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Wrexham County Borough Council  
The Guildhall,  
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21/10/2019

For the attention of Philip Forster

Dear Philip,

**BWRIAD / PROPOSAL: ERECTION OF TWO GENERATOR UNITS AND  
ANCILLARY DEVELOPMENT**

**LLEOLIAD / LOCATION: Land at Llay Hall Farm, West of Miners Park, Llay,  
Wrexham**

Thank you for re- consulting Natural Resources Wales (NRW) about the above,  
which was received on 03/10/2019.

We recommend that you should only grant planning permission if you attach the  
following. These conditions would address significant concerns that we have  
identified and we would not object provided you attach them to the planning  
permission.

Condition 1: Submission and implementation of GCN avoidance and mitigation  
measures.

Condition 2: Submission and implementation of proposals to off-set or compensate  
the loss of GCN terrestrial habitats.

Condition 3: Any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

## **Protected Species**

We note the Ecological Impact Assessment (Land at Llay Hall Farm, Wrexham: Ecological Impact Assessment. Environmental Dimension Partnership, 2019).

### *Great Crested Newts (GCN)*

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 within 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). We therefore advise that implementation of the proposed scheme is undertaken under the provisions of a derogation licence issued by NRW.

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.

In the case of development, the applicable derogation purpose is:

“Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.”

Furthermore, the licence can only be issued by NRW on condition that there is:

“no satisfactory alternative”, and that

“the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

Paragraph 6.3.7 of TAN5 states that your Authority should not grant planning permission without having satisfied itself that the proposed scheme either would not impact adversely on any GCN's on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of great crested provided any consent is subject to the imposition of planning conditions or obligations in respect of:

Condition 1: Submission and implementation of amphibian avoidance and mitigation measures.

Condition 2: Submission and implementation of proposals to off-set or compensate the loss of GCN habitats.

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 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.

#### *Bats*

We consider survey and assessment in respect of bats to be satisfactory. We concur with the conclusions

#### **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 3: 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.

#### **Protected Sites and Air Quality**

We note the Appendix 3 (Dispersion Modelling Assessment Llay, Wrexham, September 2019) of the Ecological Impact Assessment (EIA, Land at Llay Hall Farm, The Environmental Dimension Partnership Ltd, October 2019), and we consider that in terms of the planning process the emissions and depositions at the designated sites assessed to be not significant. However, this is without prejudice to any other regulatory regime that this development may need to comply with.

#### **Other Matters**

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

### **Advice for the Developer:**

#### **Environmental Permitting**

The operator needs to satisfy (based on aggregated net rated thermal input) the requirements of The Environmental Permitting (England and Wales) Regulations 2016, as amended including SI 2018 No. 110 The Environmental Permitting (England and Wales) (Amendment) Regulations 2018 on implementing the requirements of the Medium Combustion Plant Directive and new controls on Specified Generators effective from 20 December 2018.

Further information can be found on our website here: <https://naturalresources.wales/permits-and-permissions/medium-combustion-plant-and-specified-generator-activities/?lang=en>

#### **Pollution Prevention**

During the construction and operational phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link: <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>

Yn gywir / Yours faithfully,

*Daniel Davies*

Daniel Davies

Cynghorydd, Cynllunio Datblygu / Advisor, Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales