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17/08/2022

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 with additional information about the above, which we received on 05/08/2022.

**We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching a condition regarding protected species (Great Crested Newt) to any planning permission granted and including the document identified below in the approved plans and documents condition on the decision notice. Without the inclusion of this condition and document we would object to this planning application.**

Approved document: Updated Bat Roost Survey Report (Kedd Ltd. dated July 2022).

**Protected Species**

Bats

We note that the Updated Bat Roost Survey Report (Kedd Ltd. dated July 2022) 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 represents 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).

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, providing the Updated Bat Roost Survey Report is included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Provided the avoidance measures in sections 6.1 – 6.7 of the Updated Bat Roost Survey Report are implemented, we consider that the proposed 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.

Please consult us again if the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site.

### Great Crested Newt (GCN)

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. Heatons. (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. Heatons. (Unpublished)

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.

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 1 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.

## **Groundwater**

The proposed sand and gravel operations are underlain by a Principal and Secondary A aquifer and 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 two proposed working areas would be from above the water table.

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 previously advised that the applicant should confirm the status of the ponds' construction, e.g. whether natural or lined and that additional information be submitted to inform our assessment of the case.

We have now reviewed the Ballswood Quarry Water Management Summary (HydroGeo, dated June 2022) and the additional information shared with us on 05/08/2022. Please see our advice regarding this below, with our previous comments in italics.

- a. *Confirm the status of the ponds' construction – whether natural or lined.*

Further to our response dated 28/07/2022 (our ref: CAS-193775-T3S7), we accept the confirmation provided on 05/08/2022 that all the ponds on site are clay lined and that treatment of the wheel wash discharge is undertaken prior to discharge to Ponds F and G.

*b. Provide abstraction and discharge volumes from the ponds on site.*

We note that these details have now been submitted. The abstraction quantities in the Water Management Summary document confirm that the site would require abstraction licences for the operations that are being carried out. However, the site currently appears to be operating without these in place. Discharge permits are also likely to be required. The applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the licence/permit requirements. It is important to note that a grant of planning permission does not guarantee that a licence/permit will be granted, should a proposal be deemed to be unacceptable.

*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 on-site monitoring data) and River Alyn.*

We advise that the information submitted is sufficient to determine ground levels, pond lagoon bases and groundwater levels around the site.

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 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 psammophilic<sup>1</sup> invertebrates as sand quarries provide ideal habitats for invertebrate species associated with sand and with early-

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<sup>1</sup> organisms that prefer or thrive in sandy soils or areas.

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 21<sup>st</sup> 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.

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