

Ein cyf/Our ref: CAS-233583-D0C4
Eich cyf/Your ref: P/2023/0446

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 07 September 2023

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Cais amlinellol ar gyfer uned storio a dosbarthu gyda rhal materion (tirlunio) a gadwyd yn ol / Outline application for storage and distribution unit with some matters (landscaping) reserved

LLEOLIAD/LOCATION: Land To The North Of, Bridge Road North, Wrexham Industrial Estate, Wrexham, LL13 9PS

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 24 July 2023.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected species. If this information is not provided, we would object to this planning application. Further consideration is also required from your Authority regarding foul drainage. Further details are provided below.

Protected Species

Great Crested Newt

We note that the ecology report submitted in support of the above application (Grey, R. (2023). Proposed Storage & Distribution Unit Bridge Road North, Wrexham Industrial Estate Preliminary Ecological Appraisal. Etive Ecology) has identified that Great Crested Newts (GCN) are highly likely to be present at the application site. GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

Although the above report has been submitted, we advise that there is insufficient information to assess potential effects on GCN, and how any effects will be avoided or mitigated. We therefore advise that you seek further information to assess the extent of

adverse effects on GCN and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

The application site is located approximately 200m from ponds which have previously been shown to support GCN and is contiguous with land specifically managed for long term amphibian purposes. We consider that GCN may use the application site for breeding, foraging, dispersal and/or sheltering purposes. We therefore consider that the overall proposal has the potential to cause disturbance to GCN and/or loss or damage to their resting places.

However, no details of an equivalent area to compensate for loss of GCN habitat have been submitted and there appears to be no consideration given to the application site being located in a key area for connectivity with an existing GCN mitigation area immediately adjacent and west of this site.

We therefore advise that you should seek additional information for the purposes of demonstrating that the proposal will not be detrimental to the maintenance of the Favourable Conservation Status (FCS) of the GCN population at this site. The further or amended additional information should include but not necessarily be limited to:

- a. Details of compensatory habitats: Compensatory habitats must be provided on at least a “like for like” basis. The compensation scheme should therefore be at least 0.75 ha with long term tenure (i.e., Ownership) to be approved by the LPA. We advise tenure accords with the definition of a “responsible” body under Part 7 of the Environment Act 2021. Details shall identify areas of terrestrial and aquatic habitat to be created, maintained and enhanced;
- b. Submission 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 (including PROW if applicable); monitoring and maintenance requirements; and supervised removal. Submission to include proposed timescales and reporting requirements;
- c. Submission of a long term site management plan (for a duration of not less than 25 years*) that includes defined aims and objectives; habitat management prescriptions; site liaison and wardening; licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to tenure of the compensation area; 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. Submission of measures designed to prevent the accidental capture/killing of GCN during operational (and decommissioning) phases of the scheme (i.e. post construction). This is essentially 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. Timetable for implementation demonstrating that works are aligned with the proposed development
- g. Ecological Compliance Audit, including key performance indicators
- h. Persons responsible for implementing the works
- i. Post construction monitoring (if subsequently applicable); and

j. Submission of a biosecurity risk assessment

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

Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Bats

We note the ecological reports submitted in support of the above application (referenced above). From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

As this is a lower risk case for bats, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Furthermore, we advise that the proposed development is not likely to harm or disturb bats or their breeding sites and resting places at this site, provided the measures described in the bat report are implemented, specifically the recommendation for a climb and inspect survey as detailed in Section 4.3.4 prior to any tree felling and lighting recommendations as detailed in Section 4.3.5.

Please consult us again if any further information shows that this is no longer a lower risk case for bats.

Otter and Water vole

We have reviewed the ecological report (referenced above) submitted in support of the application and concur with the assessment in respect of otters and water vole. We have no further comment in respect of otters and water vole.

Protected Sites

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (August 2023), 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.

This application for the erection of a new storage and distribution unit proposes connection of foul water to the mains sewer. The information set out in the section titled 'What does this

mean for development proposals involving connection to public wastewater treatment works' should be submitted with the application.

Your Authority will need to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

Contaminated Land

We have reviewed the submitted Phase 1 and 2 Contaminated Land Assessment, Caulmurt Limited, Document Ref: 5125-CAU-XX-XX-RP-V-0300.A0.C2, dated: June 2023 and note that the results identify that the majority of concentrations of potential contaminants of concern have been recorded below the laboratory method detection limit, with the exception of some localised metals and total petroleum hydrocarbons (TPH). Based on the results we concur with the conclusion that due to the nature of the contamination identified and the cohesive nature of the material, the mobility and migration of leachable fractions of this contamination is reduced.

We also concur with the conclusions of the above report that there are no potential significant risks to Controlled Waters from identified contamination and have no further comment in relation contaminated land.

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,

Rachael Burke

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.