

FAO: Mared Rees

10/07/2018

Annwyl/ Dear Mared,

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990

BWRIAD / PROPOSAL:

Extension to reserve power plan and associated infrastructure.

LLEOLIAD / LOCATION:

P R Pugh, Miners Road, Llay Industrial Estate, Llay, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 21/06/2018.

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

Condition 1: Avoidance and mitigation measures described in the GCN report being set out in a method statement implemented

Condition 2: The submission of a long-term conservation management plan for the site

Condition 3: Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 4: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

Protected Species

The applicant has submitted a further ecological report for the purposes of informing the planning decision making process.

(Reference: Wilkinson, J. (2018) Miners Road RPP Facility – GCN Mitigation Strategy. Wilkinson Associates Environmental Associates Unpublished.

Great Crested Newts

We note that the updated ecology report submitted in support of the above application (Wilkinson, J. (2018) Miners Road RPP Facility – GCN Mitigation Strategy. Wilkinson Associates Environmental Associates. Unpublished)) has identified that great crested newts (GCN's) are likely to be present at the application site.

Great crested newts 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 GCN's 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 bats 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 proposal is likely to harm or disturb the bats or their breeding sites and resting places at this site and will, therefore, require a licence. Following the submission of further ecological information, we consider that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the local populations of GCN's.

Therefore, we do not object to the proposal, subject to:

Condition 1: Avoidance and mitigation measures described in the GCN report being set out in a method statement implemented.

Condition 2: The submission of a long-term conservation management plan for the site

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 took account of such changes.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's 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.

Biosecurity

We 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.

Condition 3: Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

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.

We consider that this assessment must include:

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

Ecological Compliance Audit

We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

Condition 4: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

The purpose of the Ecological Compliance Audit is 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 (KPI's) that are to be used for the purposes of assessing and evidence compliance.

Air Quality Assessment & Protected Sites

NRW has reviewed the information in the AQ assessment and agree with the overall conclusions. Two designated sites are within that distance with only one having sensitive habitat, Llay Bog Site of Special Scientific Interest (SSSI). The emissions predicted from the development extension are not likely to be significant to the designated sites assessed. The predicted emission from the cumulative emissions are also not likely to be significant. However, if there continues to be incremental increases in such developments then the risks to the designated sites identified will be increased.

Geoscience informative/advice to LPA

Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Environment Agency Guiding Principles for Land Contamination (GPLC 1, 2, and 3), March 2010, should be followed as we have adopted this guidance.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site, the Local Planning Authority may wish to re-consult the Natural Resources Wales.

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

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). 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. 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.

Advice for the Applicant / Developer:

During the construction phase of the proposals, any waste material which is to be removed from the site should be done so via a registered waste carrier. The waste must be taken to a facility which holds an appropriate exemption or environmental permit to accept the specified waste.

Any work which is to take place should be done so with pollution prevention in mind. Pollution prevention advice and guidance can be found via this link:

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

Should any pollution occur during the operational phase, Natural Resources Wales should be notified via the incident hotline – 03000 65 3000.

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.

Yn gywir / Yours sincerely,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales