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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

08/04/2021

Dear Sir/Madam,

**PROPOSAL: CONSTRUCTION OF NEW BIOMASS BOILER HOUSE AND FUEL STORE,
ERECTION OF NEW KILNS, CONSTRUCTION OF NEW DRY PALLET STORE,
ASSOCIATED GROUND WORKS**

**LOCATION: JAMES JONES AND SONS PALLETS AND PACKAGING LTD, OAK ROAD,
WREXHAM INDUSTRIAL ESTATE**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 24/03/2021.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met. Otherwise, we would object to this planning application.

Requirement 1 (Protected Species): Further information is required to assess the extent of adverse effects on Great Crested Newts and any avoidance or mitigation measures required.

Requirement 2 (Protected Sites): Further information is submitted to enable the LPA to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

Protected Species

We have reviewed the following submission:

- Ellson, M. (2021). Proposed Development at James Jones & Son Ltd, Off Oak Road, Wrexham Industrial Estate, Wrexham – Preliminary Ecological Appraisal. Marches Ecology. Unpublished

Great Crested Newt

The Preliminary Ecological Appraisal concluded the following in respect of Great Crested Newt (GCN):

...further survey is considered necessary as there is considered to be insufficient data available at the current time with which to assess potential impacts. Taking into account barriers to dispersal associated with Ponds 4 and 5, this further survey should focus on Ponds 1, 2, 3 and 6, along with the ditch system near Pond 1.

We also concur with the conclusion for further survey in respect of GCN. This survey should inform the detail of mitigation as opposed to assess whether GCN are present.

We consider that construction of the proposal has the potential to adversely affect GCN at this site and hence is likely to require a derogation licence issued by Natural Resources Wales.

However, the Ecological Appraisal is unsatisfactory for the purposes of demonstrating the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN. Although the Ecological Appraisal has been submitted, we advise that there is insufficient information to assess potential effects on GCN, and how any effects will be avoided or mitigated.

Requirement 1: Further information is required to assess the extent of adverse effects on GCN and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

In the first instance, we advise that a further GCN survey is required. Following the survey, we would request a GCN Conservation Plan to be submitted and approved in writing by the Local Planning Authority. The Conservation Plan should include, but not necessarily be limited to:

- the submission of updated details and plan concerning GCN avoidance and mitigation measures including fence construction and maintenance;
- details of timing, phasing and duration of construction activities and conservation measures;
- a timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- persons responsible for implementing the works; and
- post-construction monitoring and record dissemination for a period of no less than 3 years.

Natural Resources Wales would refer the Planning Authority to the letter from the Welsh Government 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.

In the meantime, we are unable to give you any assurance that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Bats

We concur with the assessment, conclusions and recommendations in respect of bats.

Protected Sites and Aerial Emissions

Biomass boilers have the potential to impact protected sites through aerial emissions.

Requirement 2: Further information is submitted to enable the LPA to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

We note from the ecological report that the boiler is rated at 2.1MW, however, there is no confirmation of this input/output within any other submitted document. We therefore require clarification of the net thermal input of the biomass boiler and require an air quality assessment in order for us to assess the impact of aerial emissions from this development on protected sites in the vicinity.

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

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 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.

Additionally, we have concerns regarding the sewerage network for this site. For such development proposals, we would seek the following information in support of any planning application consultation:

- confirmation of how any foul or surface water will be managed;
- clear scale plan showing the location of nearest mains sewer and proposed connection point;

- evidence that an application has been made to the sewerage undertaker for connection to a mains sewer, and a copy of their formal response confirming either:
 - (a) that there is treatment capacity to treat the additional wastewater and any additional phosphate from the proposed development (in combination with other planned development) within the existing discharge permit limits; or
 - (b) that the necessary treatment capacity to remain within existing discharge permit limits will be implemented within the current Asset Management Plan (AMP) period; and

As such, we refer you to our [Interim Planning Advice](#) and confirm that provided this guidance is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we 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).

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

The Environmental Permitting (England and Wales) Regulations 2016

We suggest that the operator reviews the requirements of The Environmental Permitting (England and Wales) Regulations 2016 as amended, including SI 2018 No. 110 The Environmental Permitting (England and Wales) (Amendment) Regulations 2018 on implementing the requirements of the Medium Combustion Plant Directive and new controls on Specified Generators.

Link to the revised guidance on the gov.uk website:

<https://www.gov.uk/government/collections/medium-combustion-plant-and-specified-generator-regulations>

If the plant does not burn waste biomass and is between 1MWth and 20MWth the operator needs to read the guidance [Medium combustion plant: when you need a permit](#). MCPD regulations may apply to the plant but it will not need a Part B permit.

If the proposed plant will burn waste biomass and its capacity is less than 3 tonnes per hour, MCPD regulations apply and the plant is also a Part B section 5.1 activity.

MCP of 1MWth equates to around 200 to 250 kilograms per hour depending on the calorific value of the waste. Plants under 1MWth do not need a MCPD permit.

The operator may approach NRW for permit pre-application advice if necessary.

If the site operators wish to use waste to power their biomass boiler i.e. pallets, then they will have to register for a U4 Waste Exemption. The information regarding this exemption as well as the relevant forms can be found at [U4 waste exemption: burning waste as fuel in a small appliance - GOV.UK \(www.gov.uk\)](http://www.gov.uk/guidance/u4-waste-exemption-burning-waste-as-fuel-in-a-small-appliance).

The location of the application site is within the Dee Water Protection Zone and as a result will require a consent application to be submitted before any work using controlled substances can proceed. Information and the relevant forms can be found at [Natural Resources Wales / Dee Water Protection Zone](http://www.naturalresources.wales/dee-water-protection-zone).

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