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14/10/2020

Annwyl Simon Greenland,

**BWRIAD / PROPOSAL: LLEOLI CYNWYSYDDION STORIO / SITING OF STORAGE CONTAINERS**

**LLEOLIAD / LOCATION: LAND NORTH EAST OF MAELOR WORKS, CROSS LANES, WREXHAM**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 28/09/2020

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

Condition 1: No development shall commence until a Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

**European Protected Species**

We note that the ecology report submitted in support of the above application (report: Dunn, R. (2020). Great Crested Newt Method Statement: Wrexham Solar Park, Tetrapak Road, Wrexham, LL13 0UW. Smart Ecology. Unpublished ) has identified that great crested newt (GCN) are present at the application site.

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).

We advise that the proposed development is likely to harm or disturb GCN or their breeding sites and resting places at this site. We therefore advise that it is carried out under licence. We note the site has been subject to previous GCN derogation.

We consider that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN affected by the proposal provided that any subsequent consent is subject to the imposition of appropriate planning conditions.

Condition 1: No development shall commence until a Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to :

- Build upon the principles outlined in the ecological report (Dunn, R. (2020). Great Crested Newt Method Statement: Wrexham Solar Park, Tetrapak Road, Wrexham, LL13 0UW. Smart Ecology. Unpublished).
- Details of timing, phasing and duration of construction activities and conservation measures
- Timetable for implementation demonstrating that works are aligned with the proposed development
- Implementation and reporting of Ecological Compliance Audit, including key performance indicators
- Persons responsible for implementing the works
- Submission and implementation of a biosecurity risk assessment

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

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.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect the 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.

### **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

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

Yn gywir,

**Siôn M. Williams**

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