



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-150544-K1C3
Eich cyf/Your ref: P/2021/0441

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

11/06/2021

Dear Sir/Madam,

**BWRIAD / PROPOSAL: ERECTION OF BATTERY STORAGE FACILITY AND
ANCILLARY DEVELOPMENT**

**LLEOLIAD / LOCATION: LAND TO THE NORTH OF NATIONAL GRID LEGACY
SUBSTATION BRONWYLFA ROAD TALWRN WREXHAM**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 14/5/2021.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Condition 1: Protected Species (Great crested newts)

Condition 2: Construction Environmental Management Plan

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

Protected Species

Great crested newts (GCN)

The overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

In our view, the construction of the proposal has the potential to adversely affect the great crested newt at this site. We therefore consider that construction is subject to the provisions of a derogation licence issued by NRW.

We consider the ecological reports to be satisfactory for the purposes of demonstrating the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN.

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

Condition 1

No development shall commence until a GCN Mitigation Strategy has been submitted to and approved in writing by the determining authority. The GCN Mitigation Strategy should:

- Build upon the principles outlined in the ecological report (reference Maginn, U. (2021). Outline Great Crested Newt Mitigation Strategy. Avian Ecology. Unpublished)
- Submission of further details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to: fence design, specifications and locations; considerations of access issues (including PROW if applicable); monitoring and maintenance requirements; and supervised removal. Submission to include proposed timescales and reporting requirements;
- Submission of a long term site management (not less than 25 years) that includes defined aims and objectives; habitat management prescriptions; contingency measures if fish or invasive non-native species (INNS) are detected; proposals that are capable of being implemented in the event of failure to undertake or to appropriately undertake identified or contingency actions; site liaison and wardening; licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to tenure of the compensation area; tenure of the compensation to be approved by the LPA in consultation with NRW; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan
- Submission of measures designed to prevent the accidental capture/killing of newts (amphibians) during operational (and decommissioning) phases of the scheme (ie post construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features);
- Details of timing, phasing and duration of construction activities and conservation measures
- Timetable for implementation demonstrating that works are aligned with the proposed development
- Ecological Compliance Audit, including key performance indicators

- Persons responsible for implementing the works
- Post construction monitoring and record dissemination for a period of not less than 25 years. All ponds to be added to the Wales Great Crested Newt Monitoring Scheme, (see <https://www.cofnod.org.uk/LinkInfo?ID=7> with individuals/bodies being identified as being responsible for monitoring and reporting works. Methodology shall include annual [or *biennial*] abundance counts and Habitat Suitability Index (HSI) assessments. Each water body shall be individually numbered on site. *In respect of biennial surveillance*, frequency of monitoring visits shall be increased in the event of fish and or aquatic invasive non-native species are detected;

The Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved GCN Mitigation Strategy is implemented, which protects species affected by the development.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, you 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.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's dated 01 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.

The GCN Mitigation Strategy shall be carried out in accordance with the approved details.

Justification: To ensure that an approved GCN Mitigation Strategy is implemented, which protects species affected by the development.

Invasive Non-native Species

We note that *Cotoneaster horizontalis* and *Crassula helmsii* have both been recorded within the survey area. We advise that biosecurity measures should be set in place both during construction and operation, and should be set out in the Construction Environmental Management Plan (CEMP). We advise that biosecurity measures within the CEMP should be agreed as a condition of any planning permission.

Condition 2

No development shall commence until a CEMP has been submitted to and approved in writing by the determining authority. The CEMP should include:

- Biosecurity Risk Assessment detailing measures to control, remove or for the long-term management of invasive species.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

Protected Landscapes

Our landscape planning advice relates to the development's potential impact on the Clwydian Range and Dee Valley AONB's landscape character, visual amenity and special qualities and its accordance with national policy.

The main structural component of the proposal is 52 containers (double stacked) to house Battery Energy Storage Systems, 6m tall by 100x30m floor area.

The landscape and visual appraisal (Axis May2021) has assessed the landscape and visual baseline appropriately. The effects upon the visual setting and tranquility of the Clwydian Range and Dee Valley AONB have been assessed and are not significant for the following reasons:

Section 4.1.2 The site and its surroundings

- High embankments covered in woodland enclose the Substation and its curtilage on all sides, meaning that the structures within are not widely apparent from the surrounding area.

Section 6.1.1 to 6.1.4 Effects on Landscape Designations - Clwydian Range and Dee Valley AONB

- The proposed development would not be theoretically visible from the AONB.
- The Noise Assessment confirms that noise generated by the proposed development would not be significant. The noise assessment (NVC 5/5/21) conclusions indicate the lowest background levels of 35dB to 42dB LA90 are experienced at night. Predicated noise assumed during maximum site operations with noise mitigation measures show rating noise levels from site to range between 30dB and 38dB LAeq.
- There would be no cumulative visual effects with other development

In view of the above, we consider the development is acceptable in landscape and visual terms with respect to the AONB.

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>

We note that a CEMP will be produced. We advise that the CEMP should demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented and should be agreed as a condition of any planning permission (see Condition 2 above).

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

1. During the construction phase the developer should take any precaution to prevent contamination of surface water drains and local groundwater. 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 visit <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>
2. If waste material is to be used for construction purposes, the activity must be registered with Natural Resources Wales. For further information please visit the website <https://www.gov.uk/government/collections/waste-exemptions-using-waste> and contact the local Environment team (WrexhamFlintshireEnvironmentTeam@cyfoethnaturiolcymru.gov.uk).
3. Any movement of waste material must be accompanied by a waste transfer notes in order to comply with the Waste duty of Care regulations.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Bryn Griffiths

Uwch-gynghorydd - Cynllunio Datblygu / Senior Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales

