

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

For the attention of Simon Greenland

27/10/2020

Dear Mr Greenland,

PROPOSAL: Agricultural / Forestry Building

LOCATION: Land at Maelor Forest Nurseries, Wrexham. SY13 3HZ

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 07/10/2020.

We 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.

Summary of Requirements

Requirement 1: Protected Sites: Further information is submitted to enable the Local Planning Authority 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

Requirement 2: Protected Species: Further species survey is required to assess the extent of adverse effects on great crested newts and bats 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.

Summary of Conditions

Condition 1: Biosecurity risk assessment

Protected Sites

Special Area of Conservation (SAC):

We have concerns that a significant effect from the proposed development on the Midland Meres & Mosses Phase 2 (Wales) RAMSAR and Fenns, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) SAC cannot be ruled out. The application is located within 325m of the SAC/ Ramsar site.

The following requirement needs to be met, before allowing the proposed development to proceed, in order to provide a full assessment of any risk posed to protected sites. We would object to the planning application if the requirement is not met.

Requirement 1: Protected Sites: Further information is submitted to enable the local planning authority 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 note that the Preliminary Ecological Assessment supporting the pre application submission states: 'The nursery produces forest trees and requires additional sorting, handling and packing facilities for which planning consent is required.' This differs from the title given on page 4, point 7.0 of the Design & Access Statement which is erection of 'a steel portal frame building for agricultural and forestry storage along with all associated works. Since receipt of the application, the applicant has confirmed that a proposed reservoir referred to in the Ecological Report does not form part of this application.

Further information is required to ensure that the overall water environment is protected from pollution and that any significant effects on local protected sites may be ruled out.

Additional information will be required as follows:

- Confirmation details of what associated works, as mentioned in the Design and Access Statement, will entail.
- Any foul and surface discharge to drains and the direction of flow of the drains should be shown on site plans.
- Depending on volumes/type of discharge, you may need to register a water discharge exemption or apply for a water discharge permit.
- Confirmation whether the proposed building will store controlled substances above certain thresholds as defined by the Dee Water Protection Zone legislation, in which case the proposal may require a Dee Water Protection zone consent.

For further information on the points raised please see Advice for the Developer below.

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

Site of Special Scientific Interest:

NRW consider the proposals have the potential to impact upon the Fenns, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

Protected Species

We note that the ecological report submitted in support of the above application (Prestwood, W. (2020). Preliminary Ecological Assessment: Maelor Forest Nurseries. Arbor Vitae. Unpublished) has identified that great crested newts and bats may be present at the application site. Great crested newts and bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

We advise that there is insufficient information in the report to assess potential effects on protected species, and how any effects will be avoided or mitigated. The report concludes that bats *“may use hedgerows and tree lines along which to forage and some of the older mature trees provide potential roost sites”*. However, no activity/emergence surveys have been undertaken. In relation to GCNs, the report acknowledges that GCNs could be affected by the proposals but that *“until the final design of the new facilities is determined, an assessment of the likely risk to this species is not possible”*.

Requirement 2: Protected Species: We advise that further species survey is required to assess the extent of adverse effects on great crested newts and bats 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.

Further bats surveys should accord with the provisions of Collins. J (ed). (2016). Bat surveys for Professional Ecologists: Good practice Guidelines (3rd Edition) The Bat Conservation Trust. London. Surveys should include buildings and any trees that may be lost or impacted by the proposed works.

Further GCN surveys and assessments should accord with great crested newt mitigation guidelines (reference English Nature (2001). Great Crested Newt Mitigation Guidelines. English Nature, Peterborough). We advise that ponds within 250m are subject to survey/assessment. The use and application of modelling may also be used to inform assessment of impacts.

Until site designs are complete and further survey report is submitted, we are unable to give you any assurance that the proposal 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.

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.

Condition 1: No development with the potential to cause invasive species impacts 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.

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-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:

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>

Please see the following links which provide further information on points raised in the protected sites section:

Reservoir safety:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/water-management-and-quality/reservoir-safety/guidance-for-owners-and-operators/?lang=en>

Water abstraction:

<https://naturalresources.wales/permits-and-permissions/water-abstraction-and-impoundment/find-out-if-you-need-a-water-abstraction-or-impoundment-licence/?lang=en>

Water discharges and septic tanks

<https://naturalresources.wales/permits-and-permissions/water-discharges-and-septic-tanks/?lang=en>

Dee Water Protection Zone

<https://naturalresources.wales/guidance-and-advice/environmental-topics/water-management-and-quality/water-quality/dee-water-protection-zone/?lang=en>

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