

Bobby Clayton  
Axis PED Ltd  
Well House Barns,  
Chester Road,  
Bretton,  
Flintshire,  
CH4 0DH

ebost/email:  
northplanning@cyfoethnaturiolcymru.gov.uk  
Ffôn/Phone: 03000 65 3497

18/11/2022

Dear Mr Clayton,

**STATUTORY PRE-APPLICATION CONSULTATION - TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012 AS AMENDED.**

**BWRIAD / PROPOSAL: Construct a north access road, lorry park, roundwood storage areas and associated structures, 132kV substation and ancillary works**

**LLEOLIAD / LOCATION: Land immediately adjacent Kronospan Ltd, Holyhead Rd, Chirk, LL14 5NT**

Thank you for providing a requisite notice to us under Article 2D of the above Order. We received a copy of your proposed application on 14<sup>th</sup> October 2022.

**We have concerns with the application as proposed because inadequate information has been provided. To overcome these concerns, you should provide further information in your planning application regarding flood risk, protected sites, foul drainage, groundwater protection and land contamination, landscape and protected species. If this information is not provided, we may object to the planning application when formally consulted by the planning authority. Further details are provided below.**

### **Flood Risk**

The planning application proposes less vulnerable development of an electrical substation, lorry park and timber storage. Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the FMfP identifies the application site to be at risk of flooding and falls partially into Flood Zone 2 & 3 (Rivers).

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the FCA undertaken by SLR, dated May 2022, reference 416.05415.00009. Our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

Section 8 of the FCA states that 'given the minimal area and that any variation to flood extent would be an increase to the applicant's own development land on the opposite side of the river it is not considered necessary to provide purpose built flood compensation storage.'

However, we note that Afon Bradley Farm lies in close proximity to the proposed development and the Afon Bradley therefore we advise that further information should be provided to assess potential impacts on flood risk beyond the development site. Further hydraulic assessment should quantify the potential loss of flood storage and impact on flood flows which could cause impact to 3<sup>rd</sup> party property and assets, including the access road.

The loss of flood storage will need to be quantified and any potential impacts on flood flow routes resulting from the development should be assessed. Any loss of flood storage resulting from the development should be compensated for, calculated on level for level basis for various return periods and this may require detailed modelling depending on the quantification of losses.

Blockage scenarios and culvert capacity under the access road to Afon Bradley Farm and also the B5070 downstream should also be considered within the FCA.

In summary, the FCA needs support of hydraulic modelling and quantification of flood storage losses and compensation to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development.

If no further information is submitted, or a revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we would object to this application when formally consulted by the Local Planning Authority.

## **Protected Sites**

### River Dee and Bala Lake Special Area of Conservation (SAC)

We have concerns that a significant effect from the proposed development on the River Dee and Bala Lake SAC cannot be ruled out. The application is located approximately 1.4km upstream of the SAC.

Further information should be provided to the Local Planning Authority to inform a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application. The HRA should demonstrate that there will be no adverse effect on site integrity.

#### - Pollution Prevention

Further details regarding the surface water drainage treatment should be submitted as outlined below, specifically information relating to interceptors and separators to remove silts and chemicals prior to discharge into the Afon Bradley which subsequently enters the River Dee SAC. Guidance on interceptors is available via [guidance-for-pollution-prevention-3-2022-update-v2.pdf \(netregs.org.uk\)](https://www.netregs.org.uk/guidance-for-pollution-prevention-3-2022-update-v2.pdf)

The two proposed round wood storage areas are to be formed using permeable ground cover and not formally drained - a move that appears at odds with increased use of hard standing on site. The submitted information also states that substation platform would be constructed, where possible from permeable materials. The substation will contain hazardous substances to provide electrical insulation and cooling, therefore further information should be provided to the LPA to demonstrate that adequate safeguards would be in place to prevent loss of containment of hazardous substances to ground in the event of a substation incident. Justification would also need to be provided for not storing round wood on hardstanding in order to minimise the impact on soil and groundwater,

The proposed lorry park and car park areas would be constructed as a permeable sub-base and paving on a geo-cellular and geomembrane to provide a drainage layer that would drain surface water to the two northern attenuation basins. This surface water would then be discharged at a controlled rate into the Afon Bradley. It is stated that an oil interceptor would be installed as a precautionary measure prior to the point where the drainage would discharge into the proposed attenuation basins. Further information would be needed to demonstrate that adequate safeguards would be in place to minimise the loss of hydrocarbons etc., to the drainage layer and that provisions would be put in place for the priority off-loading of tankers of hazardous substances to avoid parking up (this applies to any loads of hazardous substances). Consideration also needs to be given to what remedial action would be carried out in the event of a loss of containment and proposed mitigation should be detailed in a full planning application. A soil / groundwater assessment 'baseline report' would also be needed within a full planning application to enable any degradation over time to be detected.

#### - Foul Drainage

We note the proposed application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21<sup>st</sup> January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (July 2022), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note from the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site. As such, we refer you to our Planning Advice and advise that you provide further information in support of any future planning application to be made. We note that no information has been submitted in respect of foul drainage arrangements for the proposed development. We advise you to seek further information as identified in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' or 'What does this mean for development proposals involving private sewage treatment systems' of that advice.

The suitability of foul drainage arrangements for the proposed development is a matter for the LPA to determine. We therefore advise that as part of any future planning application submission, you provide the LPA with sufficient details of the proposed method of foul drainage to inform their Habitats Regulations Assessment (HRA) or to confirm whether or not any additional wastewater would be discharged from the site. If additional wastewater is to be discharged, it is likely the LPA will require further information from you to inform their HRA.

#### River Dee Site of Special Scientific Interest (SSSI)

We consider the proposals have the potential to impact upon the River Dee SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, we consider the features of the SSSI will also be adequately safeguarded

#### Chirk Castle and Parkland & Nant Y Belan and Prynella Woods Sites of Special Scientific Interest (SSSI)

We have considered the Environmental Statement, reference: 3046-01, October 2022, axis, submitted in support of the above application. We note that the report has not identified the grassland fungi (waxcaps) special feature of Chirk Castle and Parkland SSSI, and thus any assessment made may not have taken this feature into account. However, as the development boundary is over 960m from the Chirk Castle and Parkland SSSI we have no concerns over direct impacts on this feature of the SSSI.

Based on the information submitted, we consider that the proposed development is not likely to damage the features for which Chirk Castle and Parkland SSSI & Nant Y Belan and Prynella Woods SSSI are of special interest.

Modifications to the scheme as currently proposed may affect our view, and may merit a further consultation with us.

#### **Groundwater protection and land contamination**

We have concerns regarding the proposed permeable drainage for the substation area as described within Section 4.2.10 of the Environmental Statement (Chapter 4), reference: 3046-01, October 2022, axis and the potential for hazardous substances at the substation to enter the ground through infiltration. As referenced in our protected sites section above,

further information on adequate justification and safeguards would need to be demonstrated in any future planning application submitted to the Local Planning Authority.

The design and maintenance of storage and transmission facilities, such as tanks, lagoons and pipework, must be in such a way that hazardous substances are prevented from being released to the environment and the input of non-hazardous pollutants to groundwater is limited so as to not cause pollution. Natural Resources Wales expects operators to adopt appropriate engineering standards, taking into account the nature and volume of materials stored and the sensitivity of the groundwater. Where Natural Resources Wales judges there to be an unacceptable risk to groundwater from the storage of pollutants or their transmission through associated pipework or infiltration drainage, it will normally oppose such storage or transmission. If other material planning considerations determine that the development should proceed, Natural Resources Wales expects best available techniques (BAT) to be applied. Where storage already exists Natural Resources Wales will work with operators to assess and if necessary mitigate the risks to groundwater, with an aim to meet the objective set by this position statement. Re-use of existing facilities for new applications must be accompanied by a thorough assessment to demonstrate that the facilities are adequately designed and fit for purpose for the proposed new use, and that there will be no unacceptable input of pollutants to groundwater.

Any design should bear section D of The Environment Agency's approach to groundwater protection February 2018 Version 1.2 [The Environment Agency's approach to groundwater protection \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/682222/Environment-Agency-approach-to-groundwater-protection-February-2018-version-1.2.pdf)

## **Landscape**

Our comments relate to the potential effects of the proposed development upon the public's experience of the landscape character and tranquility of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).

The proposal is for a new link road, 132kV substation, lorry park and roundwood storage areas in farmland located to the north of the existing Kronospan site. The site lies in the small valley below and to the east of the AONB. Chirk Castle Parkland and a section of Offa's Dyke national trail lies within the AONB here. Views from these publicly accessible locations extend over the valley. Views are rural with a strong pattern of trees. In places, housing development in Chirk is evident. The roofs of large shed like buildings, stacks and vapour plumes of Kronospan influence some views and their areas within the AONB that are unaffected by modern development.

An important objective for the AONB (PPW11) is to conserve and enhance the public's experience of Natural Beauty and the area's special qualities. The AONB management Plan 2020- 2025 lists the landscape special qualities as: tranquillity, remoteness and wildness, space and freedom. Tranquillity is associated with an atmosphere of calm and stillness. Space and freedom are related to access to the landscape and the uninterrupted and extensive views from the high places within it.

The AONB management plan Special Qualities are referred to in section 5.4.18 of chapter 5.0 – landscape and visual effects. The report however does not provide a summary of development effects upon tranquillity.

From our review of axis LVIA Chapter 5, viewpoint images and photomontage images, it is clear that viewpoints U and W within Chirk Parkland have a strong historic parkland character, high scenic quality and high tranquillity. Kronospan has no visual influence on these locations within the AONB.

Photomontages U and W indicate that framed views to part of the proposed development would be possible. The area of the site visible includes the proposed 132kV substation and access road used by lorries. The size of the lorry park suggests vehicle movements would be high introducing activity and movement to views between gaps in parkland trees. Whilst activity is distant and occupies only a small segment of the landscape views, movement has the potential to attract attention. Attention would be drawn to commercial/industrial activity which we consider would be at odds with the tranquil quality of the parkland. This does not conserve and enhance the AONB.

An indicative landscape scheme has been submitted. This proposes robust areas of woodland planting, specimen trees and hedgerows along the edges of the site and looks to address local landscape integration well. This however won't conceal the development within views U and W from the AONB.

We therefore have concerns with current proposals. Additional landscape mitigation measures should be developed in order to minimise adverse views from the AONB. We advise that you consider discussions with the owners of Chirk Castle Parkland with regard to offsite planting in order to explore closing up views of the proposed development from viewpoints U and W. The sequential views of people approaching and passing viewpoints U and W along permissive paths will need to be factored into the mitigation design.

The report confirms at 5.6.66 that lighting of the proposed development would accord with ILP criteria for Environmental Zone E0, i.e. for 'dark sky' areas. We therefore have no issues with nighttime lighting effects upon the AONB's dark skies and nighttime character. Detailed proposals would need to be submitted in due course to demonstrate accordance with this statement.

## **Protected Species**

### Great Crested Newts

We consider that there is insufficient information submitted with this statutory pre-application consultation to determine the likely impacts of the proposals on Great Crested Newt. We advise that further surveys are undertaken as detailed below.

We note Appendix 7.3 'Great Crested Newt Presence or Absence (eDNA) Survey Report', details four lagoons (P1-P4), located within 250m of the Proposed Development, were subject to eDNA survey. However, it is also noted that 'Waterbodies in the wider area were not accessed at the time of the Great Crested Newt surveys'. The Environmental Statement

would therefore benefit from clarity as to the number of other waterbodies in the area and their proximity to the development site. Should additional waterbodies be present within 500m of the development site, we would advise that these are also subject to survey for Great Crested Newt (GCN), prior to submission of the formal planning application.

Together with the additional survey information indicated above, should GCN be confirmed, species report submissions should include a detailed assessment of the likely impacts of the proposals and full details of avoidance and/or mitigation measures that will be put in place to offset the anticipated impacts. There should be clarity on their scale, location and nature of mitigation areas and set out how these areas will be secured and managed in the long term, including any financial arrangements to ensure delivery of their management.

The above information is required prior to the determination of any planning application in order to ensure that there will be no detriment to the maintenance of the favourable conservation status of Great Crested Newt.

### Bats

We note that the report Environmental Statement, reference: 3046-01, October 2022, axis, has been submitted in support of the above application.

The development site is located within 960m of the Chirk Castle and Parkland SSSI, Lesser Horseshoe Bats are a feature of the protected site.

We advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places, the potential impact pathway from proposed lighting is adequately addressed through the Environmental Statement.

### **Air Quality**

We note the Air Quality Assessment, September 2022, Smith Grant Environmental Consultancy LLP, submitted in support of the proposed development and have no concerns to raise in relation to potential impacts on air quality.

### **Other Matters**

Please note, if further information is prepared to support an application, it may be necessary for us to change our advice in line with the new information.

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.

### **Advice for Applicant/Developer:**

- Permitting

The Operator needs to satisfy the requirements of The Environmental Permitting (England and Wales) Regulations 2016 (as amended) and the Best Available Techniques (BAT) Reference Document for Wood-based Panels Production and submit an application to vary the newly consolidated Natural Resources Wales environmental permit to update of any changes that may have consequences for the environment e.g. change to the installation boundary, 132 KV substation, round wood storage, site drainage and discharge to surface water and amenity impacts etc.

In addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured. Please refer to our [website](#) for further details.

Further advice on the above matters could be provided prior to your planning application being submitted, however there would be a charge for this service. Additional details are available on our [website](#).

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

Yn gywir / Yours faithfully

**Rachael Burke**

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning  
Cyfoeth Naturiol Cymru / Natural Resources Wales