



15/01/2018

Er sylw / For the attention of: Sharon Holman,

Annwyl / Dear Sharon Holman,

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990

BWRIAD / PROPOSAL:

Erection of industrial warehouse (use class B1, B2 & B8) with associated service yard and car parking

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 13/12/2017.

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.

Summary of conditions:

Condition 1: EPS: GCN avoidance, mitigation and compensation measures, including those measures described in the bat report being set out in a method statement.

Condition 2: EPS: Before commencement of development, the applicant to submit a protected species licence issued by NRW to the LPA

Protected Species

The ecology report submitted in support of the above application (reference Knight, T. (2017). Proposed Development at Elm Point, Abbey Road, Wrexham Industrial Estate, Wrexham – Ecology Statement. Marches Ecology. Unpublished) has identified that the great crested newt is present at the application site.

Great crested newts (GCN) and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017). Any development that would

contravene the protection afforded to GCN under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

In this specific case, a derogation licence has been issued for this specific site.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any GCN on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We agree with the ecology report's conclusion that the proposal is likely to harm or disturb the GCN or their breeding sites and resting places at this site and would, therefore, need a licence from Natural Resources Wales. However, if the following avoidance and mitigation measures are implemented, we consider that the development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range:

Condition 1: EPS: GCN avoidance, mitigation and compensation measures, including those measures described in the ecology statement being set out in a method statement and submitted to the satisfaction of the LPA.

We request that any planning permission includes a suitably worded planning condition requiring of GCN avoidance, mitigation and compensation measures, including those measures described in the ecology statement to be set out in a method statement and approved to the satisfaction of the LPA.

Condition 2: EPS: Before commencement of development, the applicant to submit a protected species licence issued by NRW to the LPA

We request that any planning permission includes a suitably worded planning condition that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead

This advice applies to the proposal in its present form. Please consult us again if the plans are changed in ways that may affect the GCN or their breeding sites and resting places at this site.

Geoscience

Informative/ advice to LPA

Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

However, we do have reason to strongly suspect that contamination is present, and a preliminary risk assessment has not been submitted. In line with the advice given in Planning Policy Wales we understand that the Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission.

Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency's [Guiding Principles for Land Contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

Refer to our [groundwater protection](#) advice on www.gov.uk

Flood Risk

The site is within Zone A as defined in TAN 15 Development & Flood Risk (2004) and shown on Welsh Government's Development Advice Map.

To ensure effective management of surface water run-off resulting from the proposed development. As they fulfil the role of Lead Local Flood Authority, we recommend that you contact your Drainage Department for further advice in relation to this. We advise that any proposed scheme should ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates. Details of adoption and management should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development.

Environmental Management

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/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under Environmental Permitting Regulations 2010. The developer should contact Natural

Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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

Our comments only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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. Any site owner/developer 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,

Siôn M. Williams

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Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales