

Ellie Jones

From: Jenni Perkins
Sent: 16 September 2024 07:48
To: planning_admin
Subject: FW: Norish, Wrexham Industrial Estate, Application P/2024/0247
Attachments: Figure3_MitigationEnhancementPlan_20240913.pdf; 240905 NRW Response 2.pdf

Hello

Please add the attached and below and re consult with NRW. Additional info.

Thank you,

Jenni

From: Kerr, Rachel1 <Rachel.Kerr1@tetrattech.com>
Sent: 13 September 2024 14:48
To: northplanning@cyfoethnaturiolcymru.gov.uk
Cc: Dennis, Bronwyn <BRONWYN.DENNIS@tetrattech.com>; Jenni Perkins <Jenni.Perkins@wrexham.gov.uk>
Subject: Norish, Wrexham Industrial Estate, Application P/2024/0247

Dear Pauline,

We have been passed your comments on application P/2024/0247 by our client Carney Sweeney. Following a review of these comments with the client, please find below our response for your consideration. If you would like to discuss these comments further, please let me know and we can set up a call – please note that the client is aiming for a fast response on this i.e. by 18th September so that they can meet October committee.

NRW comments	Response on behalf of client
Habitat creation/enhancement to offset habitat loss. We advise that proposals include the construction of an additional water feature	Given the loss of terrestrial habitat due to the proposed development, it is suggested that the current waterbodies 1A and 1B, are restored and reprofiled to create two distinct waterbodies, which would increase the net number of ponds on site. This would avoid additional loss of terrestrial habitats i.e. woodland/ grassland habitats and provide enhancements to features already present. The waterbodies would be designed, reshaped and reprofiled in accordance with the Amphibian Habitat Management Handbook from Amphibian and Reptile Conservation (Baker et al., 2011).
The submission of a long-term site management plan (not less than 25 years)	The applicant would be happy to commit to a management plan of 10 years, given the low population recorded and the low impacts predicted, 25 years is disproportionate in terms of duration and finance.
Transfer freehold ownership of the defined Ecology Area to a body that accords with the definition of responsible under Part 7 of the Environment Act 2021	Respectfully, the applicant is not agreeable to the transfer of freehold ownership of the Ecology Area. Subject to an appropriately worded planning condition(s) it is not considered to meet the relevant tests insofar as it is not necessary (to make the development acceptable) nor fairly and reasonably related in scale and kind (WG Development Management Manual (pp 10.3.8). Indeed, this reflects the legal tests (s.122 of CIL Regs 2010) which have primacy over policy. It is a matter of law that anything required in a s106 must be necessary and fairly related in scale and kind. A land transfer is unduly onerous, costly and entirely avoidable. The Development Management Manual (Wales) is clear that:

	<i>“Local planning authorities should seek to overcome planning objections, where appropriate, or secure mitigation by condition rather than by a planning obligation. Legal agreements can take considerable time to draw up and it is important to avoid burdening applicants with unnecessary costs and delay. Also, the imposition of restrictions through a planning obligation limits the ability of developers to seek to have restrictions varied or removed by an application or appeal. Further, conditions can be enforced using a breach of condition notice and this is likely to offer a simpler and less costly way to remedy a breach than recourse to the Courts for breach of an agreement. Matters required by condition should not be duplicated in a planning obligation.” (para 4.21).</i> The appropriate planning condition coupled with the relevant environmental license requirements are precise, unambiguous and enforceable and provide two tiers of control and recourse to safeguard the protection and ongoing management of the habitat. The applicant is mindful of the ecological sensitivity of the site and the clear need to balance habitat protection without prejudicing the future commercial operations of the site, which is an important local employer appropriately located at a protected Industrial Estate employment site (under LDP Policy EM1). The applicant also wanted to confirm the extent of the "defined Ecology Area", please see attached figure.
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 applicant would be comfortable with 3 monitoring years i.e. years 2, 6 and 10 post construction, based on the predicted low-level impact of the proposed development and no net loss of water bodies on site. Could you also please provide clarification on the methodology used for the annual abundance counts.

Many thanks

Rachel

Rachel Kerr CEng CEnv MCIEEM | Technical Director

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Please note my working days are Monday to Thursday

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