Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: 2151284
Eich cyf/Your ref: P/2015/0396

Llwyn Brain
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Matthew Phillips
Planning Control Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Date: 29th June 2015

Dear Mr Phillips,

INSTALLATION OF SOLAR FARM AND ASSOCIATED DEVELOPMENT (SIZE 10.2 HECTARES AND UP TO 4.61MW)
LAND SOUTH OF FRANCIS LANE, HOLT, WREXHAM, LL13 9UR

Thank you for consulting us with regard to the above application, which we received on the 1st June 2015.

We **OBJECT** to the application, as insufficient information has been provided to rule out potential adverse effect on Great Crested Newts, as discussed further:

Protected Species

An extended phase 1 habitat survey has been carried out, which recommended further surveys be carried out, including on the Great Crested Newt. However, we see no evidence that those surveys have been carried out.

The great crested newt is considered to be present in the area of the proposal. We are aware of records of this species within the boundary of the application site. We consider that there is insufficient information to rule out possible adverse effects, nor to make changes or design a conservation scheme to avoid possible effects.

This species is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). The population of the great crested newt within and in the environs of the Wrexham Industrial Estate is considered to be of national importance.

The proposal has the potential to cause disturbance to newts and/or loss or damage to their resting places. As the application site supports a European Protected Species, great crested newt, and since limited information has been supplied in respect of potential impacts, we advise that development may only proceed, under a licence issued by Natural Resources Wales, who is the appropriate authority responsible for issuing licences under Regulation 53 (2) (e) of the above Regulations. This licence can only be issued for the purposes of: “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 provided 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."

Note the below regarding derogation purpose and no satisfactory alternative test.

We consider the proposal does not demonstrate that it will not be detrimental to the maintenance of the favourable conservation status of the great crested newt population present at this site.

Therefore, we advise the additional information is needed to inform the public decision making process including ecological impact assessment of this proposal. This includes, but is not limited to:
a. Submission and implementation of avoidance and mitigation proposals including reasonable avoidance measures (RAMs); and
b. Submission and implementation of long term conservation proposals, including management and surveillance.

Without the additional information, we object to the application.

Please note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of "linear" and "stepping stone" habitats.

To comply with your Authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

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 therefore advise that if our objection above may be overcome, that any permission 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 phase of the scheme.

Ecological Compliance Audit

We advise that if our objection above may be overcome, that any permission includes the imposition of a condition that requires the submission and implementation of an approved

ecological compliance audit scheme to the satisfaction of the Local Planning Authority, in consultation with Natural Resources Wales.

Protected Sites

This proposal will not affect the features, functionality or integrity of any statutory designated sites of ecological, geological and/or geomorphic interest. However, as above, the environs of the Wrexham Industrial Estate have been considered to support a nationally important population of the great crested newt.

Flood Risk

The application site lies entirely within Zone A, as defined by the Development Advice Map referred to under TAN15: Development & Flood Risk. Our Flood Map information also confirms that the site lies outside of the extreme flood risk outline.

The Applicant has produced a Flood Consequences Assessment and Sustainable Drainage Strategy (H2OK, J-4825-CFM, 04 June 2014) in support of the planning application. The contents of the report are generally commensurate to the scale and nature of development proposals. Provided the proposed sustainable drainage measures, as shown on the Conceptual SuDS Layout Plan (dwg. Ref: J-4825-CFM-3001-A), are incorporated into the development we would have no flood risk objections to the development proposals.

We are aware that other planning applications for developments of this type and scale have been submitted/approved in Wrexham Borough this year. These development proposals have also been supported by FCAs, one of which, has proposed a number of mitigation measures to minimise the potential adverse flood risk impacts that may arise from developments of this scale. These mitigation measures include appropriate controls to protect the site's soil structure during construction, operational and de-commissioning stages in order to avoid over-compaction of the soil structure. Significant compaction of the soil could reduce natural infiltration rates and hence increase the surface water runoff rates from the developed site. Your Authority may deem it appropriate to include a planning condition on any planning approval, which requires for a Soil Management Plan to be implemented to mitigate against soil compaction and help ensure that the soil structure is kept in "good condition" throughout, and after, the scheme's lifetime.

Landscape

NRW's landscape remit is concerned with the effects of development upon the landscape and visual resource of National Parks, AONBs and the Register of Historic Landscapes in Wales. The development at over 4 km from the Maelor landscape of special historic interest would not significantly affect the visual setting of the historic landscape.

The local landscape issues associated with this planning application, concerning the potential effects upon landscape character, landscape features and views are for the Local Planning Authority to consider. NRW note that the proposal lies adjacent to another solar farm application P/2015/0397. The Local Planning Authority may wish to consider the cumulative effects of both planning applications, which are presently not assessed by the landscape and visual impact assessment submitted with either application.

Pollution Prevention

The applicant should be aware that the site lies within a source protection zone (SPZ). SPZs are used to identify those areas close to drinking water sources where risk associated with groundwater contamination is greatest. For that reason, the applicants should ensure that appropriate pollution prevention measures are followed.

The applicants must minimise discolouration to the watercourse from the construction works. Silty water should be treated, either through the use of settlement lagoons, or tanks, or discharged across a grassed area. For work in river channels the use of coffer dams is recommended, to keep river water out of the working area. River crossings must be kept free from mud or dust deposits. Oil and chemical storage must be kept away from the watercourse, on an impervious base, within a bund, and secured. Absorbents or a suitable spill kit must be kept on site for use in the event of an emergency. NRW should be notified immediately of such an occurrence. The mixing, use and washing of machinery and shuttering of wet concrete and cement must be carefully controlled to minimise the risk of any material entering the watercourse. The applicant is advised to follow the guidance within Pollution Prevention Guidance Note 5 "Works and maintenance in or near water".

Waste Management

We recommend that a Site Waste Management Plan (SWMP) is drawn up prior to scheme's commencement in order to ensure full duty of care is complied with. Waste should be reused on site where possible. The SWMP should incorporate a monitoring system for wastes removed from site for reuse or disposal.

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.

Yn gywir / Yours' faithfully,

Mr. GARETH THOMAS
Swyddog Cyswllt Cynllunio / Planning Liaison Officer
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Deialu uniongyrchol/Direct dial: (0300) 065 3786 **Siaradwr Cymraeg / Welsh Speaker**

cc: TGC Renewables