

Planning Department
Wrexham County Borough Council

Er sylw/For the attention of: Kevin Hughes

Dear Mr Hughes

TOWN AND COUNTRY PLANNING ACT 1990

**CONSTRUCTION OF ENERGY STORAGE FACILITY AND NEW ACCESS
LAND SOUTH EAST OF SPECTRUM BUSINESS PARK WREXHAM INDUSTRIAL
ESTATE WREXHAM**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 16 June 2017.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

REQUIREMENT: Protection of controlled waters: Submission of further information to demonstrate that the proposal will not have an adverse effect on the environment.

CONDITION: Protected Species: The submission and implementation of detailed great crested newt avoidance and mitigation measures based on the RAMS to the satisfaction of the LPA.

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

PROTECTION OF CONTROLLED WATERS

www.cyfoethnaturiolcymru.gov.uk

www.naturalresourceswales.gov.uk

Cyfoeth Naturiol Cymru/Natural Resources Wales, Llwyn Brain, Ffordd Penlan, Parc Menai, Bangor, LL57 4TW

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

We consider the site to be sensitive with respect to controlled waters as it is:

- located in a Source Protection Zone 2 (possibly SPZ 1) close to abstraction boreholes used for drinking water
- Underlying bedrock is designated a principal aquifer
- 30m from surface watercourses which are tributaries for the River Dee (SAC/SSSI)
- Within the Dee Water Protection Zone

The documentation received indicates that site drainage is informal soakaway/infiltration, which has the potential to create a pathway that could ultimately result in having an environmental effect.

REQUIREMENT: Submission of further information to demonstrate that the proposal will not have an adverse effect on the environment.

In order for the above requirement to be met, the applicant should submit further information relating to whether there will be any hazardous substances on site and whether the underground cables will be fluid filled.

Reference policy C5 in Groundwater Protection (replaces GP3) indicates that NRW will normally object to pipelines or fluid filled cables that transport pollutants, particularly hazardous substances that:

- pass through SPZ1 or SPZ2 where this is avoidable
- are below the water table* in principal or secondary aquifers

The sensitivity of controlled waters has not been considered within this application. Additionally there is limited information provided as to potential pollutants which will be used on site.

As such, we consider the applicant has submitted insufficient information and we cannot rule out unacceptable environmental effects unless adequate information is provided to demonstrate that the potential significant effects (to controlled water) are appropriately avoided or mitigated.

Link to our [groundwater protection](#) position statements and advice on www.gov.uk

PROTECTED SPECIES

The application is supported by ecological submission. (Reference Ellson, M. (2017). Proposed Energy Storage Facility on land to the East of Spectrum Business Park, Wrexham Industrial Estate – Ecological Appraisal. Marches Ecology. Unpublished.

Great Crested Newt

The application site is located within the environs of Wrexham Industrial Estate. This overall site is considered to support a nationally important population of great crested newt.

Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

The Regulations allow the approval of a scheme that would be likely to result in disturbance or harm to GCN, but only if it satisfies an appropriate Habitats Directive derogation purpose and two tests before a licence can be issued from Natural Resources Wales.

In the case of development, the applicable derogation purpose is:

“Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.”

Furthermore, the licence can only be issued by NRW on condition that there is:

“no satisfactory alternative”, and that

“the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

Paragraph 6.3.7 of TAN5 states that your Authority should not grant planning permission without having satisfied itself that the proposed scheme 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.

We consider that it is possible that the species may utilize the site for foraging, dispersal or sheltering purposes. In our view, we consider that construction of the proposal has the potential to adversely affect a small number of GCN.

We consider that the development and its subsequent operation is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN's within and in the environs of the Industrial Estate.

However, we advise that any subsequent consent is subject to the imposition of the following planning condition

CONDITION: Protected Species (GCN)

The submission and implementation of detailed great crested newt avoidance and mitigation measures based on the RAMS to the satisfaction of the LPA.

This shall include but not limited to proposals outlined in the ecological submission together with details concerning the erection and maintenance of one way barrier fencing and habitat enhancement proposals

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, the applicant would need a revised ecology report that takes account of such changes. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation or compensation measures.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Otter

We consider the assessment in respect of otter to be satisfactory and consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of otter.

Bats

We consider the assessment in respect of bats to be satisfactory and consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local populations of bat.

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

CONDITION: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved 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

Flood Risk & Management of Surface Water Runoff

The site lies entirely within Zone A as defined by Welsh Government's Development Advice Map (DAM), referred to within TAN15: Development & Flood Risk. Our Flood Map information confirms that the site lies outside of the extreme flood risk outline.

Whilst we offer no objection to the development proposals in terms of fluvial flood risk, we note that in their Application Form the Applicant has indicated that it is their intention to dispose of surface water runoff using soakaway techniques. Our concerns on this aspect in relation to the protection of controlled waters, have been highlighted above and subject to a requirement for further information. In terms of any flood risk associated with the surface water runoff we would recommend that you refer the details of this application to your Flood Risk/Drainage department, who act as the Lead Local Flood Authority, so that they have an opportunity to comment on the acceptability of such proposals. Further advice and guidance about the management of surface water runoff is available on your Authority's website:

https://www.wrexham.gov.uk/english./planning_portal/publications/surface_water.htm

River Clywedog – Flood Risk Activity Permit

Please advise the applicant that a Flood Risk Activity Permit may be required from Natural Resources Wales for any works or structures, located in, under, over or within 8 metres of the bank top of the River Clywedog, designated "main river". Further information and guidance about this is available on our website at:

<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/?lang=en>

PREVENTION OF POLLUTION

As the proposed works are to be carried out approx. 50 metres from the River Clywedog and 80 metres from the Redwither Brook, work carried out should be done in accordance with Pollution Prevention Guideline 5: Works and Maintenance in or near water. The operator should ensure that any debris generated by the works do not affect the watercourse downstream; measures will need to be put in place in order to minimise this – especially if any excavation is taking place near to any foul sewer lines that run to and from the pumping station on site.

No material is to be deposited within 10m of any watercourse without discussion with Natural Resources Wales. Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on 0300 065 3000.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipe-work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into

the bund, refuelling should be supervised at all times - and preferably done on an impermeable surface.

If during construction/excavation works any contaminated/hazardous material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales.

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 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.

Please do not hesitate to contact us if we can be of any further assistance to you or if you wish clarification on 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.

Yours sincerely

Meryl Read

MRS MERYL W READ
Technical Specialist

Direct dial 03000 653785

Direct e-mail meryl.read@cyfoethnaturiolcymru.gov.uk