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02/09/2021

Dear Sir/Madam,

PROPOSAL: OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR UP TO 4 DWELLINGS

LOCATION: GLEBE HOUSE FARM, HORSEMANS GREEN, WHITCHURCH

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which we received on 17/08/2021.

We continue to 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 foul drainage and protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, conditions (and a possible planning obligation) regarding protected species (Great Crested Newt) and biosecurity should be attached to any planning permission granted and the document identified below should be included in the approved plans and documents condition on the decision notice (in respect of bats). Without the inclusion of these conditions and document we would object to this planning application.

Approved document (in respect of bats): Jones, B. and Sheil, C. (2021). Ecological Appraisal: Glebe Farm, Horseman's Green, Wrexham, SY13 3EB. Greenscape Environmental Ltd. Unpublished Report No 20-02 040.4R

Protected Species

Great Crested Newt

We have reviewed the updated ecological report (Jones, B. and Sheil, C. (2021). Ecological Appraisal: Glebe Farm, Horseman's Green, Wrexham, SY13 3EB. Greenscape

Environmental Ltd. Unpublished Report No 20-02 040.4R). The Ecological Appraisal concludes:

“Great crested newts are known to be in the Horseman’s Green area and the nearest pond is 50m away, although this was not seen to support newts in any survey of site. The nearest pond proven to support newts is pond 24, 150m from site, which tested positive in an eDNA analysis. This pond is separated from site by poor terrestrial habitat such as the road and domestic development.

The site itself is mostly of negligible value to amphibians in their terrestrial phase. The tyres, tarpaulin and vegetation are to be removed under a method statement to further minimise the risk to individual newts. An ecologist is also to be employed as an Ecological Clerk of Works to ensure there are no newts on site before work commences.”

We understand that Great Crested Newt (GCN) abundance surveys were carried out between 12 May and 6 June 2021. As stated in Appendix F, surveys were undertaken to inform both presence and abundance. In our view these surveys are not suitable for the purposes of informing absence and the size of population because they commenced on 12 May.

We note the description of terrestrial habitat in Section 6.6.2 of the report. Upon examination of the photographs included, we consider there to be insufficient evidence to suggest the application site is of negligible value to GCN. We therefore advise that in the absence of evidence to demonstrate the species is not likely to occur at the application site that the proposal is constructed under a derogation licence. We also advise that any subsequent consent is subject to the imposition of a planning condition and obligation in respect of GCN.

Condition 1: No development shall commence until a GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should build upon the principles outlined in the Ecological Appraisal and include, but not necessarily be limited to the following.

- The submission of GCN / amphibian avoidance and mitigation measures. The details to include identified Reasonable Avoidance Measures (RAMs) such as barrier fencing.
- The submission of details concerning the GCN enhancement area including management plan, tenure and surveillance.
- Details of timing, phasing and duration of construction activities and conservation measures.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development.
- Ecological Compliance Audit 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 (KPIs) that are to be used for the purposes of assessing and evidencing compliant implementation of proposals.
- Persons responsible for implementing the works.
- Details of measures to prevent or reduce incidental capture or killing.

The GCN Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved GCN Conservation Plan is implemented, which protects GCN affected by the development.

Planning Obligations

We suggest that any planning obligation (Section 106 Agreement/Unilateral Undertaking) includes consideration of the following suggested provisions in respect of ecology. The provisions of the Unilateral Undertaking should potentially include the following.

- The submission of a management plan including aims and objectives, habitat creation and enhancement proposals (including any tree planting to off-set nitrogen/phosphate issues); management prescriptions and surveillance; provision of the digital boundary of the ecology area in GIS format and this to be sent to NRW, Local Planning Authority and the local records centre (Cofnod) and reporting.
- Proposed funding arrangements.
- Tenure and any proposed changes to tenure shall be carried to the satisfaction of the Local Planning Authority.

Bats

We note that the Ecological Appraisal submitted in support of the application concluded:

Phase 2 bat surveys were conducted and found no bats using any building on site. However, transitory bats can use features sparingly throughout the year and negative surveys results do not preclude future use of potentially suitable features.

From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

As this is a lower risk case for bats, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Furthermore, we advise that the proposed development is not likely to harm or disturb any bats or their breeding sites and resting places at this site, provided the avoidance measures described in the bat report are implemented.

The Ecological Appraisal must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Please consult us again if any further information shows that this is no longer a lower risk case.

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 and diseases.

Condition 2: No development with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation.

The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site.

Foul Drainage and Protected Sites

We note the application site is within the catchment of the River Dee and Bala Lake 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. We have also issued [Planning Advice](#) (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site. As such, we refer you to our [Planning Advice](#) and advise you to seek further information from the applicant. We note from the Planning Statement that *"foul drainage will be dealt with via septic tank to soakaway or by means of a package treatment plant discharging to a pond or suitable watercourse. The Applicant owns all of the surrounding land"*. However, we advise you to seek further information as identified in the bullet point list given in the section titled 'What does this mean for development proposals involving private sewage treatment systems' of that advice.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

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.

Waste produced during construction

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 provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

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

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

Yours faithfully,

Tristan Williams

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