

Ein cyf/Our ref: CAS-244063-V1X1
Eich cyf/Your ref: P/2023/0292

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 18 December 2023

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: CODI ADEILAD FFRAM PORTHOL DEUOL AR OLEDDF, ARDAL ARWYNEB CALED NEWYDD A LLE PARCIO / ERECTION OF DUO-PITCH PORTAL FRAME BUILDING, NEW EXTERNAL HARDSTANDING AND CAR PARKING AREA

LLEOLIAD/LOCATION: LAND ADJACENT TO DMH TYRES, MINERS ROAD, LLAY

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) with additional information about the above, which we received on 05 December 2023.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, further consideration is required regarding foul drainage. Further details are provided below.

We also advise that based on the information submitted to date the document identified below should be included in the approved plans and documents condition on the decision notice.

- Reasonable Avoidance Measures in relation to Great Crested Newts (GCN), for the application site of DMH Tyres LTD by Natterjack Land Management, dated 20th October 2023**

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

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 phosphate 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 a tyre replacement facility 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' has been 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.

Protected Species

We note that the ecology reports submitted in support of the above application (Preliminary Ecological Appraisal for DMH Tyres Ltd by Natterjack Land Management Ltd dated October 2023 and associated Reasonable Avoidance Measures in relation to Great Crested Newts (GCN), for the application site of DMH Tyres LTD by Natterjack Land Management, dated 20th October 2023) have identified the potential for Great Crested Newts (GCN) to be present at the application site.

Great Crested Newts are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

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 Great Crested Newts, or their breeding sites and resting places at this site, provided the avoidance measures described in the submitted Reasonable Avoidance Measures (RAMs) document are implemented.

The RAMs document must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted. We would advise the use of amphibian one-way exclusion fencing during development works.

NRW would refer you to the Chief Planning Officer's letter dated 1 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.

Biosecurity

Due to the proximity of the site to a likely GCN breeding pond (~500m from Llay Colliery ponds) we consider biosecurity to be a material consideration owing to the location of the proposal. We would therefore welcome any subsequent consent including the imposition of

a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We advise this assessment includes:

- (i) appropriate measures to control any identified Invasive Alien Species (IAS) Invasive Non-native Species (INNS) on site; and
- (ii) measures or actions that aim to prevent INNS/identified diseases being introduced to the site for the duration of construction (and operational phases) of the scheme.

In respect of this case, NRW does not require any further consultation including those concerning any subsequent reserved matters consultations in respect of biosecurity.

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

E-bost/E-mail: northplanning@cyfoethnaturiolcymru.gov.uk

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.