

06/09/2018

Er sylw: Philip Forster

Annwyl/ Dear Phil,

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

**BWRIAD / PROPOSAL:
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT, UP TO 112
DWELLINGS TOGETHER WITH VEHICULAR / PEDESTRIAN ACCESS FROM
GATEWEN ROAD, OPEN SPACE, LANDSCAPING, SUSTAINABLE DRAINAGE AND
OTHER RELATED INFRASTRUCTURE**

**LLEOLIAD / LOCATION:
LAND NORTH OF GATEWEN ROAD NEW BROUGHTON WREXHAM**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 20/08/2018.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement. Otherwise, we would object to this planning application.

Requirement 1: EPS: Additional information to assess potential effects of the proposal on protected species.

Protected Species

We note that the bat report submitted in support of the above application (reference Dance, J. (2017). Preliminary Ecological Appraisal: Gatewen Road, RPS Planning and Development Ltd. Unpublished) has identified the potential for bats to be present at the application site.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Any development that would contravene the protection afforded to bats 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 any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Requirement 1: EPS: Additional information to assess potential effects of the proposal on protected species.

Although a bat report has been submitted, we consider that there currently is not enough information to assess potential effects of the proposal on any species of the bat that may be present at this site. We therefore concur with the recommendations of the ecological report that further survey is required for the purposes of informing the planning decision making process.

Therefore, planning permission should not be granted until it can be demonstrated that the proposed development will either not harm or disturb the bats or their breeding sites and resting places at this site, or all 3 conditions for the eventual grant of a licence under the Conservation of Habitats and Species Regulations 2017 are likely to be satisfied.

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.

Flood Risk

The application site lies entirely within zone A, as defined by the development advice map (dam) referred to under TAN 15 Development and Flood Risk (July 2004).

As your Authority are the Lead Local Flood Authority (LLFA) for this area we recommend you consult with your own drainage engineers in respect to any surface water drainage scheme. The following link provides useful guidance;

http://www.wrexham.gov.uk/english/planning_portal/publications/surface_water.htm

Pollution Prevention

Please refer to PPG6, 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 operational phase, Natural Resources Wales should be notified via the incident hotline – 03000 65 3000.

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>

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.

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

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and->

[development/?lang=en](#)). 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. 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