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Wrexham County Borough Council,
The Guildhall,
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08/04/2021

Dear Sir/Madam,

PROPOSAL: ERECTION OF DRIVE THRU COFFEE SHOP WITH PARKING AND ASSOCIATED WORKS AND ERECTION OF ELECTRIC VEHICLE SERVICE AREA

LOCATION: LAND AT CHIRK PARK, HALTON, CHIRK, WREXHAM

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 you attach the following condition to the permission and if you include the following document within the condition identifying approved plans and documents on the decision notice. Otherwise, we would object to this planning application.

Condition (Protected Species): No development shall commence until an amphibian Method Statement has been submitted to and approved in writing by the Local Planning Authority.

Approved document: Preliminary Ecological Appraisal (Stirling, P.; 2021; Arbor Vitae)

Protected Species

Bats

We note that the Preliminary Ecological Appraisal (Stirling, P.; 2021; Arbor Vitae) submitted in support of the above application has concluded:

The proposals will not result in the loss of potential roosting sites for bat species and will therefore have no direct impact upon bats. However, the surrounding woodland could be in use by foraging and commuting bats and therefore external lighting at the site needs to be carefully considered. Mitigation will be required in the form of a Wildlife Sensitive

Lighting Plan.

From the information submitted, we consider that the proposed development represents a lower 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 this is a lower risk case for bats, 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 bats or their breeding sites and resting places at this site, provided the avoidance measures described in the bat report are implemented.

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

Please consult us again if any further information shows that this is no longer a lower risk case.

Great Crested Newt (GCN) / Amphibians

The Preliminary Ecological Appraisal submitted in support of the application concluded the following in respect of GCN:

The pond mapped within 250m of the site was found to be completely vegetated and dry at the time of the survey. The area is used as a balancing pond for surface water run-off and does not provide any suitable aquatic habitat for breeding amphibians. No further survey work or assessment is required in respect of GCN.

We accept that it was dry on the date of the visit (8 February 2020) and the "pond was dry at the time of the survey and the area is dominated by vegetation including reedmace, knapweed, cock's foot and bramble."

We agree that it is not suitable for breeding, however, limited consideration has been given to whether it was previously suitable for breeding. We therefore advise that any consent is subject to the imposition of a condition concerning the submission and implementation of amphibian reasonable avoidance measures.

Condition: No development shall commence until an amphibian Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include, but not necessarily be limited to:

- further details and associated plans concerning amphibian avoidance and mitigation measures including, but not limited to, one-way amphibian fence design and locations; considerations of access issues; monitoring and maintenance requirements;

- 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; and
- persons responsible for implementing the works.

The Method Statement shall be carried out in accordance with the approved details.

Justification: To ensure that an approved amphibian Method Statement is implemented, which protects amphibians affected by the development.

Foul Drainage and Protected Sites

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. We also issued [Interim Planning Advice](#), which gives specific advice in respect of foul drainage arrangements for new developments.

No information has been provided regarding the disposal of foul waters from the proposed development. We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new developments, and specifically paragraphs 2.3-2.5, which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. We advise you that the proposed development is in a publicly sewered area.

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

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.

Car Park

If a car park is for more than 50 vehicles, then a fuel interceptor must be installed on the drainage from the car park – unless a Sustainable Urban Drainage System (SUDS) is implemented. PPG3 provides further guidance and is 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/>

Where SUDS is proposed for surface run-off from e.g. car parking, the applicant should be advised to refer to the Environment Agency's Position Statement G13 on groundwater protection available on the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692989/Environment-Agency-approach-to-groundwater-protection.pdf

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