

05/11/2018

Er sylw / For the attention of: Philip Forster

Dear Mr Forster,

BWRIAD / PROPOSAL: ERECTION OF NEW RAW MATERIAL STORAGE FOR ANIMAL FEED FACTORY

LLEOLIAD / LOCATION: Lloyds Animal Feeds, Bridge Road North, Wrexham Industrial Estate, Wrexham - P/2018/0732

Thank you for consulting Natural Resources Wales with additional information about the above, which was received on 16/10/2018.

We recommend that you should only grant planning permission if you attach the following condition. This condition would address significant concerns that we have identified and we would not object provided you attach it to the planning permission.

Condition - Protected Species: Planning permission should include a condition necessary to secure all avoidance and mitigation measures described in the ecology report.

Protected Species

We note that the ecology report submitted in support of the above application (Reference: Knight, T. (2018). Proposed Development at Lloyds Animals Feeds, Bridge Road (North), Wrexham Industrial Estate, Wrexham – Preliminary Ecological Appraisal. Marches Ecology. Unpublished] has identified the potential for Great Crested Newts (GCNs) to be present at the application site.

GCNs and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Any development that would contravene the protection afforded to them under the Regulations would

require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any GCN on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the ecology report concludes that the proposed development is not likely to harm or disturb GCN's or their breeding sites and resting places at this site, provided that avoidance measures described in the report are implemented. We consider that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of this species.

Therefore, we do not object to the proposal, subject to all avoidance measures described in the ecology report being set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

Condition - Protected Species: Planning permission should include conditions necessary to secure all avoidance and mitigation measures described in the ecology report.

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb GCN's or their breeding sites and resting places at this site, you would need a revised ecology report that takes account of such changes. If, following modifications, it was no longer possible to avoid harming or disturbing GCN's or their breeding sites and resting places at this site, the applicant would also need a licence from Natural Resources Wales and probably additional mitigation measures to reduce adverse effects.

Industry Regulations/ Environmental Protection

The developer has submitted further information to NRW in response to our previous significant concerns. It has been confirmed that the raw materials will be as existing. Furthermore, the process for the Variation of the current Environmental Permit (reference AB3492ZQ) is progressing with NRW's Permitting Team, whereby any other matters of potential concern should be addressed and the environmental consequences of the scheme can be acceptably managed. In view of this, I confirm that NRW's previous requirement has been met.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the Developer

Environmental Management:

The proposed development site is within the Dee Water Protection Zone. All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Waste Management:

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yours faithfully,

Joy Evans

Ms Joy Evans
Cynghorydd Cynllunio Datblygu/
Development Planning Advisor