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Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

08/04/2021

Dear Sir/Madam,

PROPOSAL: ERECTION OF POLYTUNNELS AND ASSOCIATED WORKS

LOCATION: MAELOR FOREST NURSERIES LTD, WHITCHURCH, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which we received on 01/04/2021.

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met and you attach the following condition to the permission. Otherwise, we would object to this planning application.

Requirement 1 (Protected Species): Further information is required, in the form of an appropriate Framework Strategy, to assess the extent of adverse effects on Great Crested Newts and any avoidance or mitigation measures required.

Requirement 2 (Protected Sites): Further information is submitted to carry out a Habitats Regulations Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application.

Protected Species

We note that the Preliminary Ecological Assessment (Maelor Forest Nurseries – Revision 'C' January 2021; Arbor Vitae) submitted in support of the above application has identified the potential for Great Crested Newts (GCN) to be present at the application site. The report recommends further survey.

GCN are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any GCN on the site

or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We stated in our previous response dated 04/03/2021 (our ref: CAS-138225-N5Y1), that we considered there was insufficient information to assess potential effects of the proposal on any GCN that may be present at this site. We concurred with the recommendations of the ecological report (as quoted below) that further information is required for the purposes of informing the planning decision making process:

“It is recommended that eDNA analysis is carried out on sample of water from Pond 2 to determine presence or absence of GCN”.

“Presence or absence of GCN will be determined by carrying out eDNA analysis of water samples and, if positive, a GCN Conservation Management Plan will be produced.”

The additional correspondence forwarded to us on 01/04/2021 confirmed that "an eDNA analysis is going to be carried out in mid-April as soon as the kits are available" and enquired if the GCN mitigation scheme could be conditioned.

We advise that this would be acceptable subject to the applicant providing an appropriate Framework Strategy that outlines approaches for component issues, prior to determination.

This should provide detail of when and how the applicant proposes to undertake eDNA and traditional techniques to inform presence of GCN. If presence is detected, abundance-based surveys will be required. If the species is present, we advise that a detailed long-term mitigation package is submitted.

The material provisions of the Framework Strategy should include:

- avoidance and mitigation Measures;
- compensation measures, including identification of dedicated (ecology) area, habitat creation and enhancement proposals;
- long-term Management Plan for the compensation area including:
 - aims;
 - management prescriptions;
 - surveillance;
 - wardening;
 - competencies and licensing;
 - biosecurity and contingency;
 - surveillance methodology;
 - tenure and any proposed changes to the tenure of the ecology area; and
 - resource provision.

Requirement 1 (Protected Species): Further information is required, in the form of an appropriate Framework Strategy, to assess the extent of adverse effects on Great Crested Newts and any avoidance or mitigation measures required. This must demonstrate that the

proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

NRW would refer the Planning Authority to the letter from the Welsh Government to the Chief Planning Officer's letter dated 1 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.

Foul Drainage

We stated in our previous response dated 04/03/2021 (our ref: CAS-138225-N5Y1) that we understand the development is not served by the public foul sewer, but no information had been submitted regarding the disposal of foul waters. The application form indicates there will be 96 full-time members of staff and the Foul Sewage section of the application form states 'Unknown', therefore clarification was sought on this matter.

The further correspondence shared with us on 01/04/2021 stated: "with regards to foul drainage, there will be no intensification of land, the same number of trees will be grown as there is currently." We therefore assume there will be no foul drainage associated with the proposal and remove the previous requirement.

Protected Sites

We have concerns that a significant effect from the proposed development on the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI) cannot be ruled out. The application is located within 400m of the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) SAC / SSSI. The Local Planning Authority should be assured that there will be no run-off or groundwater incursion of nutrients in this wetland site.

The following requirements need to be met before allowing the proposed development to proceed. We would object to the planning application if the requirements are not met.

Requirement 2 (Protected Sites): Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application.

We advise that further information is required on:

- measures to prevent any run-off or groundwater incursion of nutrients to the nearby Protected Site.

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

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

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/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 produced during construction

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/?lang=en>

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

Further guidance can be found on the GOV website here:

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

Agriculture

The facilities must comply with the Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.

Please refer to the link below for further information:

<http://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>

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

Yours faithfully,

Tristan Williams

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