In pursuance of its powers under the Acts an Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

Applicant RICHARD CORBETT

Reference P/2021/0058

Agent RICHARD CORBETT
The Estate Office
20 Salop Road
Oswestry
SY11 2NU

Date Received 07/01/2021

Decision Date 17/07/2024

Town and Country Planning Act, 1990

Location of Application

MAELOR FOREST NURSERIES LTD, ELLESMERE ROAD, BRONINGTON WHITCHURCH, SY13 3HZ

Description of Application

CODI TWNELI POLYTHEN A GWEITHIAU CYSYLLTIEDIG
ERECTION OF POLYTUNNELS AND ASSOCIATED WORKS

In reaching this decision the Council has had regard to the following relevant policies: -

National Policies and Technical Advice Notes (TAN):

Future Wales Policy 1 - Where Wales will grow
Future Wales Policy 20 - National Growth Area - Wrexham and Deeside
Future Wales Policy 4 - Supporting Rural Communities
Future Wales Policy 5 - Supporting the rural economy
TAN 18 : Transport
TAN 5 : Nature Conservation and Planning
TAN 6 : Planning for Sustainable Rural Communities

Wrexham Local Development 2013 – 2028:

DM1- Development Management Considerations
EM4 - Employment Development Outside of Settlement Limits
SP14 - Natural Environment
SP19 - Green Infrastructure
SP5 - Planning Obligations
T1 - Managing Transport Impacts

Revision	Date	Description of Decision
0	17/07/2024	Planning permission issued

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Particulars of decision : GRANTED subject to the following:-

Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

2. The development shall only be carried out in strict accordance with the details shown on the following plan(s):
MZ541 01C 16/6/2021 Block Plan
MZ541 01 16/6/2021 Location Plan
MZ541 03 16/2/2021 Elevations

3. The external surfaces of the building(s) shall be constructed of the materials specified on the approved plans.

4. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.

5. The landscaping scheme submitted and approved in connection with condition no. 4 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

6. The landscaping scheme as carried out in connection with condition no. 5 shall be retained for a minimum of 5 years. Within this timescale, any planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced with trees or shrubs of similar size and species to those originally required to be planted and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

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7. No development shall commence until a GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to the following.
a. Build upon the principles outlined in the ecological report (Prestwood, W. (2021). Amphibian Conservation Plan: Maelor Forest Nurseries. Arbor Vitae Environment Ltd. Unpublished.)
b. The submission (to include proposed timescales and reporting requirements) 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; monitoring and maintenance requirements; and supervised removal.
c. The submission of a long-term site management plan 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 to be approved by the Local Planning Authority; 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.
d. Details of timing, phasing and duration of construction activities and conservation measures.
e. Timetable for implementation demonstrating that works are aligned with the proposed development.
f. Ecological Compliance Audit, including key performance indicators to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPIs) that are to be used for the purposes of assessing and evidencing compliant implementation of proposals.
g. Persons responsible for implementing the works.

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h. 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 abundance counts and Habitat Suitability Index (HSI) assessments. Each water body shall be individually numbered on site.
The GCN Conservation Plan shall be carried out in accordance with the approved details.

8. No development with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

9. No part of the development shall be brought into use until the drainage scheme prepared by Hydro-Logic Services dated 15/9/2021 has been implemented. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter.

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10. No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with Method Statement as is approved. The Method Statement shall include the following: 1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
2) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
3) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone , including any related sections and method for avoiding damage to retained trees;
4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
5) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
6) Method for protecting retained trees during demolition works;
7) Details of all proposed tree works, including felling and pruning.

11. No part of the development shall commence until a plan to provide net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped has been submitted to, and approved in writing by, the Local Planning Authority. The measures shall be implemented in full, prior to first occupation / use of the development, and thereafter maintained for the lifetime of the development.

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Reason(s)

1 To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2 To comply with Section 91(3) of the Town and Country Planning Act, 1990.

3 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DM1, SP12 and SP14 of the Wrexham Local Development Plan.

4 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with policy DM1 of the Wrexham Local Development Plan.

5 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with policy DM1 of the Wrexham Local Development Plan.

6 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with policy DM1 of the Wrexham Local Development Plan.

7 To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with policy NE1 of the Wrexham Local Development Plan.

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8 To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site, in accordance with policy SP14 of the Wrexham Local Development Plan.

9 To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with policy DM1 of the Wrexham Local Development Plan.

10 To preserve the health, safety and amenity value of the tree(s) in accordance with Policies DM1, SP12, SP14 and NE3 of the Wrexham Local Development Plan.

11 To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.

Note(s) to applicant

Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at https://naturalresources.wales/conservation-biodiversity-and-wildlife/europeanprotected-species/?lang+en

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Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage: https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

Environmental Management: All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website: http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/

You are advised that this grant of planning permission was made following the completion of an Agreement under Section 106 of the Town and Country Planning Act. Before undertaking any work under this permission you are advised to obtain full details of the Agreement and ensure that you are able to comply with its terms.

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:
https://naturalresources.wales/permits-and-permissions/waste/?lang=en
https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en
Further guidance can be found on the GOV website here:
https://www.gov.uk/managing-your-waste-an-overview/duty-of-care

The facilities must comply with the Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.
Please refer to the link below for further information:
http://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

David Fitzsimon
Prif Swyddog Yr Economi a Chynllunio, Cyngor Bwrdeistref Sirol Wrecsam
Chief Officer Economy and Planning, Wrexham County Borough Council

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
Planning and building control | Wrexham County Borough Council