

Ein cyf/Our ref: CAS-245313-Q0P3
Eich cyf/Your ref: P-2022-0092

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 09 January 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: EXTENSION TO INDUSTRIAL UNIT

LLEOLIAD/LOCATION: PROSERVE, ASH ROAD, NORTH WREXHAM INDUSTRIAL ESTATE

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) with additional information about the above, which we received on 20 December 2023.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the condition regarding protected species be attached to any planning permission granted and the document identified below is included in the approved plans and documents condition on the decision notice:

- **Preliminary Ecological Appraisal Site on Ash Road North, Wrexham Industrial Estate, North Wales LL13 9JT. Arbtech. 08/12/2031**

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

Protected Species

Great Crested Newt (GCN)

We note that the ecological report submitted in support of the above application (Preliminary Ecological Appraisal Site on Ash Road North, Wrexham Industrial Estate, North Wales LL13 9JT. Arbtech. 08/12/2031) has identified that GCN may be present at the application site. GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). 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

tests set out in the Regulations (please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments would be limited to the test relating to “demonstration of no detriment to the maintenance of the favourable conservation status of European protected species”.

Although the 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 advise that the following condition be attached to any planning permission for this scheme to ensure appropriate avoidance and mitigation measures. Provided those measures are implemented, we do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Condition 1: No development shall commence until a Great Crested Newts 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:

- Build upon the principles outlined in Preliminary Ecological Appraisal Site on Ash Road North, Wrexham Industrial Estate, North Wales LL13 9JT. Arbtech. 08/12/2031
- Submission of great crested newt/amphibian avoidance and mitigation measures. The details to include identified Reasonable Avoidance Measures (RAMS) such as barrier fencing; and measures to be carried that ensure working areas are clear of newts prior to the commencement of construction and related works.
- Submission of details concerning retained and any compensatory areas including management plan that considers initial aftercare and long-term maintenance. This scheme should also consider other protected species e.g. bats.
- Details of timing, phasing and duration of construction activities and conservation measures.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development.
- Ecological Compliance Audit, including key performance indicators.
- Persons responsible for implementing the works.
- Details of measures to prevent or reduce incidental capture or killing.
- Biosecurity Risk Assessment to include appropriate measures to control any Invasive Non-Native Species (INNS) (e.g., Chytrid) on site; and measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

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

Justification: To ensure that an approved GCN Method Statement is implemented, which protects GCN affected by the development.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, you would need a revised ecology report that takes account of such changes.

Bats

We note that the bat report submitted in support of the above application (Preliminary Ecological Appraisal Site on Ash Road North, Wrexham Industrial Estate, North Wales LL13 9JT. Arbtech. 08/12/2031) has identified that bats are likely to be using the site for foraging and commuting.

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 its natural range.

Furthermore, we advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided the avoidance measures described in the bat report are implemented.

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

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

Protected Sites -Foul Drainage

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.

However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

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

Sara Thomas

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.