

Ein cyf/Our ref: CAS-240226-P6V3
Eich cyf/Your ref: P/2023/0666

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 09 November 2023

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Gosod adeilad modiwlwr unllawr / installation of single storey modular building

LLEOLIAD/LOCATION: Kelloggs, Bryn Lane, Wrexham Industrial Estate, Wrexham, LL13 9UT (MINOR)

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 13 October 2023.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching a condition relating to biosecurity to any planning permission granted. We also advise that based on the information submitted to date, the documents identified below should be included in the approved plans and documents condition on the decision notice.

- Method Statement – Title: Kellogg's Co. Wrexham Industrial Estate, Version 1, dated 21/01/2019.
- Kellogg's Bryn Lane, Wrexham: Single Storey rear Extension Consent Reference 2017/0090: Great Crested Newt reasonable Avoidance Measures. SLR, dated May 2017.

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

Protected Species

Great Crested Newts

We have reviewed the ecological reports submitted in support of the above application:

- Method Statement – Title: Kellogg's Co. Wrexham Industrial Estate, Version 1, dated 21/01/2019.

- Kellogg's Bryn Lane, Wrexham: Single Storey rear Extension Consent Reference 2017/0090: Great Crested Newt reasonable Avoidance Measures. SLR, dated May 2017.

We hold multiple records for Great Crested Newts (GCN) within 500m of the application site, the closest being within 240m.

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"*.

We advise that the proposed development is likely to harm or disturb GCN or their breeding sites and resting places at this site and, therefore, we advise that all avoidance and mitigation measures described in the above reports must be undertaken.

The reports 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 Local Authority to the Chief Planning Officer's letter dated 01 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.

We wish to advise the Applicant that if one or more GCN is found on site during the work an EPS licence would likely be required.

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. 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.

We advise that this assessment should include:

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

Protected Sites

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. 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 specific nature of the application submitted (a new occupational health facility catering for existing staff at the site), 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.

Yn gywir / Yours faithfully,

Rhys Jones

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.