Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-38148-W0P3
Eich cyf/Your ref: P/2017/0700

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Head of Community and Wellbeing,
Wrexham County Borough Council,
16 Lord Street,
Wrexham.
LL11 1LG

For the attention of Kevin Hughes

19/09/2017

Dear Sir/Madam,

PROPOSAL: **Development Of A Raw Board Store**

LOCATION: **Kronospan Ltd. Holyhead Road, Chirk, Wrexham**

Thank you for consulting Natural Resources Wales about the above, which was received on 21/08/2017.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach the conditions listed below. We would object if the consent does not include these conditions:

Summary of conditions:

Condition 1: Geoscience: Universal condition for development on land affected by contamination
Condition 2: Geoscience: Verification Report
Condition 3: Geoscience: Long-term monitoring
Condition 4: Geoscience: Unsuspected contamination
Conditions 5: Geoscience: SUDS
Condition 6: Geoscience: Piling

Protected Sites

The proposed development is located adjacent to the following protected sites:

- 0.6km from Castell y Waun a'i Barcdir SSSI
- 1.5km River Dee and Bala Lake SAC

The Local Planning Authority is a Competent Authority for the purposes of the Conservation of Habitats and Species 2010 Regulations (as amended). As such, you must not agree to any plan or

project unless you are certain that it will not adversely affect the integrity of a Special Area of Conservation (SAC).

You must carry out a test of likely significant effects (TLSE) for the above SAC, which is required under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). This test applies to impacts on the SACs from the proposed works (construction and operation), either alone or in combination with other plans and projects.

If the test concludes there is likely to be a significant effect then an appropriate assessment of the impacts on the SAC from the proposed works, either alone or in combination with other plans and projects, will be required. We would be able to assist with that assessment in our role as the statutory nature conservation body under the above Regulations.

The Wildlife and Countryside Act 1981 (as amended) places a duty on public authorities in exercising their functions, so far as this is likely to affect the flora, fauna, geological or physiographical features of a SSSI, to take reasonable steps consistent with the proper exercise of their functions to further the conservation and enhancement of those features.

Geoscience (Groundwater and Contaminated Land)

The site overlies a Secondary A aquifer, and has been subject to previous industrial uses that could present a potential source of contamination. We consider the controlled waters at the site to be sensitive and cannot see that a Preliminary Risk Assessment (PRA) forms part of the application submission.

We recommend that you should only grant planning permission if you attach the following conditions 1-6. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission**.**

Note, while these conditions should all be applied, they should be addressed in a phased manner. Depending on the findings of the initial steps of condition 1, the subsequent steps of condition 1 and the subsequent conditions may or may not be required.

Condition 1: Geoscience: Universal condition for development on land affected by contamination

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be 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 site investigation results and the detailed risk assessment (2) and, based on these, 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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Condition 2: Geoscience: Verification Report

Prior to commencement of development, a verification report demonstrating completion of the 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. It shall also include any plan (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, and for the reporting of this to the Local Planning Authority.

Condition 3: Geoscience: Long-term monitoring

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Condition 4: Geoscience: 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 the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Condition 5: Geoscience: SUDS

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Condition 6: Geoscience: Piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Landscape

The proposed raw board store is a large flat roofed building to be located within the Kronospan site, which includes existing large buildings and structures with established industrial character and development influence within some areas of the Chirk valley.

4 AONB viewpoints from Offa's Dyke footpath and Chirk Castle, and 10 local landscape viewpoints have been assessed by the submitted LVIA (AXIS August 2017).

From our review of the LVIA, we note that the proposed building would be most visible within elevated views from Offa's Dyke footpath (AONB viewpoint B); North edge of Chirk (local landscape viewpoint C); and Green Lane (local landscape viewpoint E).

The proposed development would be evident due to the mass and height of the proposed building and in the case of Offa's Dyke viewpoint B – due to occupying a considerable proportion of the middle ground of the view. Seen within the context of existing industrial buildings and structures of the site, the proposal would introduce a small to medium change to the view which would not significantly change the established character of the site, its overall presence and visibility within the landscape.

We concur with the submitted LVIA that there would be no significant effects upon AONB views.

Environmental Permitting

The applicant should give due consideration to the requirements of The Environmental Permitting (England and Wales) Regulations 2016 as they apply to this activity, including but not limited to the Best Available Techniques Reference (BREF) document for the Manufacture of Wood Based Panels.

Pollution Prevention and Waste Management

The site is within the Dee Protection Zone. We refer the applicants to the following:
https://www.gov.uk/government/publications/consent-for-a-controlled-activity-within-the-river-dee-water-protection-zone

The applicant should refer to the relevant Pollution Prevention Guidance Notes in order to ensure pollution is minimised as a result of the works.

The applicants should ensure that all waste generated during the development is disposed of in accordance with the Environmental Permitting (England and Wales) Regulations 2010 and the Waste (England and Wales) Regulations 2011 and all other relevant legislation. If any waste is to be used in construction, ensure that the relevant exemption or permit is obtained before waste is imported. Ensure all duty of care waste transfer notes are retained.
The applicants should ensure that no pollution to surface or groundwater is caused by dewatering excavations, see our regulatory position statement:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445466/LIT_5107.pdf

No contaminated discharge should be made to surface water or groundwater.

For advice on pollution prevention at construction sites please refer to PPG6: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290139/pmho0412bwfe-e-e.pdf

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.

Our comments 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/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf). 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.* Any site owner/developer 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.

We thank you for consulting with NRW. Please do not hesitate to contact us should you wish to discuss this matter further.

Yours' faithfully,

[redacted]

Mr. GARETH THOMAS
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Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-53474-Z2K9
Eich cyf/Your ref: P/2017/1100

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Wrexham County Borough Council

Date:25th January 2018

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL AT KRONOSPAN LTD, HOLYHEAD ROAD, CHIRK, WREXHAM

Thank you for referring the above planning appeal received at our office 25th January 2018.

NRW wish to re-iterate comments made in our response dated 19th September 2017 if planning is granted letter enclosed for convenience.

Yn gywir / Yours' faithfully,

[redacted]

Ruth Prichard
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Deialu uniongyrchol/Direct dial: (0300) 065 3787 **Siaradwr Cymraeg / Welsh Speaker**

cc: