

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

15/12/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: Adeiladu storfa a warws dosbarthu (dosbarth b8) / erection of storage and distribution warehouse (class b8)

LLEOLIAD / LOCATION: Brother Industries, Vauxhall Industrial Estate, Ruabon, Wrexham, LL14 6ha

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 25.11.2022.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites and protected species. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Sites

Site of Special Scientific Interest (SSSI)

The application site is located within 155m of the boundary of Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI).

This site supports a nationally important population of Great Crested Newt (*Triturus cristatus*), and an assemblage of amphibian species. Owing to the proximity of the application site to the SSSI, we have concerns that the proposed development could harm amphibians which are a special interest feature of the SSSI.

We have concerns that insufficient information has been submitted to demonstrate how likely damage to the Stryt Las a'r Hafod Site SSSI will be avoided. Planning permission should only be granted if information is provided which demonstrates that the proposed

development will not unacceptably damage the features by reason of which the SSSI is of special interest.

Paragraph 6.4.14 of *Planning Policy Wales* states that proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood; development should be refused where there are adverse impacts on the features for which a site has been designated.

We consider that the proposed development is likely to damage the features by reason of which the Stryt Las a'r Hafod Site SSSI is of special interest.

However, the applicant has not provided sufficient information to demonstrate how the proposed development will avoid damaging the special interest features of the SSSI.

Therefore, we advise that an ecological appraisal/survey report should be submitted to support the application to inform plans concerning amphibian avoidance and mitigation measures e.g. Reasonable Avoidance Measures (RAMs). This should be proportionate to the risks likely to be associated with the site and we advise that the scope should be discussed and agreed with the LPA's ecologist.

In the absence of this information, we cannot rule out adverse impacts on the special interest features of the SSSI from the scheme.

We therefore recommend that planning permission should only be granted if information is provided which demonstrates that the proposed development will not damage features for which the SSSI is of special interest.

Should you be minded to grant permission for the above planning application in the absence of this information, we ask that you notify us under the provisions contained in Section 281 of the Wildlife and Countryside Act 1981 (as amended).

Special Area of Conservation (SAC)

Johnstown Newt Sites SAC

The application site is located adjacent to the boundary of the Johnstown Newt Sites SAC. This site supports a nationally important population of Great Crested Newt (*Triturus cristatus*).

Providing the advice referenced above for the SSSI is adequately addressed, NRW consider the features of the SAC will also be adequately safeguarded.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) has been undertaken by your authority or it has not been forwarded to Natural Resources Wales (NRW) for consideration. Should you conclude that the proposed development is likely to have a significant effect on the SAC, we look forward to being re-consulted. In the absence of this assessment, NRW

cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

River Dee and Bala Lake Special Area of Conservation (SAC)

We note the application site is within the catchment of the River Dee and Bala Lake 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.

However, the application as submitted (i.e. storage building with no foul drainage requirements) 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.

Please consult us again if any further information shows that there are foul drainage requirements linked to the application.

Protected Species

Great Crested Newt (*Triturus cristatus*) have previously been recorded in ponds located in the vicinity of the application site. This species is protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Please refer to our Protected Sites advice above in respect of Great Crested Newts.

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