

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.
uk

10/02/2022

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: DATBLYGU CANOLFAN STORIO YNNI BATRIS /
DEVELOPMENT OF BATTERY ENERGY STORAGE CENTRE**

**LLEOLIAD / LOCATION: LAND SOUTH OF BRIDGE ROAD NORTH, WREXHAM
INDUSTRIAL ESTATE, WREXHAM, LL13 9PS**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 24/01/2021.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted and if the documents identified below are included in the approved plans and documents condition on the decision notice:

Contaminated Land:

- Land Contamination
- Contamination verification report
- Long term monitoring plan
- Unsuspected contamination
- Drainage scheme

Approved documents:

- Preliminary Ecological Appraisal (PEA) For Proposed Stor Generators at Bridge Road, Wrexham. Ensafe Consultants. ref 109191 16/07/2020
- Proposed diagram of ecological and habitat management areas
- Ecological Mitigation and Enhancement Scheme (EMES) Bridge Road North, Wrexham Delta-Simons 18/01/2021

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

Land Contamination

In the absence of any site investigation or similar reports we have relied on the LA's information indicating the Site was previously used for the manufacture of explosives; our response may be substantially different if this information is proven incorrect. Our response is also influenced by the presence of two watercourses (including Redwither Brook) that flow through the Site and then into the Cott Beverages Source Protection Zone (SPZ) approximately 300m SW and then the Afon Clywedog 900 m SW from Site. We also note the site is in the Dee Water Protection Zone.

We therefore advise that the following conditions are attached to any planning permission granted for this proposal:

Condition 1 (Land affected by contamination)

No development or phase of development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
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.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, *where necessary*, 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 in order to demonstrate that the works set out in the remediation strategy, *where necessary*, in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy, *where necessary*, 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)

If remediation was necessary as part of the above condition, then 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. Where necessary, 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 (Long-term monitoring plan)

If found necessary after conducting work required by Conditions 1 and/or 2, then prior to the occupation or operation of the development, a long-term monitoring plan for water quality and/or land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long-term monitoring and curtailment
- Timescales for submission of monitoring reports to the LPA
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification: A water quality and / or land contamination long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on water quality and other harm from land contamination, such as risk to human health or the environment.

Condition 4 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 5 (Drainage scheme)

No development or phase of development shall commence until a drainage scheme has been submitted to and approved in writing by the LPA.

The drainage scheme shall comply with [Welsh Statutory National Standards for Sustainable Drainage Systems \(SuDS\)](#) and be carried out in accordance with the approved details.

Justification: A drainage scheme should be submitted to ensure necessary measures are approved prior to commencement of development or phase of development and implemented to prevent the deterioration of controlled waters or surrounding land from flooding or contamination.

We also advise that developers should:

1. Follow the risk management framework provided in [Land contamination risk management \(LCRM\)](#)
2. Refer to the Environment Agency's [Guiding Principles for Land Contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the [Environment Agency's \(2018\) 'Approach to Groundwater Protection'](#).
4. Refer to the relevant [Guidance for Pollution Prevention](#) (for Wales, Scotland and NI).

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 Code of Practice](#). This voluntary Code of Practice provides a framework for determining whether 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.

Protected Species

Great Crested Newts (GCN)

We note that the following documents have been submitted in support of this application:

- Preliminary Ecological Appraisal (PEA) For Proposed Stor Generators at Bridge Road, Wrexham. Ensafe Consultants. ref 109191 16/07/2020
- Proposed diagram of ecological and habitat management areas
- Ecological Mitigation and Enhancement Scheme (EMES) Bridge Road North, Wrexham Delta-Simons 18/01/2021

We consider the documents to be satisfactory for the purposes of informing the public decision-making process and advise that these should be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

We also advise that you seek further clarification in respect of:

- What would happen after the initial 5 year period.
- Tenure and any proposed changes to tenure.
- Reporting of identified actions.

Flood Risk

The planning application proposes less vulnerable development (battery energy storage centre). Our flood risk map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls partially into Flood Zone 3 (Rivers).

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

The FCA shows that the risks and consequences of flooding are manageable to an acceptable level. Therefore, we have no objection on flood risk grounds to the application as submitted.

We advise that sensitive equipment is raised a nominal distance above ground level to safeguard against flood risk from any sources in an event occurring above the design event.

Maintenance access must be ensured at all times for both watercourses which border the site.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood.

Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Please advise the Applicant that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the Redwither Brook, a designated “main river”. Further advice and guidance is available on our website at:

<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

Protected Sites and 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, the application as submitted 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.

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.

Yn gywir / Yours faithfully,

Rhys Jones

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