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LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

For the attention of Simon Greenland

17/12/2020

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 with additional information in the form of an updated ecological report about the above, which we received on 25/11/2020 and an amended location plan, received on 8/12/2020.

It is now our understanding that the scope of the scheme is for the erection of a handling and storage shed only and not the creation of a reservoir and related works. Our updated response is given below.

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

Condition 1: Protected Species - No development, including site clearance, shall commence until a site wide Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

Condition 2: INNS: Bioscurity Risk Assessment

Protected Species

The updated ecological report (Arbor Vitae. Preliminary Ecological Assessment – Maelor Forest Nurseries. Revision A. Nov 2020) and updated outline plan shows that the scheme entails the erection of a single shed only and not the creation of a reservoir.

We confirm that our advice on the report will relate to Great Crested Newts (GCN) only and Biosecurity.

Condition 1: Protected Species - No development, including site clearance, shall commence until a site wide Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include:

1. Building upon the principles outlined in Arbor Vitae. Preliminary Ecological Assessment – Maelor Forest Nurseries. Revision A. Nov 2020
2. Details of protective reasonable avoidance measures to be taken to minimise the impacts, including amphibian one-way fencing

The species 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.

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 2: 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.

Protected Sites

Special Area of Conservation (SAC):

With the confirmation on the updated ecological report (Arbor Vitae. Preliminary Ecological Assessment – Maelor Forest Nurseries. Revision A. Nov 2020), we note that this application relates to the erection of a shed only and not to the creation of a reservoir. Our previous concerns regarding any 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 can be ruled out.

Site of Special Scientific Interest:

In line with the above comments, NRW consider any previous concerns regarding significant impact upon the Fenns, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) SSSI have been addressed.

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>

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

