

Wrexham County Borough Council

Ebost/Email: Northplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: (0300) 065 3787

Date: 22nd January 2018

Dear Sir/Madam,

**EXTENSION TO EXISTING INDUSTRIAL BUILDING INCLUDING RENOVATION AND
ASSOCIATED EXTERNAL FORMER CAPARO WIRE ASH ROAD SOUTH WREXHAM
INDUSTRIAL ESTATE WREXHAM**

Thank you for referring the above planning application received at our office 2nd January 2018.

NRW would not object to these proposals as we consider they are unlikely to have a significant adverse effect upon the interests listed.

Flood Risk

The application site lies partially within zone C2 as defined by the development advice map referred to under TAN15 Development and Flood Risk (July 2004), however the existing building and extension lies in zone A.

Given the scale of the proposed development, and in the absence of a flood consequence assessment, we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development.

The developer can access advice and information on protection from flooding on the following websites:

ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties' on the Planning Portal website:

<http://www.planningportal.gov.uk>

<http://www.environment-agency.gov.uk/static/documents/Research/AdvisoryCommentsfz2.pdf>

Please advise the Applicant the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Alyn, designated "main river". Further advice and guidance is available on our website at:

<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

Protected Species

The application is supported by ecological submission. (Reference : Boyett, L. (2017) Former Caparo Wire factory: Ecological Site Walkover. Enfys Ecology. Unpublished,

NRW consider the ecological submission to be satisfactory for the purposes of informing the planning decision making process

Great Crested Newt

The application site is near 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 2017 and they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5). The overall population of GCN present within and in the environs of the Wrexham Industrial Estate is of national importance.

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 can confirm, that adjoining land owned by the applicant is subject to the provisions of an extant European protected species derogation licence. This licence concerns a previously approved extension to the bakery facility.

We consider that this specific development and its subsequent operation is not being likely to be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts at this site. We concur with the recommendations identified in the ecological submission.

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.

Our comments above 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/planning-and-development/planning-and-development/?lang=en>). 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.

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

Yn gywir / Yours' faithfully,



Ruth Prichard

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Deialu uniongyrchol/Direct dial: (0300) 065 3787 **Siaradwr Cymraeg / Welsh Speaker**



cc: