

Wrexham County Borough Council

Date: 10th May 2018

Ebost/Email: Northplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: (0300) 065 3787

Dear Sir/Madam,

ERECTION OF A SINGLE INDUSTRIAL UNIT, SUITABLE FOR B1 AND B2 OR B8 CLASS USE WITH ASSOCIATED PARKING, LANDSCAPING AND INFRASTRUCTURE ADJACENT TO BRIDGE NORTH BUSINESS PARK, WREXHAM INDUSTRIAL ESTATE, WREXHAM

Thank you for referring the above planning application received at our office 22nd April 2018.

We recommend that that you should only grant planning permission if the scheme can meet the following requirement and you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirement is met and you attach the conditions to the planning permission.

Requirement: Submission of sufficient evidence to demonstrate that the proposed development satisfies derogation provisions under the Habitats Directive and the Conservation of Habitats and Species Regulations.

Condition 1: Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 2: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA

Protected Species

The applicant has submitted an ecological report for the purposes of informing the planning decision making process. (Reference: Pickering, E. (2018) Ecological Assessment. TEP unpublished).

Great Crested Newt

The application site has been subject to assessment in respect of the great crested newt. The submission, however fails to identify the overall national importance of the population of great crested newts present within in the environs of the Wrexham Industrial Estate

The ecological submission confirms the presence of the species in the environs of the application site. However, records from the neighbouring development have not been incorporated into the provisions of the ecological submission

In our view, the overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. Great crested newts (GCN) and their breeding and

resting places are protected under the Conservation of Habitats and Species Regulations 2017 and they classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

The Regulations allow the approval of a scheme that would be likely to result in disturbance or harm to GCN, but only if it satisfies an appropriate Habitats Directive derogation purpose and two tests before a licence can be issued from Natural Resources Wales.

In the case of development, the applicable derogation purpose is:

“Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.”

Furthermore, the licence can only be issued by NRW on condition that there is:

“no satisfactory alternative”, and that

“the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

Paragraph 6.3.7 of TAN5 states that your Authority should not grant planning permission without having satisfied itself that the proposed scheme either would not impact adversely on any GCN's on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Requirement Submission of sufficient evidence to demonstrate that the proposed development satisfies derogation provisions under the Habitats Directive and the Conservation of Habitats and Species Regulations.

In our view, we consider that construction of the proposal has the potential to adversely affect the great crested newt at this site. We therefore consider that further information is required for the purposes of demonstrating the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of this species of amphibian.

We therefore advise that further information is required for the purposes of informing the planning decision making process. This includes, but not necessarily limited, to the following information:

- (1) The submission and implementation of a dedicated long term on site or off site compensatory scheme. Material attributes of this scheme will, in this case, include future tenure. We advise the location of the suggested GCN compensation area is informed by the location of adjoining and nearby amphibian compensation areas;
- (2) A management plan that includes provisions concerning long term management. This submission to include consideration of resources required to implement surveillance, management and wardening. Long term surveillance of the amphibian population to be based on the online Wales GCN monitoring scheme.
- (3) Details of measures designed to prevent the accidental capture/killing of newts post construction. This is essentially the design and construction of an amphibian friendly surface water management system.

We consequently consider that the proposal currently fails to satisfactorily demonstrate that it will not be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, you would need a revised ecology report that takes account of such changes. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation or compensation measures.

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

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.

We are aware of invasive species such as Himalayan Balsam and Japanese knotweed being recorded in the environs of the application site (on the banks of the River Clywedog). 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 1: 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 2: 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.

Landfill

According to our records the proposed development site is located near to land that is, or has been, used for the deposition of waste material (Pont y Capel Lane). We would therefore advise you to consult with the local authority's Environmental Health and Building Control Departments, as they may hold detailed records, and may wish to make appropriate recommendations in respect of landfill gas investigation/remedial work. The developers should be made aware of the existence of

the landfill site(s) so that they can decide whether or not to make their own investigations into the presence of landfill gas. It should also be noted that Waste Management Paper 27 states "It has been found that many sites which have taken only supposedly 'inert' waste have produced gas".

Pollution Prevention

During the construction phase the developer should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please visit

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://www.environmentagency.gov.uk/business/topics/pollution/39083.aspx> where you can find "Working at construction and Demolition Sites, Pollution Prevention Guidance 6".

If waste material is to be used for construction purposes, the activity must be registered with Natural Resources Wales. For further information please visit the website

<https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Any movement of waste material must be accompanied by a waste transfer notes to comply with the Waste duty of Care regulations.

Foul Drainage

No Information on foul drainage has been supplied we strongly recommend consultation with the utility provider to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development this is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

Where proposed development is located within publicly sewered areas, connection should be made to the public sewer. The installation of private sewage treatment facilities within public sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

Section 12.4.2 of Planning Policy Wales states 'Development proposals in sewered areas must connect to the main sewer, and it will be necessary for developers to demonstrate to local planning authorities that their proposal site can connect to the nearest main sewer.'

Please note, a lack of capacity, or plans to improve capacity in the sewer, is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an environmental permit or exemption for private treatment facilities in such circumstances

Flood Risk Management

The proposal site lies entirely within Zone A as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map, which is updated on a quarterly basis, confirms the site to be within this zone which is considered to be at little or no risk of fluvial or tidal/coastal flooding.

Wrexham County Borough Council drainage department in their capacity as lead local flood authority may be able to advise on any local problems in relation to surface water disposal and any

associated flood risk.

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.

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

Yn gywir / Yours' faithfully,



Ruth Prichard

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Deialu uniongyrchol/Direct dial: (0300) 065 3787 **Siaradwr Cymraeg / Welsh Speaker**



cc: