

For the attention of Mared Rees

30/10/2018

Dear Mared,

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

**PROPOSAL:  
DEMOLITION OF EXISTING DAY NURSERY AND OUTLINE APPLICATION FOR  
RESIDENTIAL DEVELOPMENT FOR 7 NO DWELLING UNITS**

**LOCATION:  
Sallywags Day Nursery, Bridge Road, Wrexham Industrial Estate, Wrexham**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 15/10/2018.

We recommend that you should only grant planning permission for the scheme if it can meet the following requirements, to address significant concerns that we have identified. Provided these requirements are met, we would not object to the scheme.

**Summary of Requirements**

Requirement 1: Additional information is required to assess the potential implications on the local Great Crested Newt population.

**Protected Species**

We note that the ecology report submitted in support of the above application (reference Worsfold, S. (2018). Ecological Appraisal and Impact Assessment at Former Nursery Building at Sallywags, Bridge Road South, Pentre Maelor, Wrexham. Susan Worsold. Unpublished) has considered the likely presence of bats and great crested newt (GCN) at the application site.

All species of bat and GCNs and their breeding sites and resting places are protected under the provisions of the Conservation of Habitats and Species Regulations 2017. Any development that would contravene the protection afforded to these species under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- There is no satisfactory alternative, and;
- The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range;
- In addition, the development works to be authorised must be for the purposes of preserving public health or 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.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on European protected species, such as bats and GCN on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Although an ecology report has been submitted, we consider that there is not enough information to assess potential effects of the proposal on GCN. We are however satisfied with the assessment and conclusions in respect of bats. We therefore consider that additional information is required to assess the potential implications on the local GCN population.

Requirement 1: Additional information is required to assess the potential implications on the local Great Crested Newt population.

This to include, but not necessarily limited to:

- (i) Review of extant site as including the population at HMP Berwyn;
- (ii) Consideration of connectivity between populations;
- (iii) Amphibian avoidance and mitigation measures;
- (iv) Amphibian conservation measures;
- (v) Amphibian friendly surface water management systems; and
- (vi) Biosecurity

Therefore, we advise your authority does not grant planning permission until further information is supplied in respect of GCN.

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

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

### Advice to Applicant

## Pollution Prevention

The applicant is advised to follow the guidance within the Guidance for Pollution Prevention 6 'working at construction and demolition sites':

<https://www.sepa.org.uk/media/60125/ppg-6-working-at-construction-and-demolition-sites.pdf>

Any work which is to take place should be done so with pollution prevention in mind. Pollution prevention advice and guidance can be found via this link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Should any pollution occur during the construction or operational phase, Natural Resources Wales should be notified via the incident hotline – 03000 65 3000.

## Waste

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Yn gywir / Yours sincerely,

*Daniel Davies*

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales