

26/06/2018

Annwyl/ Dear Mared,

TOWN AND COUNTRY PLANNING ACT 1990

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BWRIAD / PROPOSAL:

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (8 HOUSES) AND
CONSTRUCTION OF NEW VEHICULAR ACCESS**

LLEOLIAD / LOCATION:

**Land Opposite Madras Primary School, Corner of Overton Road and Holly Bush
Lane, Penley, Wrexham**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 11/06/2018.

We recommend that you should only grant planning permission if you attach the following condition. This condition would address significant concerns that we have identified, and we would not object provided you attach it to the planning permission.

Summary of Conditions

Condition 1: EPS: All avoidance and mitigation measures described in the Ecological Impact Assessment being set out in a method statement and secured through planning conditions.

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

Protected Species

Great Crested Newts

We note the Ecological Impact Assessment of land adjacent to Madras School, Overton Road, Penley, Wrexham, submitted in support of the above application has identified that great crested newts (GCN's) are present within the environs of the application site. We

concur with this view. Furthermore we are of the view that the environs of Penley are likely to be of county importance for the species owing to the high pond density landscape.

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

In this case, the ecological submission concludes that the proposed development is not likely to harm or disturb GCN's, provided that avoidance measures described in the report are implemented. The application is considered to be within the range of water bodies where the species has previously been recorded. We therefore advise the construction is carried out under license.

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 provided any consent is subject to planning condition or obligation in respect of

- (1) Submission of amphibian avoidance and mitigation measures that include the construction and maintenance of barrier fencing;
- (2) Measures to prevent or reduce the incidental capture/killing of amphibians; and
- (3) Measures to offset or compensate the loss of habitat. Given the size of development, the provision of a dedicated compensation area is not considered to be appropriate.

This advice applies to the proposal in its present form. Please consult us again if the plans are changed in ways that may harm or disturb the GCN or cause damage or destruction to their breeding sites and resting places at this site.

Bats

The applicant's ecological submission considered the presence of bats.

We consider the survey and assessment to be satisfactory for the purposes of informing the public decision making process.

In our view the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of bat. We concur with the proposed recommendations

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.

Invasive Non Native Species (INNS)

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 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 phase of the scheme.

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.

Advice for the Applicant / Developer:

During the construction phase of the proposals, any waste material which is to be removed from the site should be done so via a registered waste carrier. The waste must be taken to a facility which holds an appropriate exemption or environmental permit to accept the specified waste.

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.

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

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