Ein cyf/Our ref: CAS-264912-Z1L9
Eich cyf/Your ref: P/2024/1377

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 09 October 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: CREATION OF NEW ACCESS INCLUDING LANDSCAPING

LLEOLIAD/LOCATION: LAND AT, DUTTON ROAD, WREXHAM INDUSTRIAL ESTATE, WREXHAM, LL13 9XQ

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 20 September 2024.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the document identified below is included in the approved plans and documents condition on the decision notice:

- **Dutton Road, Redwither Industrial Estate, LL13 9XQ: Preliminary Ecological Appraisal. Leigh Ecology Limited. 21/081/2024**

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

Protected Species

We have reviewed the following information which has been submitted in support of the application:

- Dutton Road, Redwither Industrial Estate, LL13 9XQ: Preliminary Ecological Appraisal. Leigh Ecology Limited. 21/081/2024

The information has identified that Great Crested Newts (GCN) are material to the application site. There are numerous records of GCN on Wrexham Industrial Estate, and the grassland and scrub habitat at the application site is suitable for GCN.

GCN and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981. Where GCN are present and a development proposal is likely to contravene the legal protection, they are afforded, the development may only proceed under

licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. The development works to be authorised are for the purpose 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;
ii. There is no satisfactory alternative; and,
iii. 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.

To avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note 5 into account when considering development proposals where a European Protected Species is present.

Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the third test “demonstration of no detriment to the maintenance of the favourable conservation status of European protected species”. We advise that before any consent is given, as informed by the provisions of Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) the LPA satisfy itself as to whether the scheme satisfies the other two tests, namely a relevant Habitats Regulations purpose and whether there is no satisfactory alternative to the proposal.

We consider that the above report provides an adequate basis upon which to consider the potential impacts of the scheme on GCN and inform the decision-making process.

We consider that the development is not likely to be detrimental to the maintenance of the population of GCN at a favourable conservation status in its natural range provided the measures set out in the submitted report are implemented.

Therefore, we advise that the ecological report is included in the approved list of plans / documents condition within the decision notice.

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.

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.

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.

Yn gywir / Yours faithfully,

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

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.