

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

23/11/2020

Dear Sir/Madam,

PROPOSAL: ERECTION OF INDUSTRIAL UNITS (B2 USE)

**LOCATION: LAND NORTH OF OAK ROAD, WREXHAM INDUSTRIAL ESTATE,
WREXHAM, LL13 9RG**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 03/11/2020.

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 (Protected Species): No development shall commence until a site wide species Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

Protected Species

We have reviewed the following ecological report:

- Jones, B.; 2020; Ecological Appraisal: Land North of Oak Road, Wrexham Industrial Estate, Wrexham, LL13 9RG; Greenspace Environmental Ltd.; Unpublished

The application site has been subject to assessment in respect of the great crested newt (GCN). The ecological submission confirms the presence of the species in the environs of the application site.

In our view, the overall proposal has the potential to cause disturbance to great crested newts 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 and

they classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

The Regulations allow the approval of a scheme that would be likely to result in disturbance or harm to GCN, but only if it satisfies an appropriate Habitats Directive derogation purpose and two tests before a licence can be issued from Natural Resources Wales.

Condition: No development shall commence until a Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should build upon the principles outlined in the ecological report (Jones, B.; 2020; Ecological Appraisal: Land North of Oak Road, Wrexham Industrial Estate, Wrexham, LL13 9RG; Greenspace Environmental Ltd.; Unpublished) and should include, but not necessarily be limited to:

- details of timing, phasing and duration of construction activities and conservation measures;
- timetable for implementation and demonstrating that works are aligned with the proposed phasing of the development;
- Ecological Compliance Audit, including defined key performance indicators;
- persons responsible for implementing the works;
- post-construction monitoring; and
- biosecurity measures.

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

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

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

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.

We advise that any consent includes the imposition of a condition (conservation plan) that requires the submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the local planning authority. The purpose of this condition is to facilitate the provision of evidence that demonstrates implementation of the proposal accords with the provisions of planning (and other) statutory consents.

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

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; and
- 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

Tristan Williams

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