

FAO Sharon Holman

28/08/2019

Dear Sharon,

**BWRIAD / PROPOSAL: EXTENSION TO APPROVED INDUSTRIAL WAREHOUSE
(PLANNING REF P/2017/1013) - USE CLASS B1, B2 AND B8), TOGETHER WITH
ASSOCIATED SERVICE YARD
LLEOLIAD / LOCATION: Land Off Abbey Road, Wrexham Industrial Estate, Wrexham**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 09/08/2019.

We recommend that you should only grant planning permission if you attach the following conditions. 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: Implementation of proposed great crested newt mitigation and compensation measures to the satisfaction of the LPA;

Condition 2: Submission and implementation of a long-term surveillance scheme to the satisfaction of the LPA.

Condition 3: Submission and implementation of long term measures to ensure the extent, integrity and functionality of the amended compensation.

Condition 4: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

Condition 5: 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 report submitted in support of this planning application (Abbey Road, Wrexham Industrial Estate – Ecological Assessment, TEP, 12/07/2018)

Great Crested Newt

The application site has been subject to assessment in respect of the great crested newt. Wrexham Industrial Estate and its environs is considered to support a nationally important population of this species

The ecological submissions confirms the presence of the species at the application site. It also confirms that the application site has been subject to an extant derogation licence in respect an earlier construction scheme.

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 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 satisfy 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 GCNs on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We acknowledge the provisions of the scheme include the loss of a small area of land that formed part of derogation compensatory habitat together with measures designed to offset predicted impacts. We consider the proposal is satisfactory in principle. However, we are concerned about the potential to further loss of compensatory habitat.

We therefore do not consider this component of the overall submitted proposal to be satisfactory. In these circumstances, we consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of this species provided additional measures are implemented that ensure the long-term safeguard, integrity, and functionality of the remaining compensatory area,

We therefore advise that any subsequent consent is subject to the imposition of planning conditions and obligations (i.e. Section 106 agreement) in respect of:

Condition 1: Implementation of proposed great crested newt mitigation and compensation measures to the satisfaction of the LPA;

Condition 2: Submission and implementation of a long-term surveillance scheme to the satisfaction of the LPA.

We advise the long-term surveillance methodology to be used for surveillance accords with the online Wales GCN monitoring scheme (see <https://www.cofnod.org.uk/LinkInfo?ID=7>)

Condition 3: Submission and implementation of long term measures to ensure the extent, integrity and functionality of the amended compensation.

We advise consideration be given to changes to tenure of the compensation area to avoid potential risks of further encroachment into the derogation licence compensation area. We consider this issue can be most effectively addressed under the provisions of a section 106 Agreement

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, the applicant 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 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.

Bats

We consider the survey and assessment in respect of bats to be satisfactory

In our view the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of bat.

Ecological Compliance Audit

We advise that any future consent includes the imposition of the following condition:

Condition 4: 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.

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 5: 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.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

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.

Advice to Applicant

Pollution Prevention

Due to the proximity of the site to watercourses, 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>

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.

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.

Yn gywir / Yours sincerely,

Daniel Davies

Daniel Davies

Cynghorydd, Cynllunio Datblygu / Advisor, Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales