Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-268525-K9D6
Eich cyf/Your ref: P/2024/1550

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 28 November 2024

Dear Sir/Madam,

PROPOSAL: INSTALLATION OF 1 NO UNIT TO CREATE STORAGE, WELFARE AND OFFICE FACILITIES

LOCATION: KELLOGGS, BRYN LANE, WREXHAM INDUSTRIAL ESTATE, WREXHAM, LL13 9UT

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 14 November 2024.

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
Condition 2: Biosecurity

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

Protected Species

We have reviewed the Planning, Design, and Access Statement (prepared by: SLR Consulting Limited; SLR Project No.: 416.065647.00001, dated 30 October 2024, revision: FINAL RV2 Planning, Design, and Access Statement (Area 2) and provide the following advice. The Planning, Design, and Access Statement concludes: "*The proposed temporary structures will not result in a negative impact on any areas of habitat on site, nor will they impact any known protected species in proximity to the application site*." However, no ecological information has been submitted to justify this statement.

There are multiple Great Crested Newt (GCN) records within 250m of the application site. The neighbouring site to the south supports a long-term GCN mitigation area and is subject to long-term GCN surveillance. The overall population of GCN present within and in the environs of the Wrexham Industrial Estate is considered to be of national importance.

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 compliance with 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 advise that further information is required to manage the potential impacts of the scheme. However, we would be content for this further information to be provided via a suitably worded condition.

We therefore advise the following condition in respect of GCN is included on any permission granted.

Condition 1: No development, including site clearance, shall commence until a GCN plan of reasonable avoidance measures has been submitted to and approved in writing by the Local Planning Authority. The plan of reasonable avoidance measures should include, but not necessarily be limited to:

- proposals for the clearance of GCN individuals from working areas,
- details of timing, phasing and delivery of reasonable avoidance measures

The plan of reasonable avoidance measures shall be carried out in accordance with the approved details.

Justification: To ensure that GCN are protected by the development.

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.

Condition 2: No development, including site clearance, shall commence until a Biosecurity Risk Assessment, and Method Statement that considers invasive non-native species and specific diseases (e.g. Chytrid) has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to prevent the introduction of and where present control, removal or for the long-term management of invasive species both during construction and operation. The risk assessment shall consider landscaping and other related plans. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to prevent or control the spread and effective management of any invasive non-native species and listed diseases at the site.

Protected Sites

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In line with our *Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation* (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

However, recognising the specific nature of the application submitted (the application form confirms there will be no additional employees as a result of this proposal) we are satisfied that there is unlikely to be a source of additional nutrients or a pathway for impacts. As such, in our opinion, it would be reasonable for your Authority to screen out this proposal as not likely to have a significant effect on the River Dee and Bala Lake SAC in relation to nutrient inputs.

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

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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.