Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-65774-D1G4

Eich cyf/Your ref: P/2018/0528

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02/08/2018

Er sylw / For the attention of: Kevin Hughes

Annwyl Syr / Dear Sir,

BWRIAD / PROPOSAL: EXTENSIONS INCLUDING EXTERNAL AND INTERNAL ALTERATIONS

LLEIOLIAD / LOCATION: ALLINGTON FARM, COX LANE, ROSSETT, WREXHAM

Thank you for consulting Natural Resources Wales about the above, which was received on 16/07/2018.

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 and you attach the conditions listed below. Otherwise, we would object to this planning application.

Requirement: The submission of a bat emergence survey/s prior to the determination of this application.

Condition 1: Submission and implementation of Great Crested Newts (GCN) avoidance and mitigation proposals to the satisfaction of the LPA.

Condition 2: Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

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Protected Species

Bats

We note that the ecology report submitted in support of the above application (reference Hacking, R. (2018) Daytime Bat Survey at Allington Farm, Cox Lane,

Rossett, Wrexham, Rachel Hacking Ecology. Unpublished) has identified the presence of an undetermined species of bat at the application site.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:

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

Although a bat report has been submitted, we consider that there currently is not enough information to assess potential effects of the proposal on the species of bat 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.

Requirement: The submission of a bat emergence survey/s prior to the determination of this application.

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.

Great Crested Newt

We note that the ecology report submitted in support of the above application (reference Hacking, R. (2018) Daytime Bat Survey at Allington Farm, Cox Lane, Rossett, Wrexham, Rachel Hacking Ecology. Unpublished) has also confirmed the presence of the great crested newt (GCN) at the application site.

GCNs 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:

iv. There is no satisfactory alternative and
v. 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,
vi. 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 GCNs 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 implementation of the proposal is likely to harm or disturb great crested newts or cause damage to their breeding sites and resting places at this site and we therefore advise that any subsequent derogation licence for the proposal includes GCN. However, we are of the view that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCNs.

We therefore advise that any subsequent consent is subject to the imposition of the following condition.

Condition 1: Submission and implementation of Great Crested Newts (GCN) avoidance and mitigation proposals 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 the GCNs or their breeding sites and resting places at this site, you would need a revised ecology report that took account of such changes.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

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.

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. We therefore advise that any subsequent planning consent includes the requirement for the submission of an appropriate Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 2: 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.

To conclude, we recommend planning permission is refused 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 in respect of bats and great crested newt.

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.

Pollution Prevention / Water Resources

There was no information submitted on the existing type of foul drainage which is also planned for the proposed development although it is acknowledged that according to our records, it lies outside main sewer catchment. The location site is within a designated Special Protection Zone. This designation is consistent with the Water Framework Directive and reflects the importance of aquifers in terms of groundwater as a resource (drinking water supply) and also their role in supporting surface water flows and wetland ecosystems.

We strongly advise that the applicant refers to the *Environment Agency's (2017) 'Approach to groundwater protection* position statements which have been formally adopted by Natural Resources Wales.

The developer is further advised to note the specific advice below in relation to foul drainage.

Environmental Management

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and '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/

Advice for the Developer

Foul Drainage

There is no information on foul drainage. It should be ensured that any existing tank is in a good state of repair, regularly desludged and of sufficient capacity to deal with any increase in flow and loading which may occur as a result of this proposal. Similarly, the applicant should ensure that any new or existing package treatment plant has the capacity to handle the additional loading caused by the proposed development.

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 008/2018 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. Any necessary Permit must be obtained prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website: www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Waste

Any waste excavation material or building waste generated in the course of 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.

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,

Joy Evans

Ms J Evans
Cynghorydd Cynllunio Datblygu / Development Planning Advisor
Gwasanaeth Cyngor Cynllunio Datblygu/
Development Planning Advisory Service