

30/07/2018

Annwyl/Dear Sharon Holman,

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

**PROPOSAL: ERECTION OF TEMPORARY BUILDING INCLUDING THE
INCORPORATION OF 3 SHIPPING CONTAINERS AS PART OF THE STRUCTURE
LOCATION: Brymbo Fossil Forest, New High Street, Brymbo, Wrexham (minor)
P/2018/0557**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 11/07/2018.

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: EPS: GCN avoidance and mitigation measures, including those measures described in the ecological report being set out in a method statement.

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

Protected Species

We note that the ecology report submitted in support of the above application (report Boyett, L. (2018). Brymbo Heritage Area: Preliminary Ecological Appraisal. Enfys Ecology. Unpublished.) great crested newts are present in the environs of the application site.

Great crested newts (GCN) 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 GCN under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. 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,

- iii. 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 GCN's on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. In respect of this specific site, a derogation licence has been issued for ensuring the compliant implementation of ongoing works.

We consider that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCNs in its natural range subject to the imposition of a condition requiring the submission and implementation of amphibian avoidance and mitigation measures.

Condition 1: EPS: GCN avoidance and mitigation and measures, including those measures described in the ecological report being set out in a method statement and submitted to the satisfaction of the LPA.

We request that any planning permission includes a suitably worded planning condition requiring of GCN avoidance and mitigation measures, including those measures described in the ecological report to be set out in a method statement and approved to the satisfaction of the LPA.

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb GCNs or their breeding sites and resting places at this site, you would need a revised ecology report that took account of such changes.

- 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 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

We therefore advise that any future 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.

Protected Sites

The proposal is located on the Brymbo Fossil Forest SSSI.

From the information provided, we consider that the proposal is not likely to have a significant effect on the Brymbo Fossil Forest SSSI.

Our advice may change should modifications be made to the proposed development prior to the determination of the application. If there are any changes to the proposed development which may affect the consideration of potential environmental impacts, please consult us again before you determine the application.

Geoscience

We note the proposed drainage strategy for the site and that no foul drainage connection is required, therefore, we have no further comments.

We also note that the site has to the potential from historical uses to have land contamination. We consider the site setting to be not of the highest environmental sensitivity and therefore request the following informative be included on any planning permission granted.

Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Environment Agency Guiding Principles for Land Contamination (GPLC 1, 2, and 3), March 2010, should be followed – NRW have adopted this guidance.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult the Natural Resources Wales.

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 included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website:

(<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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 for the Developer:

Waste

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 33 and 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.

Suitable pollution prevention measures will need to be in place during construction to minimise any risk of pollution, in particular giving the close proximity of watercourses.

In particular, we refer you to the Pollution Prevention Guidelines

PPG1: Understanding Your Environmental Responsibilities – Good Environmental Practices
PPG6: Working at construction and demolition sites

The Guidance are available at the following link:

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

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,

Siôn M Williams

Siôn M. Williams

Ymgynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales