

Application for a Licence – European Protected Species Local Planning Authority Consultation Document



If planning permission, or other consents are required/have been granted, then this consultation document **must** be completed by the relevant Local Authority Planning Officer and the **signed copy returned to the applicant** before being submitted by the applicant to the Natural Resources Body for Wales otherwise known as Natural Resources Wales (NRW)



Site Name	Lloyds Animal Feeds, Wrexham Mill, Bridge North Road, Wrexham Industrial Estate, Wrexham LL13 9PS
Local Planning Authority (LPA)	Wrexham County Borough Council
Planning Application Reference Number	P/2015/0194

If you have any problems filling in this form or require an electronic copy of the form then please contact the NRW at the contacts provided below:

Species Protection Team,
Natural Resources Wales,
Maes y Ffynnon,
Penrhosgarnedd,
Bangor,
LL57 2DW

e-mail

specieslicence@naturalresourceswales.gov.uk

Tel. 03000653000

Notes for guidance: (Please read the following notes carefully before completing this form)

Please ensure that you complete this document having had sight of the details of the proposed activity/development in the application for a licence in respect of European Protected Species.

Please note that the activity described at Questions 9, 10 & 11 is hereafter referred to as 'the proposed activity'.

Natural Resources Wales as the relevant licensing authority under the Conservation of Habitats and Species Regulations 2010, require your assistance to determine this licence application. Without the Planning Authority's response to this consultation document NRW is unlikely to be able to determine the licence application. In such circumstances, no licence will be issued and the proposed activity cannot proceed.

Before NRW issue a licence they must be satisfied that the proposed activity is for one of the following purposes:

- Regulation 53(2)(e) for the purpose of **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; or
- Regulation 53(2)(f) for the purpose of **Preventing the spread of disease**;
- Regulation 53(2)(g) for the purpose of **Preventing serious damage** to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries;

Provided that it meets the following requirements;

- Regulation 53(9)(a) that there is **no satisfactory alternative and**

- Regulation 53(9) (b) that the action authorised **will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status** in their natural range.

The attached consultation document has been designed to help you provide NRW with information to assist them in assessing the licence application and reaching its licensing decision.

Notes to the Local Planning Authority.

Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 requires all Local Planning Authorities in the exercise of their functions to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions. Where NRW receives a licence application from a developer for a proposed activity that will affect a European protected species it is necessary to seek information from the Local Planning Authority in order to consider whether the licensing requirements are met.

Planning Policy Wales (2002) sets out the Welsh Assembly Government's policies for natural heritage. The draft revised Technical Advice Note 5, Nature Conservation and Planning (2006) (TAN5) provides further detailed advice on the protection and enhancement of biodiversity and geological conservation through the planning system. These policies need to be taken into account by Local Planning Authorities in the preparation of local development plans. They may also be material to decisions on individual planning applications. Planning Policy Wales and TAN5 are available via the Welsh Assembly Government's website (<http://www.wales.gov.uk/>).

Going Wild in Wales - List of Species and Habitats of Principal Importance for the Conservation of Biological Diversity in Wales is available on the Welsh Assembly Government website.
<http://new.wales.gov.uk/docrepos/40382/4038231121/403825/613037/list-of-species-e.pdf?lang=en>

Part A - Planning Authority Consultation Document.

Please answer all of the following questions by ticking as appropriate and, where indicated, giving further details in the boxes provided.

1.	In the opinion of the Local Authority, is an <u>application</u> for Planning Permission Listed Building Consent, or The Building Act 1984 (Sections 80 –83) required for the proposed activity?	Yes	☒	No	☐
If NO, please disregard the remainder of Part A and B COMPLETE PART C.					
2.	Has your Authority issued the necessary consents to allow the proposed activity to be commenced (excluding Building Regulations)?	Yes	☒	No	☐
If NO , please give brief details if a planning application is under consideration.					
3.	Is the consent issued by your Authority;				
	a) Outline?	Yes	☐	No	☒
	b) Outline subject to Reserved Matters?	Yes	☐	No	☒
	If YES , do any of the Reserved Matters that remain outstanding relate to wildlife issues	Yes	☐	No	☐
If YES , please give details of any condition(s) as Reserved Matters attached to the Planning Permission that relate to wildlife and habitats.					
	c) Full Planning Permission?	Yes	☒	No	☐
	d) Listed Building Consent?	Yes	☐	No	☒
	e) Conservation Area Consent?	Yes	☐	No	☒
	f) Tree Preservation Order?	Yes	☐	No	☒
	g) Notice of Demolition Order	Yes	☐	No	☒
4.	Was the Planning Application determined by the Planning Committee or under Delegated Powers? (Please state which) <u>Delegated Powers</u>				
5.	Consideration of Designated Sites				
	Designated Areas: Local Nature Reserves (LNR), National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Areas of Conservation (SAC), Ramsar sites, and certain other river/lake systems.				
(a)	Will any part of the proposed activity fall within an area covered by a designated site. E.g. LNR, NNR, SSSI, SAC, SPA, Ramsar?	Yes	☐	No	☒
(b)	Will any part of the proposed activity fall within or adjacent to a designated site?	Yes	☐	No	☒
(c)	If YES to either of the above, has NRW been consulted for advice on the implications of the application on the protected site?	Yes	☐	No	☐
(d)	Please give either the outcome of the consultations or the reason why there has been no consultation. Please refer to any relevant correspondence.				

6.	Mineral Consents (if not applicable go to Q7) <u>na</u>			
	a) Does the site have the appropriate approved consents for the working/extraction of minerals?	Yes		No
	b) Has the site been or is subject to an application for a Review of the Mineral Permission (ROMP)?	Yes		No
	c) Has the ROMP application been determined?	Yes		No
	d) If the ROMP has not been determined is your Authority content that the mineral extraction work can proceed on the land subject to the licence application prior to the determination of the review?	Yes		No
7.	Does the consent issued accord with;			
	a) Local development plans?	Yes	<u>x</u>	No
	b) Regional policy guidance?	Yes	<u>x</u>	No
	c) National planning policy guidance?	Yes	<u>x</u>	No
8.	Was there a departure from the Local Plan Policies?	Yes		No <u>x</u>
	If YES , was the matter referred to the Secretary of State?	Yes		No
	If YES , please provide a copy of the Secretary of State's decision letter.			
	If NO , please give details of the justification for this decision.			
	<u>Please see attached delegated report</u>			
9.	Is the site subject to a Section 106 Agreement (Town and Country Planning Act 1990)?	Yes		No <u>x</u>
	If YES , has the Section 106 Agreement been completed?	Yes		No
	If YES , does the Section 106 include elements to benefit the long-term wildlife interests of the site?	Yes		No
10.	Is the site subject to a Section 278 Agreement (Highways Act 1980)?	Yes		No <u>x</u>
	If YES , has the Section 278 Agreement been completed?	Yes		No
	If YES , does the Section 278 include elements to benefit the long-term wildlife interests of the site?	Yes		No
11.	Was a wildlife survey undertaken in support of the planning application?	Yes	<u>x</u>	No
	Does the application provide full details of mitigation agreed by the applicant?	Yes	<u>x</u>	No
	Have the survey and Mitigation Proposals been referred to the Authority's Ecologist or Biodiversity Officer for comment?	Yes	<u>x</u>	No
	If NO to any of the above, please explain why this was not considered necessary			
12.	Was NRW or Welsh Government consulted in respect of the wildlife issues?	Yes	<u>x</u>	No
	If NO , please explain why it was not considered necessary			

Part B - Local Planning Authority Statement

Consideration of Regulations 53(2)(e) – (g) and 53(9)(a)

B.1 Bearing in mind your duty under regulation 9(5) of the Conservation of Habitats and Species Regulations 2010, please provide a statement of the Local Planning Authority's view of the proposed activity in terms of:-

- 1) Regulation 53(2)(e) – that is how it is judged to be “in the interests of preserving public health and public 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”; or
- 2) Regulation 53(2)(f) – that is how it is judged to be “for the purpose of preventing the spread of disease”; or
- 3) Regulation 53(2)(g) – that is how it is judged to be “for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries”;

In all cases please state against which Local Plan policies the planning application was considered.

This information will be used by NRW to assist in considering whether the proposed activity meets the requirements of the Regulations and thus whether a licence should be issued.

Regulation 53(2)(e) - [separate cross referenced pages may be enclosed when answering this section]. Please state which of the two broad purposes below is served by this activity and explain how it meets that purpose. (Please provide key extracts from any relevant documentation or reports for our reference).

a) Preserving public health and public safety at the site level.

na

b) Imperative reasons of overriding public interest, which can in particular include:

i) Social needs at a local, regional and national level; and/or

ii) Economic needs at a local, regional and national level; and

iii) Whether there are beneficial consequences of primary importance for the environment.

ii) The Mill at Wrexham Industrial Estate is an established business and forms part of the wider Lloyds Agricultural Food Group incorporating food processing units throughout England and Wales. High energy demand in the production process has resulted in the proposal for the installation of a wood chip heating system to lower carbon emission, reduce overheads and sustain employment.

Regulation 53(2)(f) – [separate cross referenced pages may be enclosed when answering this section]. If applicable, please state how the purpose of preventing the spread of disease is served by this activity and explain how it meets that purpose. (Please provide key extracts from any relevant documentation or reports for our reference).

na

Regulation 53(2)(g) – [separate cross referenced pages may be enclosed when answering this section].
If applicable, please state how the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries is served by this activity and explain how it meets that purpose. (Please provide key extracts from any relevant documentation or reports for our reference).

na

B.2 Please provide a statement of the Local Planning Authority's view of the proposed activity in terms of Regulation 53(9) (a) – that there is “no satisfactory alternative” to the proposed activity.

Regulation 53(9) (a), that there are no satisfactory alternatives to the proposed activity. – [separate cross-referenced pages may be enclosed when answering this section].

- a) Having specific regard to each of the interests and/or reasons and/or consequences put forward in B1 above, please set out whether in your view there are any other satisfactory alternatives to the proposed activity, including the alternative of doing nothing.

There are no satisfactory alternatives to the development which is required to sustain production whilst meeting government emissions targets.

(NOTE: please state:

- whether within the general area of need served by this activity or proposal, are there any alternative sites at which, in your opinion, the activity could reasonably have been accommodated with no, or reduced implications for European protected species *and*;
- could this activity or proposal on the site subject to this licence application have been achieved in a way that would mean no, or reduced implications for European protected species).

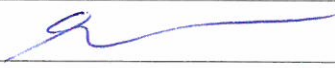
- b) In relation to each alternative considered at (a), please provide an explanation of why you consider it to be satisfactory or unsatisfactory. In respect to any alternative sites please provide the location(s) and details of the alternative site(s), or your views on how the activity/proposal might have been achieved differently, and any other helpful information; e.g., pros and cons of alternative sites, or whether there is likely to be demand for all suitable sites to be used to meet an identified need. Please explain how this conclusion was reached.

There are no other alternatives to consider.

Part C – Declaration

Declaration to be completed by the Officer who completed the above consultation document.

- I declare I have completed this consultation document and that the particulars given in this response and the accompanying documents are correct to the best of my knowledge and belief.

Name <u>Sharon Holman</u>	Signature
	
Name and Address of the Local Planning Authority	
<u>Wrexham County Borough Council</u>	
<u>Planning Service</u>	
<u>16 Lord Street</u>	
<u>Wrexham</u>	
<u>LL11 1LG</u>	
Position held in the above Authority	Date <u>5/10/15</u>
<u>Planning Officer (Development Management)</u>	
Contact telephone number	
<u>01978 298779</u>	
Annexes Enclosed Please tick and number(as appropriate)	
D1	A copy of Planning Permissions (Required) ☒
D2	A copy of the minutes of the Planning Committee meeting at which the application was decided, or the equivalent papers if the application was decided by an officer under delegated powers. (Required) ☒
D3	A copy of S.278 Agreement, Highways Act 1980 (If applicable)
D4	A copy of S.106 Agreement, Town and Country Planning Act 1990 (if applicable)
D5	A copy of the Welsh Ministers' decision letter (if applicable)
D6	A copy of the report to the Planning Committee on the planning application (if applicable).
D7	Copies of other Consents (if applicable)
D8	Extracts from documentation used to identify the need for the proposal (if applicable).
D9	Information about any modification to the planning application to take account of the presence of a European Protected Species (Mitigation Proposals and/or Method Statement). (If applicable).

Note to applicant – all indicated annexes must be included in your application and clearly labelled

P/2015/0194

Sharon Holman

CONSULTATION RESPONSES	Objects	No Objection	Comments	Accepts/ Supports	No reply
Community Council					x
Local member(s)					x
Highways		x			
Public Protection		x			
Natural Resources Wales		x			
Welsh Water					x
Other					na
Neighbours					x

KEY ISSUES	Summary of Relevant History (See SX3 History) P/2013/0794 – Biomass Boiler - Approved
Action required	Committee No

PLANNING POLICY/CONSTRAINTS

UDP NOTATION	YES	ACCEPTABLE	NOT ACCEPTABLE
Outside settlement			
Inside settlement – WXM IND EST	x	x	
Conservation Area			
Listed Building/ setting			
Green Barrier			
Special Landscape Area			
Flood Risk			
Within Buffer Zone or affecting SAC*			
World Heritage Site			
AONB			
Other			

KEY ISSUES	Acceptable	Observations below	Conditions Required	Not Acceptable	N/A
Residential Amenity					x
Design* (see below)	x				
Accessibility*	x				
Highway safety	x				
Parking	x				
Conservation/LB					x
Ecology	x				
Landscaping	x				
Other					x

Design Statement*	Yes	No	Comments
DAAS Acceptable	x		
Design Justified	x		
Design Acceptable	x		

*Refer to DAAS document on SX3 if applicable

OBSERVATIONS:

The application has implications for great crested newts and possibly grizzled skipper butterfly.

The area which is proposed to be set aside for great crested newt mitigation is sufficient and the proposed long-term management plan and method of site security is considered to be acceptable. The reasonable avoidance measures will minimise the risk that the development will result in incidental capture or killing of newts. This information will be utilised to obtain an EPS Derogation Licence from NRW.

With regards to grizzled skipper butterflies, the ecological surveys carried out and mitigation measure proposed are also acceptable. A method of turf translocation and habitat replacement is proposed and this will be secured by planning condition.

The proposed scale and design of the building proposed to house the previously approved bio mass boiler is acceptable in terms of scale and design. The enclosing of the boiler will significantly improve the appearance of the area. No impact upon highway safety.

RECOMMENDATION SUMMARY

Recommend Grant	Without Conditions	With Conds.	Refer to Cadw	S106	Notes
x		x			

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant	LLOYDS ANIMAL FEEDS WESTERN LTD	Code Number	ISY P/2015/0194
Agent	CUSTOM DESIGN PROJECTS MRS DAWN MINSHALL THE COTTAGE ALPORT ROAD WHITCHURCH SY13 1NR	Date Received	16/03/2015
		Decision Date	07/05/2015

Town and Country Planning Act, 1990

Location of application

LLOYDS ANIMAL FEEDS, WREXHAM MILL, BRIDGE ROAD NORTH,
WREXHAM INDUSTRIAL ESTATE, WREXHAM, LL13 9PS

Description of application

ERECTION OF STEEL FRAME BUILDING TO HOUSE BIOMASS BOILER
HEATING SYSTEM AND ASSOCIATED FLUE

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

EC13	Surface water run-off
EC4	Hedgerows, Trees and Woodland
GDP1	Development objectives
PS1	Settlement limits
PS11	Biodiversity
PS2	Development and the environment
PS3	Brownfield Land
T8	Parking

Particulars of decision that permission be GRANTED Subject to the following:-

Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local

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Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.

3. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday.

4. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. ref 14/785/02.

5. There shall be no gates or other means of enclosure across the vehicular access point within 10 metres of the highway boundary.

6. No part of the development shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall include appropriate measures to prevent the introduction of Invasive Non Native Species (INNS) during the construction phase, and measures to control INNS as may be currently present on site. The measures and proposals shall be fully implemented in strict accordance with the details as are approved.

7. A compliance audit shall be carried out by a qualified ecologist, independently of the appointed principle ecologist, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. A copy of the completed audit reports shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development.

8. The development shall be carried out in strict accordance with the findings, recommendations and mitigation measures contained within the Great Crested Newt and Reptile Appraisal and Mitigation Measures, and Grizzled Skipper Site Assessment, as carried out by CES Ecology dated April 2015, approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

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Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
3. To protect the amenities of the occupiers of nearby properties.
4. In the interests of highway safety.
5. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
6. To prevent the spread of Invasive Non Native Species.
7. In order to protect wildlife interests, which are afforded special protection.
8. To protect named species/habitats/biodiversity which would otherwise be damaged/lost by the development hereby permitted.

Note(s) to applicant

The applicant is advised that compliance with condition no.3 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

The Biomass boiler will require permitting under the Environmental Permitting (England and Wales) Regulations 2010 (as amended). The applicant should discuss this with Natural Resources Wales and be aware that if the boiler is operated without a permit then this can result in enforcement action being taken.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care

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with regard to waste disposal;

- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;

- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.



Officer Appointed for this purpose
Head of Community Wellbeing and Development

Refer to the Statement of Applicant's Rights and General Information enclosed or refer to the following link:-

[http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.h
tm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)