



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-55371-X5Y1
Eich cyf/Your ref: P/2018/0109

Cyfoeth Naturiol Cymru
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Wrexham County Borough Council

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Date: 22nd February 2018

Dear Sir/Madam,

**ERECTION OF AGRICULTURAL BUILDING (IN RETROSPECT)
UPPER PARK, EYTON FARM, EYTON, WREXHAM**

Thank you for referring the above planning application received at our office 12th February 2018.

We recommend that you should only grant planning permission for the scheme if it can meet the following requirements, to address significant concerns that we have identified. Provided these requirements are met, we would not object to the scheme.

Requirement 1: European Protected Species (EPS): An ecological submission should be provided to inform the planning decision making process.

Protected Species

We have assessed the submitted information and recognise that this application is retrospect however, NRW has identified the possibility that European protected species may be present at the application site. As such a EPS should be submitted to inform the planning decision making process.

European protected species (EPS) such as bats and great crested newt 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 EPS 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 the local planning authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any EPS 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: European Protected Species (EPS): an ecological submission should be provided to inform the planning decision making process.

We advise this report includes ecological surveys together with ecological conservation and habitat restoration measures. We cannot currently confirm the proposal would not be detrimental to the maintenance of the Favourable Conservation Status of any local populations of European protected species. The Local Planning Authority's internal Ecological Advisor should also be contacted to determine any specific information they may require.

Pollution Prevention

Any waste excavation material or building waste generated during the development must be disposed of satisfactorily in accordance with duty of care requirements under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years.

Once the shed is in use, the applicant must also ensure that any contaminated effluent produced from livestock housing is contained in accordance with The Water Resources (Control of Pollution), (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010, and not allowed to enter any surface water or groundwater.

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.

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

Yn gywir / Yours' faithfully,

Ruth Prichard

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Deialu uniongyrchol/Direct dial: (0300) 065 3787 **Siaradwr Cymraeg / Welsh Speaker**



cc: