

Philip Forster
Planning Control Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Date: 30th March 2016

Dear Mr Forster,

ERECTION OF NEW BAKERY AND OFFICES AND CONSTRUCTION OF NEW ACCESS ROAD, SERVICE YARDS, CAR PARKING AND HGV LOADING / UNLOADING AREA LAND SOUTH OF ASH ROAD SOUTH, WREXHAM INDUSTRIAL ESTATE, LL13 9UG

Thank you for consulting us on the above application, which we received on the 4th January 2016.

We request that any permission includes the following great crested newts, biosecurity, ecological compliance, and flood risk conditions / section 106 agreement:

Protected Species

The applicant has submitted an ecological report for the purposes of informing the public decision making process. (Reference. Yardley, T. (2015). Proposed New Village Bakery Site, Ash Road South, Wrexham Industrial Estate: Ecological Surveys. Enfys Ecology Ltd. Report No: EE.70.15/TY, unpublished), and also an Enfys Ecology Framework Agreement, dated 1st March 2016, report reference EE.104.03.16/RH.

Great Crested Newts

The application site has been subject to survey and assessment in respect of the great crested newt. The survey confirmed the presence of the species. In our view, the survey has been carried out to a satisfactory standard.

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 2010 (as amended) 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 satisfy 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 GCNs on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We consider that it is possible that the species utilizes the site for foraging, dispersal or sheltering purposes. We consider that construction and operational phases of the proposal have the potential to adversely affect GCN. We therefore consider that further information is required for the purposes of ensuring the appropriate implementation and operation of the proposal. Information requirements include details concerning the clearance of GCN individuals from working areas during construction; consideration of incidental capture/killing issues; and long term compensatory proposals. We consider that a dedicated compensation area will be required together with resources for long term management, wardening and surveillance.

We consider that alone, without any mitigation, the proposal does not demonstrate that it will not be detrimental to the maintenance of the favourable conservation status of the affect local population of great crested newts.

However, as a framework agreement document has been submitted, that outlines approaches to be undertaken to address outstanding issues, we consider that development and its subsequent operation is not likely to be detrimental to the maintenance of the favourable conservation status of the GCN population. This would be provided that any subsequent permission is **subject to the following planning conditions or obligations (such as a Section 106 Agreement or a unilateral undertaking)**:

- o The submission and implementation of great crested newt avoidance and mitigation measures;
- o The submission and implementation compensatory proposals. This to consider material issues associated with tenure;
- o A management plan that includes provisions concerning long term management, surveillance and tenure. This submission to include the long term provision of resources;
- o Measures to be carried out in order to prevent incidental capture/killing of amphibians during the operational phase of the proposal;

o The inclusion of a planning condition to any planning permission that prevents the commencement of development works until your Authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified activity/development to ahead, or Natural Resources Wales has informed the applicant that such a licence is not required.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, a revised ecology report that takes account of such changes will be required. 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 any planning permission and the licence application may affect the outcome of a licence application.

Other species

We understand that that an assessment in respect of reptiles, nesting birds, and invertebrates was included within the provisions of the ecological submission. We advise you consult your own internal ecological advisor in respect of the submission relating to these species.

We consider the survey and assessment in respect of bats and badger to be satisfactory. We agree with the conclusions.

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 the above concerns are addressed, that any permission includes 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

We advise that any permission includes a **condition** that requires the submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the Local Planning Authority.

Flood Risk

Thank you for referring us to the additional surface water drainage documentation which has been submitted in response to our previous consultation comments, dated 25th January 2016, and also 22nd March 2016. We are generally satisfied that the proposed surface water discharge rate and the proposed point of discharge from the developed site are acceptable.

We recommend that a **condition** is imposed to ensure that a scheme to dispose of surface water is submitted to and approved in writing by your Authority, to ensure effective management of surface water run-off resulting from the proposed development. As they fulfil the role of Lead Local Flood Authority, we recommend that you contact your Floods Risk Management colleague for further advice in relation to this. Details of adoption and management should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development.

Flood Defence Consent

We note that the Applicant's Drainage Design Philosophy proposed to utilise and existing concrete spillways and associated manhole and outfall pipework to dispose of surface water from the developed site to Redwither Brook. Please advise the applicant that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent of Natural Resources Wales is required for any works or structure located in, under, over or within 7 metres of the bank top of Redwither Brook, designated "main river".

Landscape

The proposal is within or may affect a Landscape of Outstanding/Special Historic Interest. While this is not a statutory designation, chapter 6 of Planning Policy Wales (PPW) states that it is a material consideration in the planning process and must be given due regard when reaching a determination.

Groundwater

It is understood that the site is 'greenfield' and that there will be no drainage to the ground. On this basis, the development should pose a low risk to groundwater resources.

However, if during development, contamination is found to be present at the site, you may wish to re-consult us.

Waste Management and Pollution Prevention

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.

Drainage from any areas used for delivery vehicles, servicing, washdown or waste storage purposes must drain to foul sewer.

We recommend that a pollution prevention and incident management plan for the construction and operational phases of the site is developed in order to minimise the development's environmental impact.

Where a condition has been imposed which has been suggested by NRW or which meets NRW's objective, the Local Planning Authority should consult with NRW to secure compliance with the condition prior to its discharge. A copy of the subsequent decision notice would be appreciated.

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: DPA Limited
Enfys Ecology