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Wrexham County Borough Council
The Guildhall,
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19/11/2019

For the attention of Philip Forster

Dear Philip,

**BWRIAD / PROPOSAL: DEVELOPMENT OF A NEW FINISHED GOOD STORAGE
AREA 68M X 40M ADJOINING THE CURRENT FINISHED GOODS
YARD**

**LLEOLIAD / LOCATION: Hydro Aluminium Deeside LTD, Bridge Road,
Wrexham Industrial Estate, Wrexham**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 08/11/2019.

We 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: No development shall commence until a site species/habitat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include:

- The submission of amphibian avoidance measures;

- The submission of a scheme that identifies the provision and management of a corridor for long term conservation purposes;
- The submission 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;
- Ecological Compliance Audit, including key performance indicators.

Condition 2: 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.

Protected Species

We note the applicant has submitted an ecological report for the purposes of informing the planning decision making process (Ecological Impact Assessment at Hydro Aluminium Deeside Limited, Bridge Street, Wrexham, Susan Worsfold, 29th August 2019).

Great Crested Newt

The application site has been subject to assessment in respect of the great crested newt. In my view, this assessment fails to consider:

- (i) The overall national importance of the population of great crested newts present within in the environs of the Wrexham Industrial Estate
- (ii) The significance of the component local population located to the south of the application site
- (iii) Dispersal distances of the species (up to 1.2 kms)
- (iv) The functional role of the overall site for connectivity purposes

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 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 that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of this species of amphibian provided any subsequent consent requires the submission and implementation of an approved conservation scheme

We therefore advise that any subsequent consent is subject to the imposition of a condition that requires the submission of a conservation plan that includes the following components:

Condition 1: No development shall commence until a site species/habitat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include:

- The submission of amphibian avoidance measures;
- The submission of a scheme that identifies the provision and management of a corridor for long term conservation purposes;
- The submission 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;
- Ecological Compliance Audit, including key performance indicators.

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 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.

Other Interests

Wrexham Industrial Estate is considered to support nationally important butterfly interest (including dingy and grizzled skipper). One of the principle habitats supporting these species is located to the south of the application site. The Local Planning Authority may look for the assessment to consider suitable habitats in the wider environs of the application 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.

Condition 2: 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.

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 for the Developer:

Pollution Prevention

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which is 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.

Yn gywir / Yours faithfully,

Daniel Davies

Daniel Davies

Cynghorydd, Cynllunio Datblygu / Advisor, Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales