



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-171261-J8K4
Eich cyf/Your ref: P/2021/0560

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

23/11/2021

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 9th November 2021.

We continue to 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 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, the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these documents we would object to this planning application.

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.
- Brain. S. (2021), Extended Phase One Habitat Survey (Preliminary Habitat Survey) – Version Two: Trevor Basin. Amenity Tree Care.
- Brain, S (2021), Biodiversity Enhancement Measures (Version 2), Trevor Basin Amenity Tree Care.

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 phosphate 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 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. We have also issued [Planning Advice](#) (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that the development has the potential to increase the volume or concentration of wastewater and associated phosphate levels being discharged from the site via mains sewer connection. However, we note that a submitted email from Welsh Water dated 10th November 2021 confirms that the development site would drain to Cefn Mawr wastewater treatment works, which has capacity to treat the additional wastewater and phosphorus from the proposed development within the existing discharge permit limits.

As per our [Planning Advice](#), development connecting to an existing public wastewater treatment works that has the capacity and associated phosphorus stripping facility to accommodate additional wastewater is unlikely to increase phosphorus inputs to a SAC beyond what has already been assessed and permitted by NRW. However, your authority, should examine the appropriate assessments carried out in respect of the extant environmental permit(s), along with any new information or changes in circumstances, to ensure that adverse effect on site integrity can be ruled out. Should you need to obtain a copy of the relevant appropriate assessment, please contact us.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

Should your Authority conclude that the proposal is likely to have a significant effect on the River Dee and Bala Lake SAC, please consult us on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Protected Species

We note the ecological survey reports submitted in support of the above application (Brain, S. (2021), Extended Phase One Habitat Survey (Preliminary Habitat Survey) – Version Two: Trevor Basin, Amenity Tree Care & Brain, S (2021), Biodiversity Enhancement Measures (Version 2), Trevor Basin, Amenity Tree Care) and concur with the findings of these reports.

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

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.

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

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'.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 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 pathways 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 accord with national policy.

We recommend you liaise with your internal 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 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
- consideration as to 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.

Landscape Scheme - Web - 1938 32 V14 Trevor Boat Base GA Landscape Plan (Canal & River Trust; drawing No. 2019 38 32; revision date: 29/04/2021)

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.

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.

Advice for the Developer

Fuel Storage at pump house

We would advise that any tank needs to have secondary containment with 110% capacity. It is also advised that any 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 \(netregs.org.uk\)](#)

Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and PPG 6 at the following link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Land Contamination

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the [CL:AIRE Definition of Waste: Development Industry Code of Practice](#). This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Environmental Management

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

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