

Ein cyf/Our ref: CAS-253211-Z3R5
Eich cyf/Your ref: P/2024/0196

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 26 April 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: CODI 3 SEILO ALLANOL, PONT BWYSO ALLANOL A GOSOD SAFLE PROSESU O FEWN ADEILAD DIWYDIANNOL PRESENNOL / ERECTION OF 3 NO. EXTERNAL SILOS, EXTERNAL WEIGHBRIDGE AND INSTALLATION OF PROCESSING PLANT WITHIN EXISTING INDUSTRIAL BUILDING

LLEOLIAD/LOCATION: Clwyd Concrete Products Ltd, Llay Road, Llay, Wrexham, LL12 0TL

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 08 April 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

Without the inclusion of these conditions or document we would object to this planning application.

Protected Species

We have reviewed the following information which has been submitted in support of the application: Knight, T. (2024), Proposed Development at CCP Building Products Ltd, Llay Road, Llay, Wrexham – Preliminary Ecological Appraisal. Marches ecology. (Unpublished Report No C533/Final/2.0).

The information has identified that Great Crested Newts (GCN) are material to the application site.

Section 3.3.16 of the report confirms the presence of waterbodies within 250 - 500m of the application site, some of which are known to support GCN.

Great Crested Newts (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.

We consider that the above report provides an adequate basis upon which to consider the potential impacts of the scheme on this species and inform the decision-making process.

Sections 3.1.17 and 4.2.30 state that whilst there is negligible terrestrial habitat, there are potential refugia around the site. Given the proximity of the application site to known GCN records, Section 4.2.32 of the report states that mitigation measures should be implemented in accordance with a Reasonable Avoidance Measures method statement in respect of GCN.

We note that a detailed method statement has not been included within the ecology report and therefore advise that further information is submitted to demonstrate how the potential impacts of the scheme will be managed. However, we would be content for this further information to be provided via a suitably worded condition.

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

Condition 1: No development, including site clearance, shall commence until a Great Crested Newt (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:

- Further details and associated plans concerning amphibian reasonable avoidance and mitigation measures including, but not limited to, one-way amphibian fence design and locations if proposed (prior to and throughout the duration of any work).
- proposals for the clearance of individuals from working areas,
- Measures to be taken to prevent or reduce incidental capture or killing of Great Crested Newts

- Details of timing, phasing and duration of construction activities and conservation 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 (e.g., Chytrid).

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.

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 must include:

- (i) appropriate measures to control any INNS on site;
- (ii) measures or actions that aim to prevent INNS from being introduced to the site for the duration of construction and operational phases of the scheme.

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

Special Area of Conservation (SAC)

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.

Site of Special Scientific Interest (SSSI)

We have considered the information submitted in support of the above application. Based on the information submitted, we consider that the proposed development is not likely to

damage the features for which Chwarel Singret SSSI, Chwarel Marford SSSI and Llay Bog SSSI are of special interest.

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.

Advice for the Developer

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2016. Natural Resources Wales should be contacted to discuss the necessity for an exemption or permit for any waste material imported to, treated on and exported from the site.

We advise that the applicant ensures they discuss the required installation permit in place regarding the importing waste materials onto the site and the treatment process proposed. Further information is available via [Natural Resources Wales / Pre application advice for environmental permits](#)

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.