats for invertebrate species associated with sand and with early-successional habitats such as bare and partially vegetated ground, pioneer and ruderal plant communities, and scrub. Key invertebrate groups associated with sand quarry habitats include beetles (ground beetles, phytophagous species), flies (robberflies, soldierflies, hoverflies, picture-winged flies), aculeate bees and wasps, heteropteran bugs, moths and spiders. There would likely be an additional suite of species associated with hydrological features such as shallow pools, seepages, small stands of reeds and other emergents if these habitats are present. This rich variety of habitats also offers a heterogeneous landscape, critical to the life cycles of many invertebrates.

We therefore advise that appropriate restoration of the site is discussed with the LPA's ecologist. We would advise that any restoration of the site should be focused on providing suitable habitat for invertebrate species associated with sand and early-successional habitats, considering the continued ground disturbance associated with quarrying activity in the creation of open and bare areas.

River Dee and Bala Lake Special Area of Conservation (SAC)

We also note the proposal is within the catchment of the River Dee and Bala Lake SAC. As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a [Planning Position Statement](#), in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

However, recognising the specific nature of the proposal, 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 proposed extension areas A and B as defined on drawing number KD.BLWQ.2.D.005 are located in flood zone A of the Development Advice Maps contained in TAN15 and therefore are not at risk from fluvial flooding. We therefore have no further comments to make regarding this.

¹ organisms that prefer or thrive in sandy soils or areas.

Wrexham County Borough Council drainage department in their capacity as lead local flood authority may be able to advise on any local problems in relation to surface water disposal and any associated flood risk.

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.

Yours faithfully,

Tristan Williams

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales