

Wrexham County Borough Council
Planning Officer
16 Lord Street
Wrexham
LL11 1LG

Date: 6th May 2016

Dear Sir/Madam,

**ERECTION OF NEW BUILDING FOR THE RELOCATION OF EXISTING WINDOW,
CONSERVATORY AND UPVC INSTALLATION COMPANY
LAND NEXT TO UNIT 33 ABENBURY WAY WREXHAM INDUSTRIAL ESTATE WREXHAM**

Thank you for referring the above planning application received at our office 14th April 2016.

Background Legislation

Regulations 9(3) of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC) and the 2009 'Birds' Directive (2009/147/EC) so far that they might be affected by those functions.

Survey

The application is supported by an ecological submission (Reference: Smith, M. (2016). 33 Abenbury Way: Preliminary Protected Species Survey, Wrexham Industrial Estate. Wildbanks Conservation. Unpublished

Great Crested Newt

We can confirm that ponds in the environs of the application site support populations of the great crested newt (*Triturus cristatus*). 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). Furthermore the overall population of great crested newts present within and in the environs of the Wrexham Industrial Estate is considered overall to be 'exceptional'.

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 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.

We consider the proposal will not be detrimental to the maintenance of the favourable conservation status of any of the great crested newt populations present within and in the environs of the industrial estate.

However, we advise that any subsequent consent is subject to a number of a planning condition or obligation that address the following issues.

- a. Submission and implementation of avoidance and mitigation proposals including those identified in the submitted ecological survey to the satisfaction of the local planning authority;

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 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.

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.

Recommendation

No Objection, subject to the imposition of suitable conditions being attached to any planning permission in respect of the great crested newt

Pollution Prevention

They must ensure that all surface water drains are protected from pollution during the construction phase.

Any waste that arises from the construction of the new unit should be taken to an authorised facility with the appropriate permission.

Yn gywir / Yours' faithfully,

Ruth Prichard

Swyddog Cyswllt Cynllunio / Planning Liaison Officer

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

cc: