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Head of Environment and Planning
Wrexham County Borough Council
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Our ref: CAS-201416-H6K5
Your ref: P/2015/0396 and 397

Date: 28th June 2016

For the Attention of: Sharon Williams

Dear Ms Williams

Town and Country Planning Act 1990
Section 78 Appeals for:

INSTALLATION OF SOLAR FARM AND ASSOCIATED DEVELOPMENT
on
LAND SOUTH OF FRANCIS LANE, HOLT, WREXHAM
and
LAND NORTH OF BRYN LANE, HOLT, WREXHAM

Thank you for your letter dated 13 June 2015, informing Natural Resources Wales (NRW) of the two Appeals in relation to the above-mentioned sites.

You will be aware that NRW's responses in respect of both planning applications were objections. In NRW's view the ecological submissions that supported the applications were unsatisfactory for the purposes of demonstrating no detriment to the maintenance of the favourable conservation status of the local population(s) of great crested newt. Consequently, NRW formally objected to the submission. Based on the content of the submission, we consider the LPA's decision to refuse the application was appropriate.

Evidence

Local populations of great crested newt have previously been subject to detailed assessment as part of ecological surveys carried out to inform the design and construction of the Wrexham Industrial Estate road improvement scheme (north and south). The results of these surveys indicate a decline in the conservation status of the local populations of this species present within the environs of the Industrial Estate

NRW has accepted other solar power generation schemes. Material components of these schemes included the provision of dedicated long term amphibian compensation areas together with long term management and surveillance.

Subsequent informal consultations between NRW and the applicant following the Refusal of Planning Permission

Following receipt of the refusal, the appellant is understood to have revised the detail of the ecological submission. Following submission of revisions (as attached dated March 2016), it is NRW's view that the outline of the revised scheme is satisfactory for demonstrating no detriment to the maintenance of the favourable conservation status of local population(s) of great crested newt. However, the detail of the proposals will require any future consent being subject to planning conditions and obligations.

NRW is uncertain whether the revised ecological submission has either been submitted formally to the LPA, or forms a material part of this appeal.

Local Development Plan

NRW understand the LPA, in respect of its role regarding forward planning, has been considering the relative merits of possible future allocations located to the north and south of the Industrial Estate for industrial and commercial development. NRW has confirmed its preference would be for the allocation of land to the north of the industrial estate, subject to ecological considerations being effectively addressed. Allocations to the south were considered more likely to affect local population(s) of great crested newt, including derogation compensation sites. As a consequence, it was considered that there was a potential for future allocations to cause the 'deterioration' of breeding sites or resting places; either directly or indirectly.

Conclusion

In conclusion, NRW considers that the revised ecological scheme dated March 2016 (presented following determination of the planning application) to be satisfactory for the purposes of demonstrating no detriment to the maintenance of the favourable conservation status of the local population(s) of great crested newt.

Should a new planning application be submitted (for the exact same development as that previously assessed) and supported by the latest ecological scheme (dated March 2016) NRW would not object on ecological grounds.

However, we understand that future land allocations are material to the planning decision making process. We consider that decisions associated with future land allocations will need to also be informed by assessments concerning the 'favourable conservation status' test.

The above comments relate to the reasons for refusal of the original applications.
The remaining comments within our responses to the applications, relating to Flood Risk, Landscape, Pollution Prevention and Waste Management remain valid.

Please do not hesitate to contact me if I can be of any further assistance to you.

Yours sincerely

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