



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-213283-N6L5
Eich cyf/Your ref: P/2022/0979

Maes Y Ffynnon,
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04/04/2023

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 with additional information about the above, which we received on 15.03.2023.

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

- **Condition 1: Protected Species**
- **Condition 2: Biosecurity**

And the document identified below is included in the approved plans and documents condition on the decision notice:

- **Preliminary Ecological Appraisal: Vauxhall Industrial Estate, Wrexham by Heatons Huddart, H and Tose, A dated 2023.**

Please note, without the inclusion of these conditions and document 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) and Great Crested Newts (*Triturus cristatus*) have previously been recorded in ponds located in the vicinity of the application site.

Great Crested Newts and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where Great Crested Newts 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 have reviewed the submitted ecology report (Preliminary Ecological Appraisal: Vauxhall Industrial Estate, Wrexham by Heatons Huddart, H and Tose, A dated 2023).

We have concerns that the proposed development, as submitted, will damage the features for which the Stryt Las a'r Hafod Site of Special Scientific Interest is of special interest. We therefore recommend that planning permission should only be granted if an appropriate planning condition is included to avoid damage to the special interest features of the SSSI.

Paragraph 6.4.14 of Planning Policy Wales states development should be refused where there are adverse impacts on the features for which a site has been designated.

Owing to the proximity of the application site to the SSSI, we advise that any subsequent consent is subject to the imposition of a condition requiring the implementation of amphibian (including Great Crested Newt) mitigation and avoidance measures to the satisfaction of the Local Planning Authority. On the basis of the information submitted, we consider that the proposed scheme will, subject to the inclusion of conditions as advised below, avoid damaging the features for which the Stryt Las a'r Hafod Site of Special Scientific Interest is of special interest.

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

Condition 1: No development shall take place until a Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include, but not necessarily be limited to:

- Measures to be taken to prevent or reduce accidental capture or killing of amphibians including installation of permanent amphibian fencing into the boundary fence line.
- Ecological Compliance Audit, including key performance indicators.

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

Justification: To ensure that an approved species Method Statement is implemented, which protects the species affected by the development.

In addition, we advise that the ecology report as noted above should be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Should you be minded to grant permission for the above planning application without including the condition noted above and document described above within the approved documents condition attached 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).

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.

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.

Biosecurity

We also 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 (Chytrid) have been recorded in the environs of the application site.

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.

Condition 2: No development, including site clearance, shall commence until a Biosecurity Risk Assessment, and Method Statement that considers invasive non-native species and specific diseases (e.g. Chytrid) has been submitted to and approved in writing by the Local Planning Authority.

The risk assessment must include:

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

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 prevent or control the spread and effective management of any invasive non-native species and listed diseases at the site.

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