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Ein cyf/Our ref: ME/MMJ/SJ34.12/1728174
Eich cyf/Your ref: APP/H6955/T/12/515750

22 January 2013

For the attention of Gareth Harvey

By email and post

Dear Sir/Madam

**Town and Country Planning 1990 – Section 78
Tree Preservation Orders (TPO) Appeal**

Proposal: Tree felling
Location: HTC Management Services Ltd, Redwither Road, Wrexham Industrial Estate, Wrexham
Grid Ref: E 337034 N 349399

Thank you for your letter of 20 December 2012 seeking our advice in relation to the above planning proposal.

In discharging its functions under section 130 of the Environmental Protection Act 1990, The Countryside Council for Wales champions the environment and landscapes of Wales and its coastal waters as sources of natural and cultural riches, as a foundation for economic and social activity, and as a place for leisure and learning opportunities. We aim to make the environment a valued part of everyone's life in Wales.

CCW has no objection in principle to the proposal. However we advise that any consent is subject to condition in respect of the safeguard of protected species. In our opinion, as explained below, the proposal may affect the following species:

Great crested newt

We would like to express the following further comments and observations:

Statutory Sites and Landscapes

1. The proposal will not affect the integrity, functionality or features of any statutory designated sites of ecological, geological and/or geomorphic interest. However, the great crested newt meta-population, and populations of butterfly present within and in the environs of the Industrial Estate are considered to be of national interest.
2. The proposed scheme will not affect the character or integrity of any statutory protected or nationally important landscapes.

Protected and Biodiversity Species

3. We can confirm that ponds in the vicinity of the application site are known to support 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). Consequently, this species is considered likely to be present within the environs of the appeal site.
4. We consider the appeal site will function as a component part of a corridor that links ponds used by the great crested newt. However, the appellant has not submitted any proposals to mitigate any impacts on protected species.
5. Regulation 9 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to have regard to and, in respect of enactments relating to nature conservation to secure compliance with the

requirements of the 1992 ‘Habitats’ Directive (92/43/EEC).

6. If the great crested newt is recorded within the boundary of the appeal site, operations may only proceed, under a licence issued by the Welsh Government (WG), who are the appropriate authority responsible for issuing licences under Section 53 (2) (e) of the above Regulations. This licence can only be issued for the purposes 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.”

Furthermore, the licence can only be issued by the Welsh Government 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.”

Please note the relevant licensing body after the 1st April 2013 is Natural Resources Wales (NRW).

7. We consider the proposal is not likely be detrimental to the maintenance of the favourable conservation status of each of the (sub) populations of great crested newts at the appeal site. However, in the event of the proposal being approved, we advise that any consent is subject to the following conditions:
 - a. Submission and implementation of great crested newt avoidance and mitigation measures (including “reasonable avoidance measures”) to the satisfaction of the LPA;
 - b. Submission and implementation of a “Biosecurity Risk Assessment” to the satisfaction of the LPA; and
 - c. Submission of a scheme to mitigate the loss of trees/wildlife habitats at this locality to the satisfaction of the LPA

Natural Environment and Rural Communities (NERC) Act (2006)

8. Please note that we have not considered possible effects on all local or regional interests, which in this case includes nesting birds, butterfly species such as dingy and grizzled skippers and plant species such as white mullein and grass vetchling. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority’s general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the

planned provision of “linear” and “stepping stone” habitats as defined in Article 10 of the Habitats Directive.

9. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk)

Conclusion

10. In conclusion, we have no objection to the proposal subject to the inclusion of conditions in respect of ensuring the safeguard and protection of the great crested newt and implementation of biosecurity measures.

We would be grateful if you could inform CCW of your Authority's decision.

Please do not hesitate to contact us should you require further information on the above.

Yours faithfully

Matt Ellis
Regional Species Officer
North Wales