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Gwynedd
LL572DW

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

13/01/2021

Dear Sir/Madam,

PROPOSAL: Erection of building for raw materials and associated plant

LOCATION: Lloyds Animal Feeds, Bridge Road, North Wrexham Industrial Estate

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which we received on 16/12/2020.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following condition and include the following documents within the condition identifying approved plans and documents on the decision notice. Otherwise, we would object to this planning application.

Condition: Protected Species: No development shall commence until a GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

Approved Plans/ Documents:

- Knight, T. (2018). Proposed Development at Lloyds Animal Feeds, Bridge Road (North), Wrexham Industrial Estate, Wrexham – Preliminary Ecological Appraisal. Marches Ecology. Unpublished.
- Knight, T. (2020). Letter Headed Proposed Raw Material Intake/ Cleaning and Weighing House, Lloyds Animal Feeds, Bridge Road (North), Wrexham Industrial Estate, Wrexham – Ecology Addendum. Marches Ecology. Unpublished.

Protected Species

The additional information received was an updated ecological submission (Knight, T. (2020). Lloyds Animal Feeds, Bridge Road (North), Wrexham Industrial Estate – Ecology

Addendum. Marches Ecology). This was further to the original ecological submission from 2018 (Knight, T. (2018). Lloyds Animal Feeds, Bridge Road (North), Wrexham Industrial Estate, Wrexham – Preliminary Ecological Appraisal. Marches Ecology).

The application site has been subject to assessment in respect of the great crested newt. The ecological submissions confirm the presence of the species in the environs of the application site. However, the ecological submission fails to identify the overall national importance of the population of great crested newts present within in the environs of the Wrexham Industrial Estate.

Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

We advise that the proposed development is likely to harm or disturb the GCNs or their breeding sites and resting places at this site. Therefore, we advise the below condition should be attached to any planning permission for this scheme to ensure appropriate avoidance and mitigation measures. Provided those measures are implemented, we do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Condition: Protected Species: No development shall commence until a GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include:

- Building upon the principles outlined in the ecological submissions (referenced:
Knight, T. (2018). Proposed Development at Lloyds Animal Feeds, Bridge Road (North), Wrexham Industrial Estate, Wrexham – Preliminary Ecological Appraisal. Marches Ecology. Unpublished.
Knight, T. (2020). Letter Headed Proposed Raw Material Intake/ Cleaning and Weighing House, Lloyds Animal Feeds, Bridge Road (North), Wrexham Industrial Estate, Wrexham – Ecology Addendum. Marches Ecology. Unpublished.
- Submission of updated details and plan concerning GCN avoidance and mitigation measures include fence construction and maintenance. Submission to include timescales and reporting requirements;
- Submission of a habitat provision and enhancement scheme
- Submission of a long-term site management plan that includes aims and objectives, habitat management prescriptions; contingency; and licensing requirements for undertaking habitat management and surveillance;
- Submission of details concerning the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots;

- Details of timing, phasing and duration of construction activities and conservation measures
- Timetable for implementation together with demonstrating that works are aligned with the proposed development
- Ecological Compliance Audit, to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. Audit to include key performance indicators
- Biosecurity Risk Assessment. We are aware of invasive species such as Himalayan Balsam and Japanese knotweed being recorded in the environs of the application site (on the banks of the River Clwydog). The 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

The Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved species Conservation Plan is implemented, which protects species affected by the development.

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Industry Regulations

This site has an existing environmental permit for its operations – EPR/AB3492ZQ. The applicant needs to be mindful that any changes to operations may require a variation to the Permit.

The following links may be useful:

<https://naturalresources.wales/permits-and-permissions/environmental-permits/pre-application-advice-for-environmental-permits/?lang=en>

<https://naturalresources.wales/permits-and-permissions/installations/apply-to-vary-change-a-permit-for-installations/?lang=en>

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

Advice for the Developer

Environmental Management:

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the following website: <https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/guidance-for-pollution-prevention-gpps-full-list/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Waste:

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste-permitting/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste-permitting/apply-for-a-waste-permit/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-car>

If you have any queries on the above, please do not hesitate to contact us.

Yours faithfully,

Joy Evans

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales