

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

17 March 2017

Er sylw / For the attention of: Sharon Holman

Annwyl / Dear Ms Holman

TOWN AND COUNTRY PLANNING ACT 1990
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BWRIAD / PROPOSAL: Extension to Warehouse, Erection of Detached Canopy Building for Deliveries, Over-Cladding of Existing Building and Construction of Additional Parking Area

LLEOLIAD / LOCATION: Unit 12, Ash Road North, Wrexham Industrial Estate

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 24 February 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: Implementation of measures identified within the Biosecurity risk assessment

Protected Species

The application is supported by an ecological submission:

Bennett, D. (2016) Ecological Assessment for Land Off Ash Road North , Wrexham Industrial Estate, Clwydian Ecology. Unpublished.

Great Crested Newts (GCN)

The ecological submission confirms the presence of the species within the environs of the application site. The species has been confirmed breeding in a water body located within 250m of the application site.

We can confirm that ponds in the environs of the application site support populations of the great crested newt (Triturus cristatus). This species is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). Furthermore the overall population of great crested newts present within and in the environs of the Wrexham Industrial Estate is considered overall to be 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 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 note that the applicant has submitted a great crested newt reasonable avoidance measures scheme. We advise the proposed amphibian avoidance /mitigation scheme is amended to include the construction and maintenance of one way amphibian fencing

We consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any of the local populations of great crested newt present within and in the environs of the industrial estate.

However, to inform implementation of the proposal, we would welcome the imposition of the following condition in respect of the great crested newt:

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

This advice applies to the proposal in its present form. Please consult us again if any updated or revised plans are to be submitted.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Bats

We consider the submission of information with respect of bats to be satisfactory.

Biosecurity

The application is supported by a Biosecurity Risk Assessment which is considered to be satisfactory. We recommend that implementation of the measures identified within the Assessment is subject to condition.

Condition 2: Implementation of measures identified within the Biosecurity Risk Assessment

Surface Water Drainage

The application includes a Drainage Strategy document. We recommend that your Drainage Department as Lead Local Flood Authority is consulted on the proposals.

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/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.

Yn gywir / Yours sincerely

Meryl Read

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Uwch-gynghorydd Cynllunio Datblygu / Senior Development Planning Advisor
Cyfoeth Naturiol Cymru / Natural Resources Wales