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Wrexham County Borough Council,
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13/09/2021

Dear Sir/Madam,

PROPOSAL: ALTERATIONS TO EXISTING CARAVAN PARK INCLUDING NEW PITCHES, ALTERATIONS TO EXISTING PITCHES, NEW TOILET BLOCK, COMPOUNDS, WATER TANK, SERVICE POINTS, WIDENING OF INTERNAL ROAD AND NEW SECURITY BARRIERS

LOCATION: LADY MARGARET'S PARK, CHIRK CASTLE, CHIRK

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which we received on 01/09/2021.

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, conditions regarding protected species (bats) and biosecurity should be attached to any planning permission granted and the document identified below should be included in the approved plans and documents condition on the decision notice (in relation to Great Crested Newt). Without the inclusion of these conditions and document we would object to this planning application.

Approved document (in respect of Great Crested Newt): Thomas, C. (2021). Preliminary Ecological Appraisal - Lady Margaret's Park, Chirk, Wrexham. CSA Environmental. Unpublished Report No CSA/1992/05)

Protected Species

We have reviewed the following submission:

- Thomas, C. (2021). Preliminary Ecological Appraisal - Lady Margaret's Park, Chirk, Wrexham. CSA Environmental. Unpublished Report No CSA/1992/05)

We confirm that the survey, assessment and outline recommendations are satisfactory. There are no references to the Environment (Wales) Act 2016 and Invasive Alien Species (Enforcement and Permitting) Order 2019 in Section 2.1.

In respect of Table 1, please note the lesser horseshoe bat is a notified ecological feature of Chirk Castle and Parkland Site of Special Scientific Interest (SSSI). We note the toilet block supports a minor soprano pipistrelle roost.

Bats

We note that the Preliminary Ecological Appraisal submitted in support of the above application (Thomas, C. (2021). Preliminary Ecological Appraisal - Lady Margaret's Park, Chirk, Wrexham. CSA Environmental. Unpublished Report No CSA/1992/05) has identified that bats are present at the application site.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 likely to harm or disturb the bats or their breeding sites and resting places at this site. Therefore, we advise that the below condition should be attached to any planning permission for this scheme to ensure appropriate avoidance and mitigation measures. Provided those measures are implemented, we do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Planning permission should include conditions necessary to secure all avoidance and mitigation measures described in the Preliminary Ecological Appraisal and listed below.

Condition 1: No development shall commence until a site wide bat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

- Build upon the principles outlined in the ecological report (Hughes, Thomas, C. (2021). Preliminary Ecological Appraisal - Lady Margaret's Park, Chirk, Wrexham. CSA Environmental. Unpublished Report No CSA/1992/05).
- Details of bat avoidance, mitigation and compensation measures including plans.
- Details of timing, phasing and duration of construction activities and conservation measures.
- Timetable for implementation and demonstrating that works are aligned with the proposed phasing of the development.
- Actions to be taken in the event that previously unidentified species of bat are found
- Persons responsible for implementing the works

- Ecological Compliance Audit, including key performance indicators.
- Further details concerning any external lighting scheme. This scheme to include plans illustrating features planned to be functionally used by bats for foraging/dispersal purposes.

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

Justification: To ensure that an approved species Conservation Plan is implemented, which protects bats affected by the development.

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.

Great Crested Newt

Great Crested Newts are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

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 Great Crested Newts, or their breeding sites and resting places at this site, provided the avoidance measures described in Section 5.12 of the Preliminary Ecological Appraisal are implemented.

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

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases.

We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the Local Planning Authority.

Condition 2: No development with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site.

Protected Sites and Foul Drainage

As stated in our previous response letter dated 28/07/2021 (our ref: CAS-160953-B5Q2), we note the application site and the Five Fords Water Treatment Works (WTW) referred to in your email dated 23/07/2021 are 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. 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 amount of phosphorus being discharged from the site. As such, we refer you to our [Planning Advice](#) and advise you to seek further information from the applicant. We note that information has already been submitted in respect of mains sewer connection. We have also reviewed the Drainage Plan (ref: LMP-2021-S-180; Caravan and Motorhome Club) shared with us on 23/07/2021. However, we advise you to seek further information as identified in the bullet point list given in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' of that advice. In particular, we would highlight the need for a copy of the sewerage undertaker's formal response in relation to application for connection to a mains sewer.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Protected Landscape

As stated in our previous response letter dated 28/07/2021 (our ref: CAS-160953-B5Q2), NRW's 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.

The proposal is for the replacement and refurbishment of existing buildings and caravan pitches. Additional development is proposed and would include a site manager accommodation unit and a new compound; assistant site manager utility pod and new

compound; new camping area with 8 tents and associated car park, including electric vehicle charging points; and a new play area.

The site lies outside of the AONB, but next to its boundary. Therefore, the potential effect on the AONB's setting needs to be considered (Planning Policy Wales 11, 6.3.5). However, this has not been recognised or appraised within the submitted design and access statement.

From our review, we consider the scale, character and visual influences of this development are likely to be very local issues, taking place in a site where this land use is already established. Views to and from the AONB are not present due to the enclosure given the site by established woodland (Reservoir wood and "the belt"). The landscape character and visual amenity interests therefore largely concern changes to the character of the site itself, the visitor experience, and visual influence on public views from the council's Special Landscape Area. We advise that the Local Planning Authority considers these issues with their landscape / arboricultural officers.

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

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/>

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.

Yours faithfully,

Tristan Williams

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