

Community Well-being and Development
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Ein cyf / Our ref:je/ CAS-48089-X1G6

Eich cyf / Your ref: P/2017/0963

Email:
northplanning@cyfoethnaturiolcymru.gov.uk
Tel: 03000 65 5236

Er sylw/ For the attention of:
Philip Forster

06/ 12/ 2017

Dear Mr Forster,

**The Village Bakery, Units 2 And 3 Coed Aben Road, Wrexham Ind. Estate
P/2017/0963 - Erection of single storey workshop**

Thank you for consulting Natural Resources Wales regarding the above proposal, received on 23/ 11/ 2017.

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

Condition: Prior to commencement, the submission and implementation of a great crested newt avoidance scheme undertaken to the satisfaction of the LPA.

Protected Species

The application is not supported by ecological submission.

The proposed development site is located in the vicinity of ponds that are known to support populations of the great crested newt (Triturus cristatus). Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they are 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 it satisfies an appropriate Habitats Directive derogation purpose and two tests before a licence can be issued by Natural Resources Wales.

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

www.cyfoethnaturiolcymru.gov.uk

www.naturalresourceswales.gov.uk

Maes y Ffynnon, Penrhosgarnedd, Bangor, LL57 2DW

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

“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, a licence may only be issued by NRW 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.

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

In this case, we can confirm, that land owned by the applicant is subject to the provisions of an extant European protected species derogation licence . This licence concerns a previous extension to the bakery facility.

We consider that the development and its subsequent operation is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts at this site.

However, we advise that any planning consent is subject to the imposition of the following condition:

Condition: Prior to commencement, the submission and implementation of a great crested newt avoidance scheme undertaken to the satisfaction of the LPA.

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 to reconsult NRW that takes account of such changes. Please consult us again if any updated ecological details conclude that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of any avoidance, mitigation or compensation measures.

Environmental Management

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily in accordance with duty of care requirements under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years.

Please do not hesitate to contact us if we can be of any further assistance to you or if you wish clarification on 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.

Yours sincerely,

Joy Evans

Joy Evans
Development Planning Advisor