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LL572DW

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

15/06/2023

Dear Sir/Madam,

PROPOSAL: ERECTION OF POLYTUNNELS AND ASSOCIATED WORKS

LOCATION: MAELOR FOREST NURSERIES LTD, WHITCHURCH, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which we received on 23rd May 2023.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted:

Condition 1: Biosecurity

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.

Approved Document: Prestwood, W., 2023, Amphibian Conservation Plan - Revision B, Arbor Vitae. (Unpublished))

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

Protected Sites

Special Area of Conservation (SAC)

Our previous responses dated 08/04/2021 (our ref: CAS-143153-M8N9) and 26/07/2021 (our ref: CAS-158933-V8M1) raised concerns that a significant effect from the proposed development on the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) Special Area of Conservation (SAC) cannot be ruled out. The application is located within 400m of the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) SAC.

We advised that further information on measures to prevent any run-off or groundwater incursion of nutrients to the nearby Protected Site should be submitted to enable a Habitats Regulations Assessment (HRA) to be carried out under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of the planning application.

We have reviewed the Drainage Report from Hydro-Logic Services dated 15/09/2021. From the information provided, we consider that the proposal is not likely to have a significant effect on the SAC.

We have no objection to the proposed drainage plan. Although the proposed site drainage ditch flows close and eventually into the drain on the western edge of the protected site, we do not consider it to be a major risk to the protected site.

Please note that the attenuation basin plan falls within the definition of a SuDS development and we would therefore advise you to consult the relevant SuDS Approval Body regarding this aspect.

Our advice may change should modifications be made to the proposed development prior to the determination of the application. If there are any changes to the proposed development which may affect the consideration of potential environmental impacts, please consult us again before you determine the application.

Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) Site of Special Scientific Interest (SSSI)

We have considered the Drainage Report from Hydro-Logic Services dated 15/09/2021 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 the above SSSI is of special interest.

Protected Species

We note that the Preliminary Ecological Assessment (Maelor Forest Nurseries – Revision 'C' January 2021; Arbor Vitae) submitted in support of the above application has identified the potential for Great Crested Newts (GCN) to be present at the application site.

In our previous response dated 29/09/2021 (our reference CAS-166026-M1S9) we advised that a condition relating to a GCN Conservation Plan should be attached to any consent granted. Subsequently, additional information has been submitted to address the concerns we raised. We have reviewed the revised Amphibian Conservation Plan (Prestwood, W., 2023, Amphibian Conservation Plan - Revision B, Arbor Vitae. (Unpublished)) and advise that we concur with the contents of the report.

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 are limited to the test relating to “*demonstration of no detriment to the maintenance of the favourable conservation status of European protected species*”.

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

NRW would refer the Planning Authority to the letter from the Welsh Government 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.

If it is considered that works are likely to cause a breach of species protection legislation, we advise that works are carried out under the relevant derogation licence issued by NRW under Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended).

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

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 and diseases.

Condition: No development with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. 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 control the spread and effective management of any invasive non-native species at the site.

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](#) (July 2022), 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.

However, recognising the additional information shared with us on 01/04/2021 that stated: "with regards to foul drainage, there will be no intensification of land, the same number of trees will be grown as there is currently" we are satisfied that it 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.

Yours faithfully,

Rachael Burke

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales