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09/08/2021

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: CODI ADEILAD AMAETHYDDOL / ERECTION OF
AGRICULTURAL BUILDING**

LLEOLIAD / LOCATION: TORRIAD FARM, BOWLING BANK, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 20/07/2021.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding Protected Species. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Species

We note that the Preliminary Ecological Assessment (Torriad Farm, Hosely. Arbor Vitae Environmental Ltd. (05/07/2021) submitted in support of the above application has identified the potential for Great Crested Newts (GCN) to be present at the application site. The report includes Reasonable Avoidance Measures (RAMs).

GCN are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

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 any GCN on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We consider that there currently is not enough information to assess potential effects of the proposal on any GCN that may be present at this site and how any effects will be avoided or mitigated.

Further information (updated RAMs scheme) is needed to assess the extent of adverse effects on Great Crested Newts and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Our detailed comments on Appendix 2 of the report (Reasonable Avoidance Measures Method Statement) are as follows:

- No details are provided in the report regarding a search of the application site for Great Crested Newts (GCN) prior to commencement of development.
- No consideration is given in the report to the use of barrier fencing as an avoidance measure.
- No consideration is given in the report of proposals to evidence compliance with the proposed RAMS scheme.
- No consideration of biosecurity is included in the report. We consider biosecurity to be a material consideration owing to the location/nature of the proposal. A Biosecurity Risk assessment should be included in the report. We advise that this includes:
 - (i) appropriate measures to control any identified Invasive Alien Species (IAS) and Invasive Non-native Species (INNS) on site; and
 - (ii) measures or actions that aim to prevent INNS/identified diseases being introduced to the site for the duration of construction (and operational phases) of the scheme.

If one or more GCN are found, we advise that works must immediately stop and must only resume on receipt of the appropriate licence from NRW.

NRW would refer the Planning Authority to the letter from the Welsh Government to the Chief Planning Officer's letter dated 1 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.

Protected Sites and Foul Drainage

We note the application site is within the catchment of the River Dee and Llyn Tegid Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a [Planning Position Statement](#), in which we advised that any

proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Llyn Tegid SAC.

Or comments are made on the understanding that the new building is to be used for storage and will not lead to an increase in stock numbers on the farm. If this is not the case then please reconsult us.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

Advice for the Developer

Environmental Management

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/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Rhys Jones

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales