

FAO Sharon Holman

23/08/2018

Dear Sharon,

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990

BWRIAD / PROPOSAL: ONE NARROW GAUGE TRAIN MAINTENANCE DEVELOPMENT, ONE SINGLE-STOREY BUILDING INCORPORATING THE TEMPORARY USE OF FOUR SHIPPING CONTAINERS, ONE ADDITIONAL SHIPPING CONTAINER ALONGSIDE BUILDING, ASSOCIATED LAMP HUT BUILDING, NARROW GAUGE TRACK AND PARKING TO BE CONSTRUCTED, TWO STATIONARY HERITAGE TRAIN CARRIAGES ON ISOLATED TRACK, SECURITY FENCE TO PERIMETER, FOUR SHIPPING CONTAINERS ALONGSIDE EXISTING PATH FOR STORAGE

LLEOLIAD / LOCATION: Brymbo Fossil Forest Area, Brymbo, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 09/08/2018.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified, and we would not object provided you attach them to the planning permission.

Condition 1: EPS: GCN avoidance and mitigation and measures, including those measures described in the ecological report being set out in a method statement and submitted to the satisfaction of the LPA.

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

Protected Species

We note that the ecology report submitted in support of the above application (report Boyett, L. (2018). Brymbo Heritage Area: Preliminary Ecological Appraisal. Enfys Ecology. Unpublished.) great crested newts are present in the environs of the application site. Great crested newts (GCN) and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Any development that would

contravene the protection afforded to GCN under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition, NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's dated 01 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.
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any GCN's on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. In respect of this specific site, a derogation licence has been issued for ensuring the compliant implementation of ongoing works.

We consider that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCNs in its natural range subject to the imposition of a condition requiring the submission and implementation of amphibian avoidance and mitigation measures.

Condition 1: EPS: GCN avoidance and mitigation and measures, including those measures described in the ecological report being set out in a method statement and submitted to the satisfaction of the LPA.

We request that any planning permission includes a suitably worded planning condition requiring of GCN avoidance and mitigation measures, including those measures described in the ecological report to be set out in a method statement and approved to the satisfaction of the LPA.

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb GCNs or their breeding sites and resting places at this site, you would need a revised ecology report that took account of such changes.

- 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.

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

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

We consider that this assessment must include (i) appropriate measures to control any INNS on site; and (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

Geoscience

We note that there are to be no toilet facilities on site requiring foul water drainage and that surface water drainage will be to soakaway. We therefore have no further comment on site drainage.

We understand that the site was formerly an iron workings and associated landfilling which has long since ceased. We note that it is unlikely that major ground works are required for the proposed development with shipping containers being used as the buildings. We therefore request the following informative to be imposed on any planning permission granted.

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 Environment Agency Guiding Principles for Land Contamination (GPLC 1, 2, and 3), March 2010, should be followed – NRW have adopted this guidance.

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 the Natural Resources Wales.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Advice for the Applicant / Developer:

Waste

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 33 and 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.

Suitable pollution prevention measures will need to be in place during construction to minimise any risk of pollution, in particular giving the close proximity of watercourses.

In particular, we refer you to the Pollution Prevention Guidelines

PPG1: Understanding Your Environmental Responsibilities – Good Environmental Practices

PPG6: Working at construction and demolition sites

The Guidance are available 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/>

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours sincerely,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales