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Wrexham County Borough Council,
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22/06/2021

Dear Sir/Madam,

**PROPOSAL: VARIATION OF CONDITIONS 01 AND 08 OF PLANNING PERMISSION
P/2016/0110 TO CHANGE LIMITS OF EXTRACTION WITHIN PERMITTED
QUARRY BOUNDARY**

LOCATION: BALLSWOOD QUARRY, GEGIN LANE, LLAY, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 16/06/2021.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected species, groundwater and contamination. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this document we would object to this planning application.

Approved document: Dust and Air Quality Assessment (May 2021; KEDD Limited)

Protected Species

We have reviewed the following submission:

- Anon. (2020). Preliminary Ecological Appraisal in respect of Section 73 Application For 3No. Changes to the Limits of Extraction within the Existing Permitted Planning Boundary of Ballswood Quarry. Heaton.

We accept the survey, assessment and conclusions in respect of bats. However, in our view inadequate survey and assessment has been carried out in respect of Great Crested Newt (GCN). This is because only a sample of ponds that could potentially be occupied by the

species have been surveyed and field survey methods used eDNA and Habitat Suitability Index (HSI) only.

GCN are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

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 GCN 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 there currently is not enough information to assess potential effects of the proposal on any GCN that may be present at this site.

Further information is required to assess the extent of adverse effects on GCN and any avoidance or mitigation measures required. We advise further survey. Following this, it must be demonstrated 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.

NRW 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.

Groundwater Quality

We advise that you request further information on the groundwater monitoring data used to provide the groundwater levels presented in the water management section (section 7.9.6 – 7.9.9) of the Planning Statement (May 2021; KEDD Limited). We note that August 2020 levels are presented in the appended figure, but it would be useful to review the longer temporal dataset that this range is taken from in order to evidence the claim that the quarry will be worked dry.

We also advise that you request clarification about the purpose of the silt lagoons; in particular, whether these are acting as an informal sump, or if they are lined / part of restoration.

Protected Sites

Site of Special Scientific Interest (SSSI)

We have concerns that the proposed development, as submitted, will damage the features for which the Marford Quarry SSSI is of special interest, in particular the wild licorice. Chwarel Singret SSSI is geological and therefore not sensitive to the proposals, even though it is immediately outside the application site.

Paragraph 6.4.14 of *Planning Policy Wales* states development should be refused where there are adverse impacts on the features for which a site has been designated.

We have considered the Dust and Air Quality Assessment (May 2021; KEDD Limited) submitted in support of the above application. We advise that the proposed development will avoid damaging the features for which the Marford Quarry SSSI is of special interest provided the mitigation and best practice measures described in the 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.

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 phosphorus 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 (or phosphorus) 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.

However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

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.

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