

Head of Environment and Planning
Wrexham County Borough Council
16 Lord Street
WREXHAM
LL11 1LG

28 April 2017

Er sylw / For the attention of: Matthew Phillips

Annwyl / Dear Mr Phillips

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

**BWRIAD / PROPOSAL: Erection of Storage Building in Association with Maelor
Abattoir and all Associated Works**

**LLEOLIAD / LOCATION: Land opposite Maelor Abattoir, Bedwell Road, Cross Lanes,
Wrexham**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 5 April 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.

Condition 1: The submission and implementation of amphibian avoidance and mitigation to the satisfaction of the local planning authority

Condition 2: Submission and implementation of a biosecurity security risk assessment

Great Crested Newt

The application site is located adjacent to 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 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 it is possible that the species utilizes the site for foraging, dispersal or sheltering purposes. In our view, we consider that construction and operational phases of the proposal have the potential to adversely affect GCN.

We consider that the development and its subsequent operation is not be likely to be detrimental to the maintenance of the favourable conservation status of the GCN populations. However, we advise that any subsequent consent is subject to the imposition of the following planning conditions or obligations (such as a Section 106 Agreement or a unilateral undertaking):

Condition 1: The submission and implementation of amphibian avoidance and mitigation to the satisfaction of the local planning authority

The submission and implementation of detailed great crested newt avoidance and mitigation measures based on the RAMS to the satisfaction of the LPA. This shall include proposals outlined the ecological submission together with details concerning the erection and maintenance of exclusion, drift and barrier fencing; relocation of individuals from working areas and the details of proposals designed to prevent or reduce the incidental capture/killing of individuals during the operation phase of the proposals;

Prior to the commencement of development the applicant should provide your Authority with confirmation that a licence has been issued by NRW pursuant of Regulation 53 of the Conservation of Habitats and Species Regulations (2010) as amended authorizing the specified development/activity or confirmation that NRW has informed the applicant that a licence is not required.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, a revised ecology report will be required, 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.

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. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 2: Submission and implementation of a biosecurity security risk assessment

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.

Protection of the (ground)water environment

The application form states that surface water will be disposed of via soakaway. Only clean, uncontaminated surface water should be discharged to a soakaway. Should it be intended to store oils, fuels or chemicals within the storage building, it should be ensured that any leakages/spillages are contained within the building and wash water is not directed to any soakaway.

Please do not hesitate to contact me if you require clarification on the above.

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/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. 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

Meryl Read

Meryl Read

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Cyfoeth Naturiol Cymru / Natural Resources Wales