

**REPORT OF THE CHIEF OFFICER PLANNING AND
REGULATORY – 1 November 2021**

APPLICATION NO:
P/2021 /0058

LOCATION:
MAELOR FOREST NURSERIES LTD
ELLESMERE ROAD BRONINGTON
WHITCHURCH
SY13 3HZ

DATE RECEIVED:
07/01/2021

COMMUNITY:
Bronington

CASE OFFICER:
SJG

WARD:
Bronington

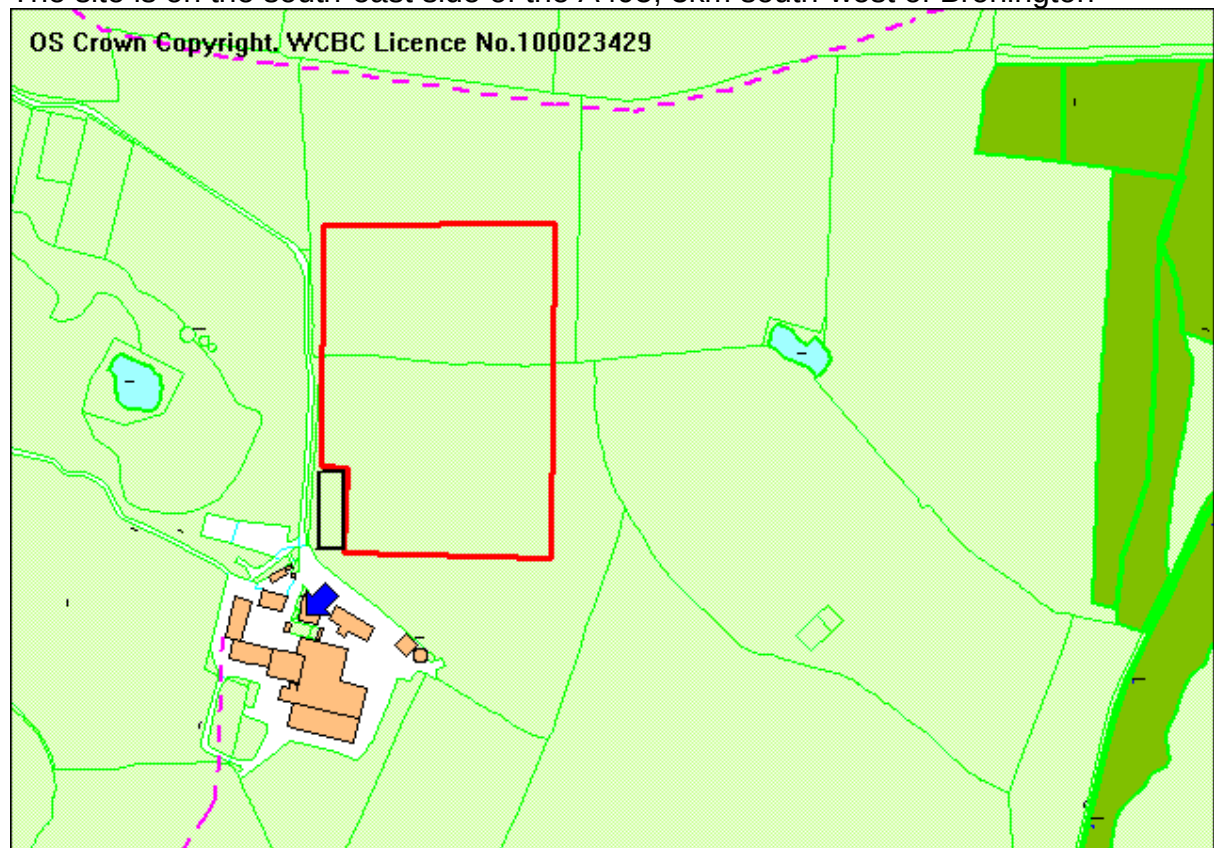
DESCRIPTION:
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GWEITHIAU CYSYLLTIEDIG /
ERECTION OF POLYTUNNELS AND
ASSOCIATED WORKS

AGENT NAME:
RICHARD CORBETT

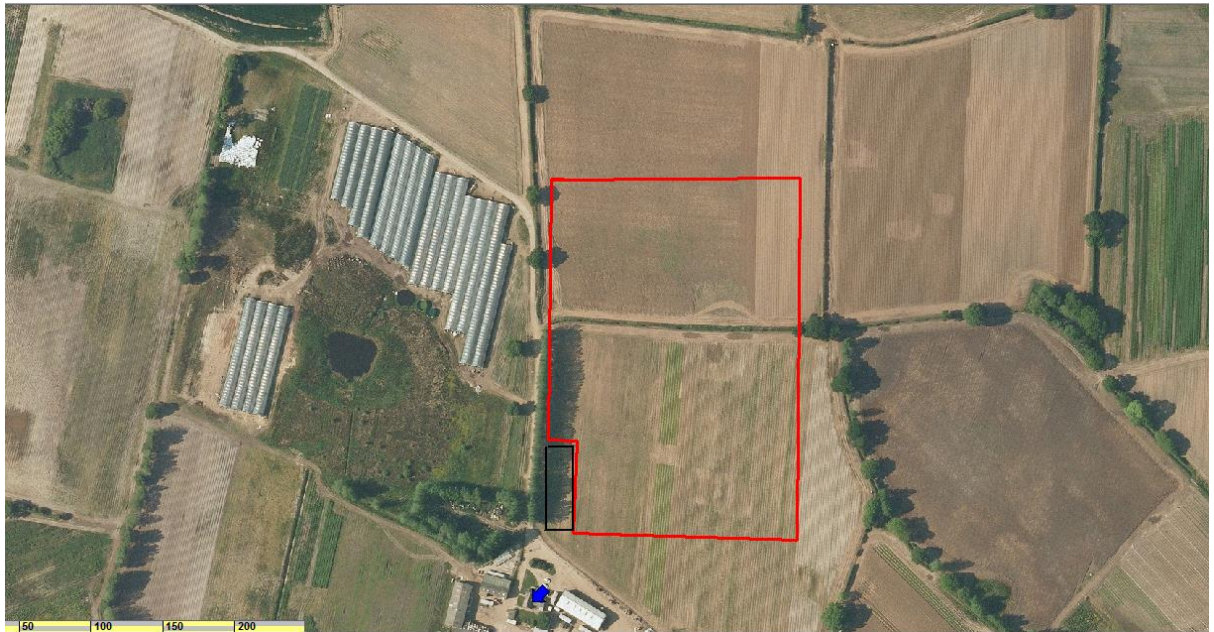
APPLICANT(S) NAME:
MAELOR FOREST NURSERIES LTD

THE SITE

The site is on the south-east side of the A495, 3km south-west of Bronington



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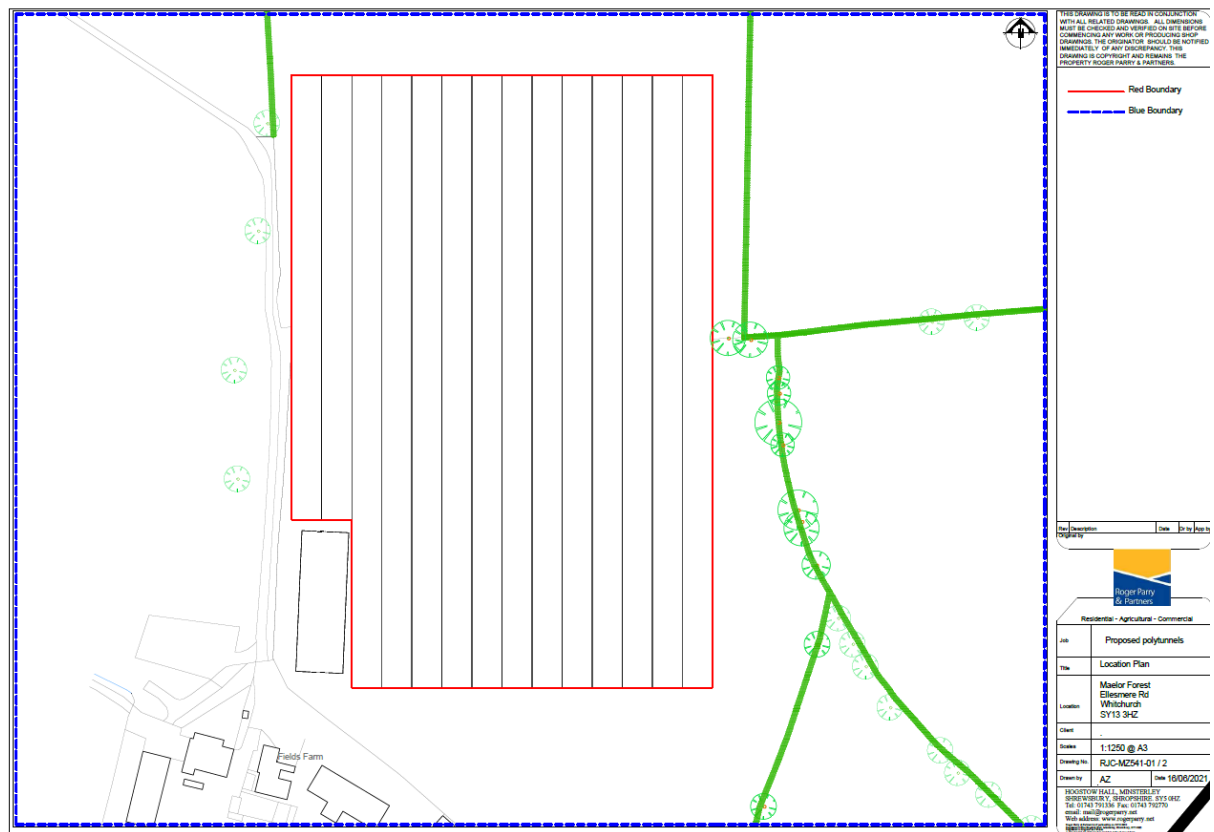


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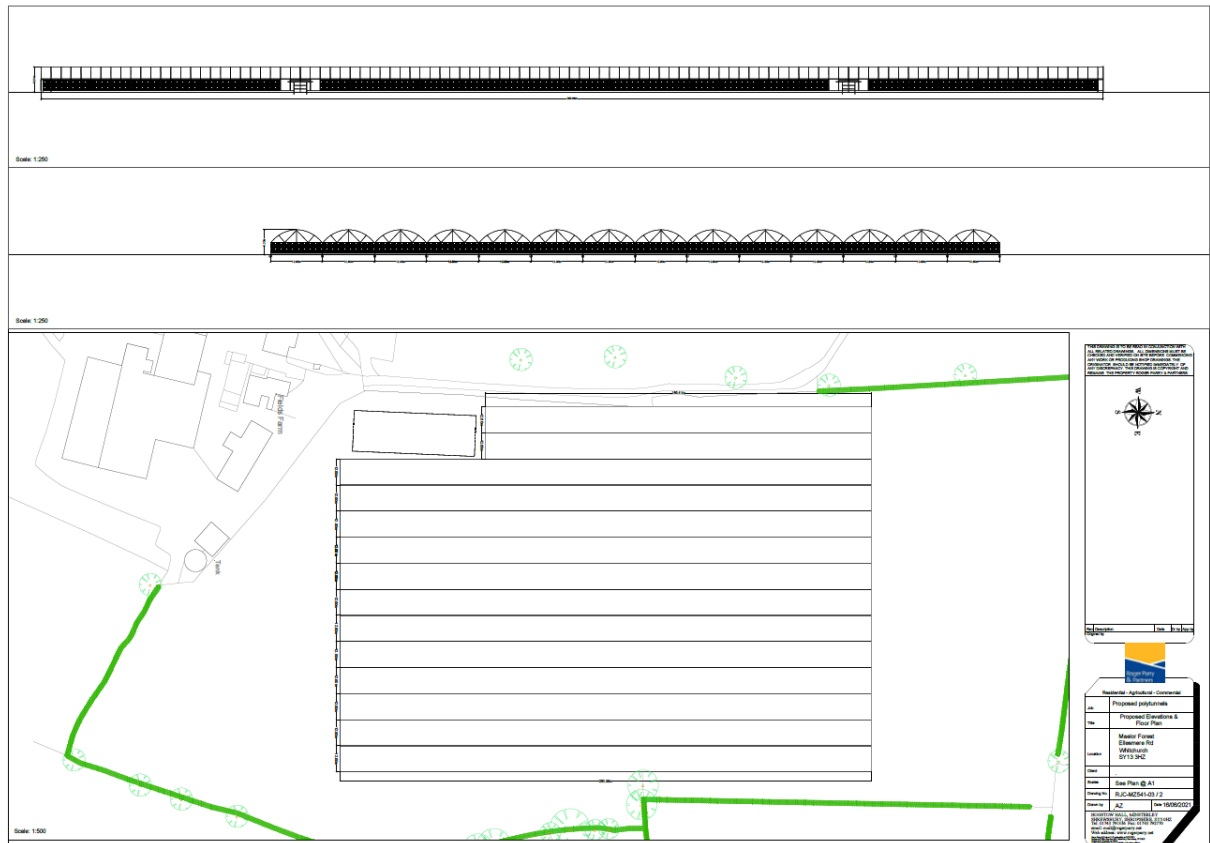
PROPOSAL

As above. The application has been amended since first submitted to reduce the size of the building. The application is referred to Planning Committee as major development.

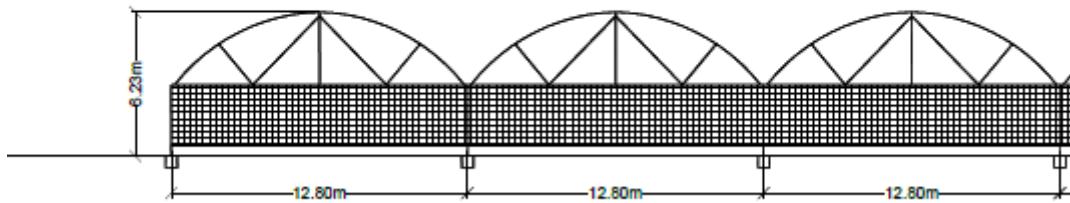
The application is for a 261m by 90m building constructed in 14 bays each with a curved glazed roof, 6.2m to the top.



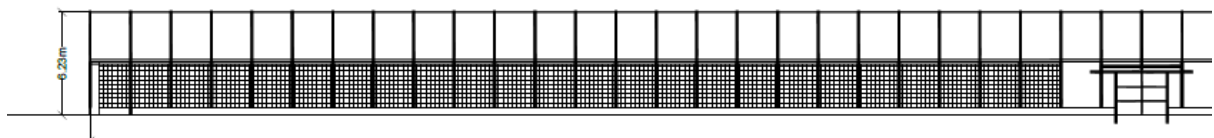
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Proposed plan and elevations



North and south elevations (part)

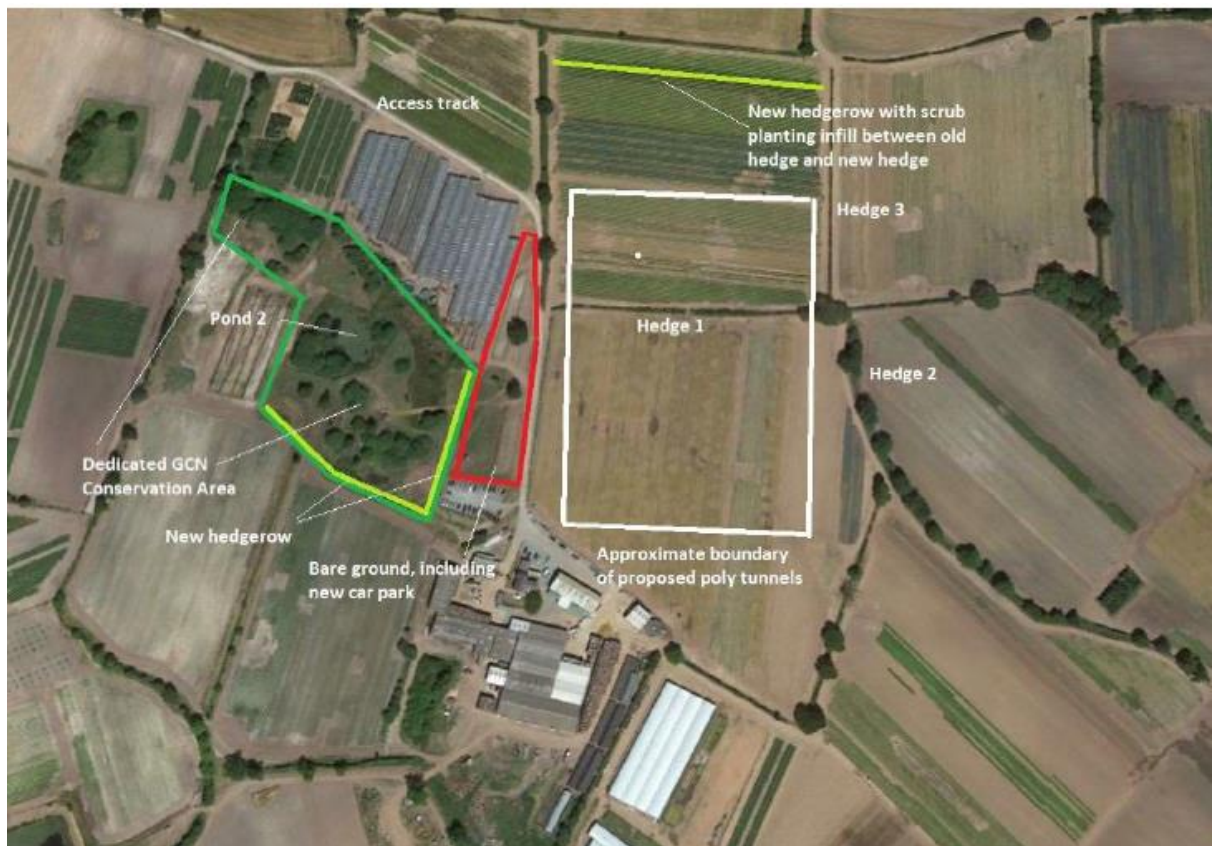


East and west elevations (part)



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Proposed block plan



Ecology Mitigation plan

Supporting statement

Maelor Forest Nurseries operates on circa 475 acres in the village of Bronington, South of Wrexham. The nursery currently produced 25 to 30 million trees for forest planting stock on an annual basis. The main markets are Scotland and Wales, with plants also being sold to Forestry England and Forestry and Land Scotland.

For delivery, locally sourced owner-drivers deliver the stock around the UK. A modest amount of stock is exported to Scandanavia, Germany and France.

The proposal is for the erection of polytunnels which will consist of galvanised steel hoops covered with polythene sheeting to be used for crop protection from the weather.

It is proposed that there are:

12 x polytunnels measuring 260.99m x 12.80m

2 x polytunnels measuring 224.41m x 12.80m

The polytunnels will be multispan structures, which means that they will be linked to form a larger structure.

Currently the planting stock is packaged in co-extruded plastic bags which are recycled by Maelor Forest Nurseries' customers. The new growing systems

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they are investing in should enable them to package a planting stock in 'compostable' cardboard boxes in the future.

The proposed investment will replace existing systems of production and also enable Maelor Forest Nurseries to increase capacity as the demand for trees increases with the UK Government policy to plant trees to mitigate climate change. The investment would lead to a significant improvement in pesticide use due to the ability to contain spraying within a protected area. It is planned for all water to be recyclable. The market value of the crop from the projected investment is estimated at 25 million plants at 30 pence each equating to circa £7.5million per annum.

PRE-APPLICATION CONSULTATION

A pre-application consultation was carried out.

HISTORY

P/2020/0581 Agricultural building Granted 1/2/2021
P/2018/0755 Agricultural building Granted 22/11/2018
P/2016/0856 Farm laboratory Granted 6/11/2016
P/2014/0491 Alterations Granted 30/9/2014
P/2013/0492 Agricultural building Granted 22/8/2013
P/2011/0526 Office building Granted 7/9/2011
P/2009/0096 Polytunnels Granted 6/4/2009
P/2008/1136 Coldstore extension Granted 5/12/2008

DEVELOPMENT PLAN

The site is outside settlement limits and within the buffer zone for the SSSI and SAC based at fens Moss. Policies GDP1 EC3 EC6 EC4 T8 and PS2 are relevant, together with Local Planning Guidance Notes 32 Biodiversity 7 Landscape and 17 trees

CONSULTATIONS

Bronington Community Council:	Support
Local member:	Consulted 12/2/2021
Highways:	No objections
Natural Resources Wales:	No objection subject to conditions and a section 106 agreement
Public protection:	No comments
Contaminated Land:	No comments
Flood risk:	Consulted 12/2/2021
Ecology Officer:	No objections subject to NRW requirements
Tree Officer:	Concerned at the loss of trees and hedgerows in the original proposal
Press notice expired:	12/3/2021
Site Notice expired:	12/3/2021
No representations received	

SPECIAL CONSIDERATIONS

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Policy: As a forestry development on a working enterprise the proposal complies with policy EC3.

Ecology:

Protected Sites

Special Area of Conservation (SAC)

NRW originally raised concerns that a significant effect from the proposed development on the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) Special Area of Conservation (SAC) could not be ruled out. The application is located within 400m of the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) SAC. NRW originally advised that further information on measures to prevent any run-off or groundwater incursion of nutrients to the nearby Protected Site should be submitted to enable a Habitats Regulations Assessment (HRA) to be carried out under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of the planning application.

NRW has reviewed the Drainage Report and from the information provided, they consider that the proposal is not likely to have a significant effect on the SAC.

NRW has no objection to the proposed drainage plan. Although the proposed site drainage ditch flows close and eventually into the drain on the western edge of the protected site, and do not consider it to be a major risk to the protected site.

Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) Site of Special Scientific Interest (SSSI)

NRW has considered the Drainage Report submitted in support of the above application. Based on the information submitted, they consider that the proposed development is not likely to damage the features for which the above SSSI is of special interest.

Protected Species

The Preliminary Ecological Assessment submitted in support of the above application has identified the potential for Great Crested Newts (GCN) to be present at the application site.

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. NRW has reviewed the reports and advise that in order to be able to demonstrate no likely detriment to the maintenance of the favourable

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conservation status of the local population of GCN, any subsequent consent is subject to the imposition of planning conditions and obligations.

NRW also advise the submission of avoidance or mitigation measures to be carried out for the purposes of ensuring GCN are not present in working areas. They suggest consideration be given to fencing, although other avoidance-based measures such as daily checks by licensed surveyors could alternatively be considered. Note that any individual GCNs found could not be relocated unless authorized by the appropriate licence.

Biosecurity

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 and diseases.

Foul Drainage

The application form indicates there will be 96 full-time members of staff and clarification now received states that there will be no intensification of land, the same number of trees will be grown as there is currently. It is therefore assumed that there will be no foul drainage associated with the proposal and there is no need for further information.

Trees: The tree report relates to the original scheme and so a revised report will be required to include measures for protecting retained trees and hedgerows.

Landscape Impact: The development is low in height within a generally flat landscape and would not have a detrimental impact on designated landscapes, subject to the proposed new hedge and tree planting.

Highways: The highway authority is satisfied that the proposed polytunnels are not expected to generate any additional operational vehicle movements onto the highway and that the trips generated by the three additional employees at the site will have only a negligible impact on the highway network. Access will be via the existing Maelor Forest Nurseries Ltd access road on to the A495.

CONCLUSION

The revised proposal is acceptable in terms of adopted policies and guidance.

RECOMMENDATION A That the Council enters into an obligation under Section 106 of the Town and Country Planning Act 1990 in respect of an ecological management plan requiring:-

- A defined commuted sum;
- annual / biennial liaison meetings;
- management plan review;

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- tenure and any proposed changes to tenure of the ecology area shall be carried to the satisfaction of the Local Planning Authority in consultation with Natural Resources Wales; and
- restrictions on the commencement of the operational phase of the scheme until all identified long-term actions, including any identified transfer of tenure, have been implemented to the satisfaction of the Local Planning Authority.

The final form and amount shall be determined by the Chief Officer Planning and Regulatory.

RECOMMENDATION B That if the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990, as detailed above, is not completed within six months of the date of the Committee resolution, Chief Officer Planning and Regulatory be given delegated authority to REFUSE planning permission for the

Inadequate provision has been made in respect of the ecological mitigation and therefore the proposals do not accord with policy EC6 of the Wrexham Unitary Development Plan.

RECOMMENDATION C Subject to the completion of the S106 obligation, planning permission be GRANTED subject to the following conditions:-

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered
MZ541 01C 16/6/2021 Block Plan
MZ541 01 16/6/2021 Location Plan
MZ541 03 16/2/2021 Elevations
and as contained within the application documentation.
3. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.
4. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.

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5. The landscaping scheme submitted and approved in connection with condition no. 4 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
6. The landscaping scheme as carried out in connection with condition no. 5 shall be retained for a minimum of 5 years. Within this timescale, any planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced with trees or shrubs of similar size and species to those originally required to be planted and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.
7. No development shall commence until a GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to the following.
 - a. Build upon the principles outlined in the ecological report (Prestwood, W. (2021). Amphibian Conservation Plan: Maelor Forest Nurseries. Arbor Vitae Environment Ltd. Unpublished.)
 - b. The submission (to include proposed timescales and reporting requirements) of further details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to: fence design; specifications and locations; considerations of access issues; monitoring and maintenance requirements; and supervised removal.
 - c. The submission of a long-term site management plan that includes: defined aims and objectives; habitat management prescriptions; contingency measures if fish or invasive non-native species (INNS) are detected; proposals that are capable of being implemented in the event of failure to undertake or to appropriately undertake identified or contingency actions; site liaison and wardening; licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to tenure of the compensation area to be approved by the Local Planning Authority; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan.
 - d. Details of timing, phasing and duration of construction activities and conservation measures.
 - e. Timetable for implementation demonstrating that works are aligned with the proposed development.
 - f. Ecological Compliance Audit, including key performance indicators to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPIs) that are to be used for the purposes of assessing and evidencing compliant implementation of proposals.
 - g. Persons responsible for implementing the works.
 - h. Post-construction monitoring and record dissemination for a period of not less than 25 years. All ponds to be added to the Wales Great Crested

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Newt Monitoring Scheme, (see <https://www.cofnod.org.uk/LinkInfo?ID=7>) with individuals/bodies being identified as being responsible for monitoring and reporting works. Methodology shall include annual abundance counts and Habitat Suitability Index (HSI) assessments. Each water body shall be individually numbered on site.

The GCN Conservation Plan shall be carried out in accordance with the approved details.

8. No development with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details

9. No part of the development shall be brought into use until the drange scheme prepared by Hydro-Logic Services dated 15/9/2021 has been implemented. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter.

10. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:

- a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
- c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
- d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
- e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
- f) Method for protecting retained trees during demolition works;
- g) Details of all proposed tree works, including felling and pruning.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

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3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
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5. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
7. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
8. To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site, in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
9. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
10. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

You are advised that this grant of planning permission was made following the completion of an Agreement under Section 106 of the Town and Country Planning Act. Before undertaking any work under this permission you are advised to obtain full details of the Agreement and ensure that you are able to comply with its terms.

Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/europeanprotected-species/?lang=en>

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those

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construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:

https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

Natural Resources Wales Advice for the Developer
Environmental Management

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/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.
Waste produced during construction

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:

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

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

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

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

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Agriculture

The facilities must comply with the Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.

Please refer to the link below for further information:

<http://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>
