



PRE-APPLICATION CONSULTATION

DEVELOPMENT:	Planning application for change of use of agricultural land for the erection of polytunnels and all associated works
LOCATION:	Land at Maelor Forest Nurseries Ellesmere Road Whitchurch SY13 3HZ
CLIENT:	Maelor Forest Nurseries Ltd

Roger Parry & Partners LLP
The Estates Office, 20 Salop Road, Oswestry, Shropshire, SY11 2NU
Tel: 01691655334 Fax: 01691 657798
Email: richard@rogerparry.net

Also at: 11 Severn Street, Welshpool, Powys, SY21 7AG
Tel: 01938 554499 Fax: 01938 554462
email: welshpool@rogerparry.net

Also at: Hogstow Hall, Minsterley, Shrewsbury, SY5 0HZ
Tel: 01743 791336 Fax: 01743 792770
email: mail@rogerparry.net

Site Notice

The proposed development was advertised by use of a site notice on/near the land to which the proposed application relates for a period of no less than 28 days before submitted the application for the proposed development. Please see below a copy of the site notice:

SCHEDULE 1 Article 4 (4)

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION NOTICE UNDER ARTICLES 2C AND 2D

(to be served on owners and/or occupiers of adjoining land and community consultees; and displayed by site notice on or near the location of the proposed development)

Purpose of this notice: this notice provides the opportunity to comment directly to the developer on a proposed development prior to the submission of a planning application to the local planning authority ("LPA"). Any subsequent planning application will be publicised by the relevant LPA; any comments provided in response to this notice will not prejudice your ability to make representations to the LPA on any related planning application. You should note that any comments submitted may be placed on the public file.

Proposed development at **Land at Maelor Forest Nurseries, Wrexham, SY13 3HZ**

I give notice that **Mr M O'Neill of Maelor Forest Nurseries, Wrexham**

is intending to apply for planning permission for **change of use of agricultural land for the erection of polytunnels and all associated works**

You may inspect copies of:

- the proposed application;
- the plans; and
- other supporting documents

online at **www.rogerparry.net**

(or)

You may view this information at **Roger Parry and Partners, The Estates Office, 20 Salop Road, Oswestry, Shropshire, SY11 2NU** between the hours of **9.00am and 5.00pm**

All planning details are available on the website of Roger Parry and Partners:

<https://www.rogerparry.net/consultation-area.html>

Anyone who wishes to make representations about this proposed development must write to the applicant/agent at **Roger Parry and Partners, The Estates Office, 20 Salop Road, Oswestry, Shropshire, SY11 2NU**

by **15th January 2021**

Signed: 

Date: 18th December 2020

Owner/Occupier's Adjoining the Site

Letters have been sent to the owner/occupiers adjoining the site:

Please see below a copy of the letter:

18 December 2020

Dear Owner/Occupier,

Re: Proposed Planning Application at Land at Maelor Forest Nurseries, Wrexham

Further to the above, we are writing to you to inform you under Part 1A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, that a planning application is going to be submitted for the change of use of agricultural land for the erection of polytunnels and all associated works at Land at Maelor Forest Nurseries, Wrexham.

Please find enclosed a copy of the site notice which allows for any representations to be made within 28 days of the site notice being published. It provides you with the necessary details in order for you to comment directly on the proposed development should you wish before the submission of the planning application.

If you have any queries regarding the development, please do not hesitate to contact me on the number below.

Yours sincerely,

Richard J. Corbett BSc (Hons) MRICS FAAV
Partner, Roger Parry & Partners LLP
richard@rogerparry.net

Information Available Publicly

All the information which would be required to be submitted as part of a formal planning application was made available online at: www.rogerparry.net and at Roger Parry and Partners, The Estates Office, 20 Salop Road, Oswestry, Shropshire, SY11 2NU.

Community and Specialist Consultees

The following consultees have been consulted before applying for planning permission:

- County Councillor
- Parish Council
- Local Highways
- Natural Resources Wales
- Severn Trent Water Ltd
- CADW

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION NOTICE UNDER ARTICLES 2D

(to be served on specialist consultees as defined by article 2 (1) of the Town and Country Planning (Development Management Procedure) (Wales) order 2012

Purpose of this notice: this notice comprises a formal request for a pre-application consultation response under article 2D of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Proposed development at **Land at Maelor Forest Nurseries, Wrexham, SY13 3HZ**

I give notice that **Mr M O'Neill of Maelor Forest Nurseries, Wrexham**

is intending to apply for planning permission for **change of use of agricultural land for the erection of polytunnels and all associated works**

A copy of the proposed application; plans; and other supporting documents can be viewed online at www.rogerparry.net

In accordance with the requirements of article 2E of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, a consultation response must be sent to the agent at **Roger Parry and Partners, The Estates Office, 20 Salop Road, Oswestry, Shropshire, SY11 2NU** or richard@rogerparry.net by **15th January 2021**

Signed:



Date: 18th December 2020

Pre-Application Consultation Responses

The agent for the proposed development received one response from a local neighbour with regards to the location of the unit, use of the existing wash unit on site, contingency for wash water and means of access to the existing unit.

CADW – no response received

NRW – please see response below, a compensation plan has been submitted

Highways – please see response below

County Councillor – no response received

Community Council – no response received

Cyngor Bwrdeistref Sirol Wrexham/ Wrexham County Borough Council
Neuadd y Dref, Wrexham. LL11 1AY
Guildhall, Wrexham. LL11 1AY
DX: 721924 - Wrexham 4
www.wrexham.gov.uk www.wrexham.gov.uk



Roger Parry & Partners
Email: richard@rogerparry.net

Eich Cyf/Your Ref
Ein Cyf/Our ref
Dyddiad/Date
Gofynner am/Ask for
Rhif Cyswllt/Contact No
E-bost/E-mail

PRE/2021/001
6th January 2021
Mr P Palmer
01978 729688
phil.palmer@wrexham.gov.uk

FAO: Richard Corbett

Dear Sir

Town & Country Planning (Development Management Procedure) (Wales) Order 2012

**Land @ Maelor Nurseries, Ellesmere Rd, Bronington.
Proposed Polytunnels & Associated Works.**

I refer to your email / enquiry dated 18/12/2020 in respect of the above.

Access

The proposed development site is located on the A495 Ellesmere Road which is a classified, rural road subject to a 60mph speed limit.

Any proposed / existing access would normally be required to provide visibility splays of 2.4 x 215m in both directions measured to the nearside edge of the adjoining highway in accordance with TAN 18.

Visibility from the existing / proposed access serving the development site appears adequate in both directions.

The existing access is approximately 22m wide reducing to 7.5m wide for the first 30m behind the adjoining carriageway. The access is surfaced with hard bound materials and is considered adequate to serve a development of this nature. The private access track leading to the development site is typically 3.0m wide but there are some informal passing places along this track where 2 no. vehicles can pass simultaneously.

The submitted Design & Access Statement indicates that there will be no additional vehicle movements onto the adjoining highway once operational. I understand that there are 96 existing employees and no additional staff are being employed as a result of the development. However, I would recommend that the applicant provides details of the existing & proposed total daily vehicle movements at the site.

Parking & Turning Provision

Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oeddelwch. We welcome correspondence in Welsh. We will respond to any correspondence in Welsh and this will not lead to any delay.



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I assume that existing parking arrangements are adequate for the existing business given that no additional staff are proposed. However, no details of the existing / proposed parking arrangements for staff vehicles, visitors or delivery vehicles appear to have been provided. I would therefore recommend that the applicant submits a suitably scaled layout plan indicating the proposed staff car parking, visitors and delivery vehicle parking & turning arrangements at the site.

Public Footpaths

Public Footpath nos. 63, 65 & 66 (Bronington) pass through the development site and should not be interfered with. I would recommend that the applicant liaises with our Public Rights of Way Section to discuss the proposed development. Please contact Mr. Sean Hanratty on Tel: 01978 729761.

You are advised that the above comments are those of an officer of the council and do not commit the Council in any way with regard to the determination of any formal planning application that may be submitted. You are also advised that the above comments take account of policies and guidance adopted by the Council at the present time and which remain open to continuous review.

Yours faithfully,



Chief Officer, Environment & Technical



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-133841-F5T8
Eich cyf/Your ref: SY13 3HZ

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

Rosina Bloor
Associate, Roger Parry & Partners LLP
The Estates Office
20 Salop Road
Oswestry
Shropshire
SY11 2NU
By email: rosina@rogerparry.net

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

11/01/2021

Dear Rosina Bloor

**STATUTORY PRE-APPLICATION CONSULTATION - TOWN AND COUNTRY
PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012 AS
AMENDED.**

PROPOSAL: Change of use of agricultural land for the erection of polytunnels and
all associated works

LOCATION: Land at Maelor Forest Nurseries, Ellesmere Road, Whitchurch

Thank you for providing a requisite notice to us under Article 2D of the above Order. We
received a copy of your proposed application on 23/12/2020.

**Based on the information provided, we have significant concerns with the proposed
development. To overcome these concerns, we would recommend to the planning
authority that the following requirement should be met before permission is granted
and the condition listed below is attached to the permission. Otherwise, we would
object to the planning application.**

Requirement (Protected Species): A long-term Conservation Plan should be submitted to
and approved in writing by the Local Planning Authority, in consultation with Natural
Resources Wales prior to determination.

Condition (Biosecurity): No development with the potential to impact on invasive species,
shall commence until a Biosecurity Risk Assessment has been submitted to and approved
in writing by the Local Planning Authority.

Protected Species

The applicant has submitted the following report for the purposes of informing the planning decision making process:

- Prestwood, W. (2020). Preliminary Ecological Assessment: Maelor Forest Nurseries. Arbor Vitae. Unpublished.

In our view, the overall proposal has the potential to cause disturbance to Great Crested Newts (GCN) and/or loss or damage to their resting places. GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and they classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

Paragraph 6.3.7 of TAN5 states that the Local Planning 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.

The Preliminary Ecological Assessment does not include a detailed GCN mitigation and compensation scheme. We therefore consider the proposals fail to demonstrate no likely detriment to the maintenance of the favourable conservation status of the local population of GCN.

Requirement: A long-term Conservation Plan should be submitted to and approved in writing by the Local Planning Authority, in consultation with Natural Resources Wales prior to determination.

The Conservation Plan should include but not be limited to:

- GCN avoidance and mitigation measures.
- Provision of a dedicated GCN compensation scheme. The extent of the compensation site to be informed by the extent of overall developments on a 'like for like' basis.
- Habitat creation and enhancement proposals within the amphibian compensation area.
- Details of initial aftercare and long-term maintenance. The long-term management plan (25 years plus) for the conservation compensation area. Material components of the plan to include: aims and objectives; tenure and any proposed changes to tenure; management prescriptions; contingency prescriptions (e.g. if fish or invasive non-native species are recorded); long-term surveillance; competencies and licences required for habitat management and surveillance; and reporting.
- Monitoring methodology to accord with and results reported through the online Wales GCN monitoring scheme.
- Ecological Compliance Audit (to evidence compliant implementation of all ecological avoidance, mitigation and compensation works), including key performance

indicators (that are to be used for the purposes of assessing and evidencing compliant implementation of proposals).

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.

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 would be required. We would ask to be consulted 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 would 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.

Condition: No development with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site.

Protected Sites

The Design and Access Statement (Roger Parry & Partners LLP; October 2020) describes the proposal as follows:

The proposal is for the erection of polytunnels which will consist of galvanised steel hoops covered with polythene sheeting to be used for crop protection from the weather.

It is proposed that there are:

- 12 x polytunnels measuring 260.99m x 12.80m
- 2 x polytunnels measuring 224.41m x 12.80m

The polytunnels will be multispan structures, which means that they will be linked to form a larger structure.

The Preliminary Ecological Assessment describes the proposed works as follows:

The proposals include the construction of new buildings and a reservoir on land currently in use for tree production. The site adjoins the existing buildings. The details of the proposed buildings, including locations, are not yet available and therefore this report is designed to evaluate the entire area within which any buildings, and the reservoir, will be located.

Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

From the Design and Access Statement, we note that this application relates to the erection of polytunnels and not to the creation of a reservoir. Our previous concerns related to significant effect from the proposed reservoir on the Midland Meres & Mosses Phase 2 (Wales) RAMSAR and Fenns, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) SAC / SSSI.

We advise that it would be the Local Planning Authority's responsibility to carry out an assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Should the Local Planning Authority conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC. The Local Planning Authority would also need to be assured that there will be no run-off or groundwater incursion of nutrients into the wetland site, and control of non-native invasive species (see condition above).

Other Matters

Please note, if further information is prepared to support an application, it may be necessary for us to change our advice in line with the new information.

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.

In addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured. Please refer to our [website](#) for further details.

Further advice on the above matters could be provided prior to your planning application being submitted, however there would be a charge for this service. Additional details are available on our [website](#).

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: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelinesppgs-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

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>

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

Yours sincerely

Tristan Williams

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