

Ein cyf/Our ref: CAS-226330-T1Y0  
Eich cyf/Your ref: P/2023/0424

Wrexham County Borough Council  
The Guildhall  
Wrexham  
LL11 1AY

Dyddiad/Date: 03 August 2023

Annwyl Syr/Madam/Dear Sir/Madam,

**BWRIAD/PROPOSAL: Codi sied byrnu papur newydd / erection of new paper baling shed**

**LLEOLIAD/LOCATION: Unit 36 To 37, Abenbury Way, Wrexham Industrial Estate, Wrexham, LL13 9UZ**

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 18 July 2023.

**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: European Protected Species  
Condition 2: Contaminated Land**

**Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.**

### **Protected Species**

*Great Crested Newt (Triturus cristatus)*

We note that the ecological report submitted in support of the above application (Witcher, S., July 2003, Preliminary Ecological Appraisal, Reference: 20230059-PEA, Switch Ecology) has identified that protected species are unlikely to be using the application site due to the existing hardstanding.

Section 5.3.1 of the report proposes precautionary working methods in relation to amphibians and reptiles. However, due to Great Crested Newt (*Triturus cristatus*) having been recorded in ponds located in the vicinity of the application site, we advise that the proposed working methods are not sufficient to demonstrate that the proposed development

would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. This species is protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

We therefore advise that the following conditions should be attached to any permission granted by your authority for the above application:

Condition 1: No development shall take place until a Great Crested Newt Reasonable Avoidance Measures scheme has been submitted to and approved in writing by the Local Planning Authority. The Reasonable Avoidance Measures (RAMs) shall include, but not necessarily be limited to:

- Details and associated plans concerning amphibian reasonable avoidance and mitigation measures including, but not limited to, one-way amphibian fence design and locations (prior to and throughout the duration of any work).
- Measures to be taken to prevent or reduce accidental capture or killing of amphibians.

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

Justification: To ensure that an approved Great Crested Newt Reasonable Avoidance Measures scheme is implemented, which protects the Great Crested Newts affected by the development.

Should you be minded to grant permission for the above planning application without attaching the condition as described above to the permission, we ask that you notify us under the provisions contained in Section 28I of the Wildlife and Countryside Act 1981 (as amended).

### *Bats*

Section 5.3.3 of the ecological report submitted (reference as above) recommends that any lighting associated with the proposed development should be in line with the Bat Conservation Trust & Institute of Lighting Professionals Guidance Note 08/18. We concur with this recommendation.

### **Contaminated Land**

We have reviewed the submitted application and note that there is no information regarding ground investigations. Due to the previous use at Wrexham Industrial Estate, we would advise the following condition regarding unsuspected contamination should be included within any permission granted:

Condition 2: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future

users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

### **Foul Drainage and 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 21<sup>st</sup> 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.

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

**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.