

Community Well-being and Development
Wrexham County Borough Council
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Ein cyf / Our ref:je/ CAS-59995-K4F6

Eich cyf / Your ref: P/2018/0245

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Er sylw/ For the attention of:
Sharon Holman

17/04/2018

Dear Ms Holman,

Land at Penley Hall Industrial Estate, Penley, Wrexham - P/2018/0245
Erection of Industrial Unit to provide 2 no areas for storage, 2 no areas as workshops and 2 no areas for office accommodation together with associated parking areas

Thank you for consulting Natural Resources Wales regarding the above proposal, received on 04/04/2018.

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 - Submission and implementation of Great Crested Newts (GCN) avoidance and mitigation proposals to the satisfaction of the LPA

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

Protected Species

We note that the ecological report submitted in support of the above application (reference Molesworth, J. (2018) Preliminary Ecological Appraisal (PEA) Report. Pearce Environment Ltd. Unpublished) has identified the potential for great crested newts to be present at the application site

Great crested newts (GCN) 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:

- a. There is no satisfactory alternative;
- b. 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; and
- c. 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's 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 the GCN's or their breeding sites and resting places at this site, provided that avoidance measures described in the report are implemented. If operations are carried out without a licence, works must immediately stop if one or more GCN's are found on site. Works may only resume on receipt of the appropriate licence issued by NRW.

Therefore, NRW does not object to the proposal, subject to the proposed reasonable avoidance measures (RAMS) scheme described in the ecology report being subject to the imposition of a suitable planning condition and/or a Section 106 agreement.

Condition 1 - Submission and implementation of Great Crested Newts (GCN) avoidance and mitigation proposals to the satisfaction of the LPA

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb the GCN or cause the damage or destruction their breeding sites and resting places at this site, you would need a revised ecology report that takes account of such changes.

Furthermore, NRW advises that any consent is also subject to the imposition of a condition in respect of biosecurity.

Condition 2 - Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

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 therefore advise that any future 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.

Pollution Prevention

The proposed development is in an area of bedrock aquifer. This designation is consistent with the Water Framework Directive and reflects the importance of aquifers in terms of groundwater as a resource (drinking water supply) and also their role in supporting surface water flows and wetland ecosystems.

In the event that surface water goes to ground, we refer the developer to the Groundwater Protection: Principles and Practice (Environment Agency, 2013) Position Statements. In particular, the developer should be aware that the advice under Position Statements G11 (Discharge from areas subject to contamination) and G13 (Sustainable drainage systems) applies to this development:

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/658135/LIT_7660.pdf)

Environmental Management

The importation of waste to the site for use in construction needs to be registered as an exempt activity under the Environmental Permitting Regulations 2016, or a permit sought. The following link will take the applicant to the relevant NRW webpage for registering such an exemption, or applying for a waste permit: <https://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily in accordance with duty of care requirements under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years.

Please do not hesitate to contact us if we can be of any further assistance to you or if you wish clarification on the above.

Our comments 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/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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.

Any site owner/developer 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 sincerely,

Joy Evans

Joy Evans
Development Planning Advisor