

Wrexham County Borough Council
The Guildhall,
Wrexham
LL11 1AY

13/01/2020

For the attention of Mared Rees-Jones:

Dear Mared,

PROPOSAL: OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR PROPOSED DEVELOPMENT OF LAND FOR B1 LIGHT INDUSTRIAL AND B2 / B8 INDUSTRIAL UNITS INCLUDING MEANS OF ACCESS AND LAYOUT, ILLUSTRATIVE STRATEGIC LANDSCAPING, WITH ECOLOGICAL, HERITAGE AND AMENITY MITIGATION ZONES

LOCATION: Land at Oak Road, Wrexham Industrial Estate, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 02/12/2019.

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

Requirement 1: Protected Species: Further information is submitted to satisfactorily demonstrates that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN at this locality.

Condition 1: 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.

Condition 2: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

Condition 3: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Protected Species

We note the ecological report submitted for the purposes of informing the planning decision making process (Land at Oak Road, Wrexham Industrial Estate: Ecological Assessment Report. Kingdom Ecology (2019) and Land at Oak Road, Wrexham Industrial Estate: Outline Management Plan. Kingdom Ecology (2019)).

The application site has been subject to assessment in respect of the great crested newt. The submission, however fails to identify the overall national importance of the population of great crested newts present within in the environs of the Wrexham Industrial Estate

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. Great crested newts (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 consider the submitted proposals fails to demonstrate that it is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts. We consider that submitted scheme is not satisfactory in respect of:

- 1) Uncertainties in respect of the delivery of targeted management for great crested newt conservation purposes. This includes, but not necessarily limited to implications of the scheduled monument designation on the ability to deliver targeted amphibian conservation management; and currently proposed tenure.
- 2) Lack of evidence presented to assess potential impacts on habitat fragmentation and dispersal.

Requirement 1: Protected Species: Further information is submitted to satisfactorily demonstrates that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN at this locality.

We advise that any updated ecological submission requires:

- Modelling evidence in respect of potential impacts on great crested newt connectivity and dispersal;
- Revised tenure proposals. We advise that that the freehold is transferred to a nature conservation body;

- Confirmation from other public bodies that other land designations will not impact on the targeted long-term delivery of great crested newt conservation action;
- Derogation licensing requirements for the management of terrestrial and aquatic habitats;
- Biosecurity issues;
- Details of measures designed to prevent the accidental capture/killing of newts post construction. This is essentially the design and construction of an amphibian friendly surface water management system.

Invertebrates

Wrexham Industrial Estate is known to support a number of notable species of invertebrate including a nationally important population of grizzled skipper. In respect of grizzled skipper the application site provides a material component of the overall site (Wrexham Industrial Estate) for the species

The dingy skipper is listed under Section 78 of the Environment Wales Act 2016. We advise that the LPA decision on the application accords with advice and representations provided by the LPA's own ecological advisor

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.

Condition 1: 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.

This is required 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.

Ecological Compliance Audit

We advise that any future subsequent consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA. In this case, ECA will need to consider assessment of all identified ecological features. Guidance on ecological compliance audit can be obtained from NRW's website.

Condition 2: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidence compliance.

Contaminated Land

We have reviewed the submitted reports (Phase 1 (Desk Study) Investigation Report – The Oaks, Oak Road, Wrexham Industrial Estate. Opus International Consultants (UK) limited, 2017, The Oaks, Wrexham Industrial Estate – Phase 2 Site Investigation Report. TerraConsult Limited, Report No 4292/01 Issue 2, May 2019, The Oaks, Wrexham – Flood Consequence Assessment and Drainage Strategy. TerraConsult Limited, TOW-TCL-HDG-XX-RP-D-0500, May 2019) and note that soil and groundwater samples have been taken across the site (where access allowed). The results show that low level of contamination area present at the site, but the risk assessment concluded that the risk to controlled waters is low – we agree with this conclusion and therefore request the following condition and informative be imposed on any planning permission granted for the site.

Condition 3: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

This condition is required to ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Surface Water Drainage

We note that site drainage has not been confirmed as part of this outline application, but that it is currently intended to use the two water courses adjacent to the site and also connect to the combine sewer network for foul water –if this changes to go to ground, we may require further details.

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, including environmental interests of local importance.

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 to Developer

Pollution Prevention

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/>

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
- 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>

Excavated materials that are recovered via a treatment operation can be re-used on-site under the [CL:AIRE Definition of Waste: Development Industry Code of Practice](#). This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Surface Water Drainage

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the advice under Position Statements G11 (Discharges from areas subject to contamination) and G13 (sustainable drainage systems) applies to this development.

Yn gywir / Yours sincerely,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales