

Matthew Phillips
Planning Officer
Wrexham County Borough Council
Guildhall
Wrexham
LL11 1AY

Date: 18th August 2017

Dear Mr Phillips,

**CONVERSION OF FORMER MACHINE SHOP TO EXHIBITION AREA (USE CLASS D1),
BUSINESS USE (USE CLASS B1) AND GENERAL INDUSTRIAL USE (USE CLASS B2),
INCLUDING CONSTRUCTION OF NEW FLOOR LEVEL, INTERNAL AND EXTERNAL
ALTERATIONS, ACCESS AND PARKING ARRANGEMENTS, ERECTION OF 2 TEMPORARY
SHIPPING CONTAINERS AND 3 TEMPORARY CABINS
FORMER BRYMBO STEELWORKS SITE, BLAST ROAD, BRYMBO, WREXHAM, LL11 5BT**

Thank you for consulting us on the above application, which we received on the 9th August 2017.

We have no objection to the application, but have the following comments:

Protected Species

We note that the ecological report submitted in support of the above application (Hughes, Rh. (2017). Brymbo Machine Shed. Nesting Bird Survey. Enfys Ecology Ltd.) has identified that bats are not present at the application site. From the information contained in the bat report, 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 sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the bat report concludes that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided that avoidance measures described in the report are implemented. Also, because the development represents a lower risk to bats in this case, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site, you would need a revised bat report that takes account of such changes. Please consult us again if a revised bat report concluded that this is no longer a lower risk case. Otherwise, our advice for lower risk cases would still apply and we would recommend that you secured the avoidance measures described in the revised bat report. If, in light of modifications, it was no longer possible to avoid harming or disturbing the bats or their breeding sites and resting places at this site, the applicant would also need a licence from Natural Resources Wales and probably additional mitigation measures to reduce adverse effects.

We also do not believe that the proposal will have an adverse effect on any other European Protected Species.

Protected Sites

The proposal will have no impact on the geological interest to the nearby Brymbo Fossil Forest SSSI.

Land Contamination

Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the [Guiding Principles for Land Contamination \(GPLC\)](#) should be followed.

These comments are based on our assumption that **gross contamination** is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult Natural Resources Wales.

Analysis should be carried out on any soil to be moved, and the soil in the area receiving this material, for possible contamination. The results shall be presented to the Local Planning Authority, and a copy sent to NRW. In the event of contaminated land / or hazardous waste detection, the material should be removed as hazardous waste, in accordance with section 34 of the Environmental Protection Act 1990.

Pollution Prevention

Surface water can be diverted away from the sewer to soakaways, the developer should ensure that the future occupants are aware of this so to prevent pollution of ground/surface water.

During construction surface water drains and watercourses should be identified and protected, if dewatering of excavations is required pollution prevention measures may be required such as a silt buster or dewatering over land, a method statement should be prepared and followed.

Any fuel, oil or chemicals on site should be stored in a safe area away from moving vehicles and stored in a bunded area with a spill kit.

The area is historically industrial and it is possible that groundwater may be contaminated, areas should be tested and results discussed with NRW prior to dewatering. An Environmental Permit may be required before commencement of any dewatering activity.

Road and car park drainage should be designed to minimise the impact of run-off to the environment. Use and design of oil separators in surface water drainage systems; the applicants should follow the advice within Pollution Prevention Guidance Note 3 "Use and design of oil separators in surface water drainage systems":

<http://www.sepa.org.uk/media/60086/ppg-3-use-and-design-of-oil-separators-in-surface-water-drainage-systems.pdf>

Waste

Any waste derived from the construction process should be removed to a site with the appropriate Environmental Permit. A waste management plan should be devised for this scheme.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily in accordance with duty of care requirements under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years.

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.

If you have any queries concerning the above, please contact me on the details below.

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

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Deialu uniongyrchol/Direct dial: (0300) 065 3786 **Siaradwr Cymraeg / Welsh Speaker**



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