

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

09/03/2021

Dear Sir/Madam,

PROPOSAL: NEW ASSEMBLY, WAREHOUSE AND DISTRIBUTION FACILITY

**LOCATION: MAGELLAN AEROSPACE, RACKERY LANE, LLAY, WREXHAM
P/2021/0056**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 11/02/2021.

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 documents within the condition identifying approved plans and documents on the decision notice. Otherwise, we would object to this planning application.

Condition (Land 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority.

Approved documents:

- Hatton, A and MacCormack, F. (2020). Ecological Mitigation and Management Plan – Magellan Wrexham New Facility. Atmos Consulting. Unpublished.
- MacCormack, F. (2020). Extended Phase 1 Habitat survey and Desk Study – Magellan Wrexham New Facility. Atmos Consulting. Unpublished.

Protected Species

We have reviewed the following two submissions:

- Hatton, A and MacCormack, F. (2020). Ecological Mitigation and Management Plan – Magellan Wrexham New Facility. Atmos Consulting. Unpublished.
- MacCormack, F. (2020). Extended Phase 1 Habitat survey and Desk Study – Magellan Wrexham New Facility. Atmos Consulting. Unpublished.

Bats and 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 bats or Great Crested Newts, or their breeding sites and resting places at this site, provided the avoidance measures described in the Ecological Mitigation and Management Plan are implemented.

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

Land Contamination

We have reviewed the Geo-Environmental Report for Magellan Aerospace (UK) Ltd. by GroundSolve Ltd. (November 2020) and would advise including the condition below.

Condition: 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Foul Drainage and Protected Sites

We note the application site is within the catchment of the River Dee 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.

We note from the information submitted that the proposals are to connect to the Mains Sewer (as referenced in the "85001-DR01-P01 - Magellan Drainage Strategy"). 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

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/>

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