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Wrexham County Borough Council,
The Guildhall,
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ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

16/02/2022

Dear Sir/Madam,

BWRIAD / PROPOSAL: REDEVELOPMENT OF CANAL BASIN FOR USE AS BOAT HIRE BUSINESS INCLUDING ERECTION OF 2 BUILDINGS AND STORAGE ENCLOSURE

LLEOLIAD / LOCATION: TREVOR BASIN, NEW ROAD, TREVOR, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the additional information regarding the above, which we received on 7th February 2022.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice:

Approved Documents:

- Brain. S. (2021), Bat Roost Assessment (BRA) – Preliminary Roost Feature Investigation – 3 No. Additional Trees: Trevor Basin, Llangollen. Amenity Tree Care.
- Brain. S. (2021), Otter Survey Report – Trevor Basin, Llangollen. Amenity Tree Care.

Please note, without the inclusion of these documents we would object to this planning application. Further details are provided below.

Protected Species

Bats

We note that the bat report submitted in support of the above application (Brain. S. (2021), Bat Roost Assessment (BRA) – Preliminary Roost Feature Investigation – 3 No. Additional Trees: Trevor Basin, Llangollen. Amenity Tree Care.) has identified that bats may be present at the application site. 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 amended).

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 the bat 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.

Otters

We note that the otter survey report submitted in support of the above application (Brain. S. (2021), Otter Survey Report – Trevor Basin, Llangollen. Amenity Tree Care) has identified that whilst there is no evidence on site of otters, diagnostic evidence shows them in close proximity to the site. Otters 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 otters or their breeding sites and resting places at this site, provided the avoidance measures described in the otter survey 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.

Protected Sites

Special Area of Conservation (SAC)

From the information provided, NRW consider that the proposals may affect the River Dee and Bala Lake Special Area of Conservation (SAC). The application is located within 300m of the SAC.

We note that a shadow Habitats Regulations Assessment report (Brain, S. 2021, Habitats Regulation Assessment (Initial Screening), Trefor Basin, Amenity Tree Care) has been submitted in support of this application.

However, the shadow HRA does not specifically refer to the European site features or consider Natural Resources Wales' published conservation objectives (available online). It also does not appear to consider the 'People Over Wind' ruling which stated that *'in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment...it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site'*.

NRW have identified the following potential impact pathway to features of this site:

1. pollution

The above pathway may not result in an adverse effect if the following measures are adhered to/ implemented:

1. Developer adheres to pollution prevention guidelines
- 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. 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, we note that the information presented in the report 'Phosphate Output Assessment, Trevor basin, Llangollen Canal, Trevor, LL20 7TP, Enebio Ltd, February 2022' confirms that this proposal will not represent a net increase in foul discharge from the site and are therefore 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.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

Site of Special Scientific Interest (SSSI)

Natural Resources Wales consider the proposals have the potential to impact upon the River Dee SSSI. Providing the impact pathway referenced above for the SAC are adequately addressed, Natural Resources Wales consider the features of the SSSI will also be adequately safeguarded.

Designated Landscape

Our landscape planning advice relates to the development's potential impact on the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty's (AONB) landscape character, visual amenity and special qualities and its accordance with national policy.

We recommend that you liaise with your Authority's tree officer in relation to tree planting and retention proposals on site.

We have no objection to the proposed development as submitted on AONB landscape and visual grounds and provide the following advice.

Design and Access Statement (Canal & River Trust; undated)

We consider the design objectives are appropriate for developing the scheme. The only additional visual matters we would have expected to be considered are:

- the condition and quality of boundaries along the edge of the site e.g. stone walls, the maintenance requirements of vegetation and how this would be managed; and
- whether supplementary planting (where proposed) would screen external visual influences from beyond the site that currently affect a site's integrity.

We would recommend that the Local Planning Authority consider these matters.

Materials

We consider the proposed building materials and colour would harmonise with the canal heritage and semi-rural character of the site. The choice of street furniture and design and colour finishes of balustrading to the pedestrian ramp, bollards and litter bins are details that the Local Planning Authority should review.

A materials board for the new building and retained and new external hard works is a common tool to explain how all elements of the proposed scheme and the overall character of the development will harmonise visually.

Given the importance of conserving and enhancing the site's character, integrity and visitor experience, the Local Planning Authority may wish to review and agree this detail in advance of a planning decision.

Landscape and Visual Assessment - Trevor Basin Boat Base Illustrative Views V6 (Canal & River Trust; dated 17/05/2021)

The Landscape and Visual Assessment does not provide an assessment of the proposed development or explain the design rationale for the external landscape works, choice of materials and quality standards. The visualisations submitted, however, suggest that public access, character and amenity of the site and quality of experience have been appropriately considered regarding the AONB.

We have no concerns with the General Arrangement Plan. The retention of existing trees is important to conserving a semi-rural character and pleasant amenity of the site, alongside climate benefits (carbon capture and cooling) and biodiversity benefits. Where ornamental planting beds are proposed, we recommend the inclusion of flower and berry producing varieties that are nature friendly; this should be set out in a detailed planting scheme for the site. A management plan for all hard and soft external works is also advised.

Land Contamination

We note the contents of the submitted Phase 1 Geo-Environmental Desk Study, Trevor Hire Boat Base, Wrexham, October 2021.

Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Land Contamination Risk Management (LCRM) guidance should be followed.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult Natural Resources Wales.

Fuel Storage at pump house

We would advise the Applicant that any fuel storage tank should have secondary containment with 110% capacity. It is also advised that any such tank is sited at least 10m away from any watercourse.

It should be ensured that any such proposal complies with the Control of Pollution (Oil Storage) Regulations 2016. For further advice and guidance, refer to GPP2: gpp-2-pdf.pdf (netregs.org.uk)

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