



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-72631-V6H6
Eich cyf/Your ref: P/2018/0997
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03/12/2018

FAO Matthew Phillips

Annwyl/ Dear Matthew,

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

**BWRIAD / PROPOSAL:
ERECTION OF 23 AFFORDABLE RESIDENTIAL UNITS WITH ASSOCIATED
PARKING, LANDSCAPING AND ANCILLARY WORKS
LLEOLIAD / LOCATION:
Woodlands Farm, Dodds Lane, Gwersyllt, Wrexham**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 30/11/2018.

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 a dedicated long term on site or off site compensatory scheme.

Condition 2: A management plan that includes provisions concerning long term management.

Condition 3: Details of measures designed to prevent the accidental capture/killing of GCN post construction.

Condition 4: Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 5: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

Protected Species

The applicant has submitted an ecological report for the purposes of informing the planning decision making process (Reference: Logan, A.(2018). Woodlands Farm: Ecological Assessment. Avian Ecology, Unpublished).

Bats

We consider the survey and assessment in respect of bats to be satisfactory

We consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of bat

Great Crested Newts

The application site has been subject to assessment in respect of the great crested newt. The ecological submissions confirms the presence of the species in the environs of the application site.

In our view, given dispersal distances can be over 1km, the overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 and they 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 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 GCNs on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In our view, we consider that construction of the proposal has the potential to adversely affect the Great Crested Newt at this site. We note proposals to mitigate the impacts of the proposal on this species. We consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of this species of amphibian, provided an amended amphibian conservation scheme is submitted to the satisfaction of the LPA.

We therefore advise that any subsequent consent is subject to the imposition of planning conditions or obligations that include but not necessarily limited, to the following information:

Condition 1: The submission and implementation of a dedicated long term on site or off site compensatory scheme.

Material attributes of this scheme will, in this case, include future tenure. In terms of detail, we advise proposal include habitat creation and enhancement together with an increase in size to the total area of the amphibian conservation area;

Condition 2: A management plan that includes provisions concerning long term management.

This submission to include consideration of resources required to implement surveillance, management and wardening. Long term surveillance of the amphibian population to be based on the online Wales GCN monitoring scheme.

Condition 3: Details of measures designed to prevent the accidental capture/killing of GCN post construction.

This principally concerns the design and construction of an amphibian friendly surface water management system.

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

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

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.

Condition 4: Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

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.

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.

Ecological Compliance Audit

Condition 5: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidence compliance.

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

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

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

Waste Regulation

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>

Surface Water Drainage

The proposed development is in an area of bedrock aquifer. This designation is consistent with the Water Framework Directive and reflects the importance of aquifers in terms of groundwater as a resource (drinking water supply) and also their role in supporting surface water flows and wetland ecosystems.

In the event that surface water from the development discharges to ground, we refer the developer to the Groundwater Protection: Principles and Practice (Environment Agency, 2013) Position Statements. In particular, the developer should be aware that the advice under Position Statements G11 (Discharge from areas subject to contamination) and G13 (Sustainable drainage systems) applies to this development:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/658135/LIT_7660.pdf

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,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales