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 THERMOTRAFFIC LTD

Agent CLODAGH MACKEN
CARNEY SWEENEY
BRUNEL HOUSE
2 FITZLAN ROAD
CARDIFF CF24 0EB

Reference P/2024/0247

Date Received 28/03/2024

Decision Date 07/02/2025

Town and Country Planning Act, 1990

Location of Application

NORISH FOOD CARE, ASH ROAD SOUTH, WREXHAM INDUSTRIAL ESTATE, WREXHAM, LL13 9UG

Description of Application

ESTYN ADEILAD STORIO OER, ADDASU'R PARCIO A'R TIRLUNIO
EXTENSION OF COLD STORAGE BUILDING, ALTERATIONS TO PARKING AND LANDSCAPING

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
TAN 11 : Noise
TAN 12 : Design
Tan 15 : Development, flooding and coastal erosion
TAN 18 : Transport
TAN 5 : Nature Conservation and Planning

Wrexham Local Development 2013 – 2028:

EM1 - Protection of Existing Employment Land
NE1 - International and National Nature Conservation Designations
NE2 - Local Designations for Nature Conservation and Geological Importance
NE3 - Trees, Woodlands and Hedgerows
NE6 - Waste Water Treatment and River Water Quality
SP2 - Location of Development
SP12 - Design Principles & Masterplanning Framework
SP14 - Natural Environment
SP18 - Climate Change

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SP19 - Green Infrastructure
T1 - Managing Transport Impacts

Revision	Date	Description of Decision
0	07/02/2025	Planning permission issued
1	15/04/2025	P/2025/0170 - DISCHARGE OF CONDITION 3 (ECOLOGY) OF PLANNING PERMISSION P/2024/0247

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) and document(s):

   Landscape Strategy LA.1
   Site and Location Plan - TCSW - ASA - 90 - VS.ZZ - D - A - 9000 _ (S2 - P06)
   TCSW - ASA - 90 - VS.ZZ - D - A - 9014 _ (S2 - P02)
   CSW - ASA - 90 - VS.ZZ - D - A - 9013 _ (S2 - P02)
   TCSW - ASA - 90 - VS.ZZ - D - A - 9012 _ (S2 - P05)
   TCSW - ASA - 90 - VS.ZZ - D - A - 9011 _ (S2 - P05)
   TCSW - ASA - 00 - XX.XX - D - A - 0002 _ (S2 - P01)
   TCSW - ASA - 00 - NB.XX - D - A - 0003 _ (S2 - P01)
   TCSW - ASA - 00 - NB.00 - D - A - 0001 _ (S2 - P01)
   TCSW - ASA - 90 - VS.ZZ - D - A - 9002 _ (S2 - P04)
   TCSW - ASA - 30 - EB.02 - D - A - 3002 _ (S2 - P04)
   TCSW - ASA - 30 - EB.ZZ - D - A - 3003 _ (S2 - P04)
   TCSW - ASA - 30 - EB.00 - D - A - 3000 _ (S2 - P04)
   TCSW - ASA - 90 - VS.ZZ - D - A - 9003 _ (S2 - P08)

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3. No development or phase of development, including site clearance shall commence until a Great Crested Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall build upon the principles outlined in the submitted ecological reports (Dennis, B. 2024. Norish Limited, Wrexham Industrial Estate: Biodiversity Mitigation Strategy. Tetra Tech. and Dennis, B. 2024. Norish Limited, Wrexham Industrial Estate: Great Crested Newt Survey Report. Tetra Tech. Report No 784-B067397) and include, but not necessarily be limited to:
a) 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 specifications, locations, construction and maintenance.
- monitoring and maintenance requirements and supervised removal.
b) The submission of habitat creation and enhancement proposals.
c) The submission of a long-term site management plan (not less than 25 years) that includes:
- Details of habitats and ecological features present or to be created, both in written form and shown on appropriate drawings, including planting plans
-Defined aims and objectives (including defined key performance indicators for long term monitoring indicators)
-Details of the desired condition for each habitat and criteria to determine when habitats have achieved this
-Details of short and long-term habitat management prescriptions to both achieve and maintain the desired condition
-Details of monitoring methodologies for habitat(s) and species
-Details of scheduling and timings of activities
-Contingency measures if fish or invasive non-native species (INNS) are detected
- Current and any proposed changes to the freehold tenure of the compensation area (tenure of the ecology area to be approved by the Local Planning Authority).

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- Persons or bodies responsible for undertaking management and surveillance together with required skills and competencies
-Site liaison and wardening
-Licensing requirements
-Biosecurity measures which consider invasive non-native species and specific diseases (e.g. Chytrid) to prevent the introduction and where present control, removal or the long term management of invasive species both during construction and operation.
-Details of reporting, review and update of the plan (informed by monitoring) at specific intervals as agreed.

d) The submission of detailed measures including plans designed to prevent the accidental capture/killing of GCN during operational phases of the scheme (including the installation and maintenance of an amphibian-friendly surface water management system that does not include gully pots or other similar features).

e) Details of timing, phasing and duration of construction activities and conservation measures

f) Post-construction monitoring and record dissemination for a period of not less than 25 years. Methodology shall include annual GCN abundance counts and Habitat Suitability Index (HSI) assessments. All ponds (including SuDS water bodies) to be added to the Wales GCN Monitoring Scheme, with individuals/bodies being identified as being responsible for monitoring and reporting works

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

Approval reference: P/2025/0170
Approved by: Wrexham County Borough Council
Approved detail : GCN Conservation Plan dated March 2025
Approved date: 15th April 2025

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4. The development shall be carried out in strict accordance with the following plans and report submitted and approved as part of this application:
1) Arboricultural Method Statement ref no.Section 13, Arboricultural Report / MBA TSL/ MBA Trees / January 2024 .

No development or other operations shall take place except in strict accordance with the reports as approved.

5. The enhancements detailed within approved document Norish Ltd., Wrexham Industrial Estate, Biodiversity Mitigation Strategy, GP-TEM-006-02 shall be fully implemented within 3 months from the commencement of development on site.

6. The precautionary measures outlined in section 10 of the submitted Preliminary Ecological report ref: JM1124 (VERSION 2) shall be fully adhered to throughout the duration of the development.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

8. No development shall take place until a final and comprehensive scheme of landscaping has been submitted to and approved writing by the Local Planning Authority.

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9. Landscaping shall be undertaking in accordance with the scheme submitted and approved in connection with condition 8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting (November to March) and seeding seasons following the first use of the development (April to September). Any trees, hedgerows or plants which following the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

10. Prior to first use of the development hereby permitted, a dedicated 'drop off/ collection' point shall be made available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such detail as may be approved shall be fully implemented and thereafter retained.

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. In order to protect wildlife interests and protected species in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.

4. 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.

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5. To ensure NBB is achieved in accordance with para. 6.4.5 of Planning Policy Wales Ed and Policy NE1 of the Local Development Plan.

6. In the interest of protecting local wildlife species and habitats which may not have been identified on site, in accordance with Policies SP14 and NE1 and NE2 of the Wrexham Local Development Plan

7. To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policy DM1 of the Local Development Plan

8. 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.

9. 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.

10. To ensure the safety of visitors/staff being dropped off or collected from the site in accordance with Policy DM1 of the Local Development Plan

Note(s) to applicant

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties in that section include the following:
* Notice of initiation of development

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Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The forms set out the details that must be given to the Local Planning Authority to comply with this duty.
* Display of notice
The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details that the person carrying out development must display to comply with this duty.
The person carrying out development must ensure that the notice is:
a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
b) Legible and easily visible to the public without having to enter the site; and
c) Printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

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

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.

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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/european-protected-species/?lang+en

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.

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

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Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:
- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

The Applicant is advised that under the dust from construction and / or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated, and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

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:-

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