

Wrexham County Borough Council

Ebost/Email: Northplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: (0300) 065 3787

Date: 27th April 2018

Dear Sir/Madam,

OUTLINE APPLICATION FOR ERECTION OF 11NO. DWELLINGS AND CONSTRUCTION OF NEW ACCESS POINT WILLOW COTTAGE, PARK STREET, RUABON, WREXHAM

Thank you for referring the above planning application received at our office 15th April 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: Submission of sufficient evidence to demonstrate that the proposed development satisfies derogation provisions under the Habitats Directive and the Conservation of Habitats and Species Regulations.

Protected Species

The application is supported by an ecological submission (reference Worsfold, S. (2017). Protected Species Survey at Willow Cottage, park Street, Ruabon, Wrexham LL14 6LE. Worsfold & Bowen. Unpublished.

We note that the bat report submitted in support of the above application (reference Worsfold, S. (2017). Protected Species Survey at Willow Cottage, park Street, Ruabon, Wrexham LL14 6LE. Worsfold & Bowen. Unpublished.)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:

- 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 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.

Requirement: Submission of sufficient evidence to demonstrate that the proposed development satisfies derogation provisions under the Habitats Directive and the Conservation of Habitats and Species Regulations.

The applicant must demonstrate 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.

Pollution Prevention

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, 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/>

Landfill

According to our records the proposed development site is located near to land that is, or has been, used for the deposition of waste material. We would therefore advise you to consult with the local authority's Environmental Health and Building Control Departments, as they may hold detailed records, and may wish to make appropriate recommendations in respect of landfill gas investigation/remedial work. The developers should be made aware of the existence of the landfill site(s) so that they can decide whether or not to make their own investigations into the presence of

landfill gas. It should also be noted that Waste Management Paper 27 states "It has been found that many sites which have taken only supposedly 'inert' waste have produced gas.

Foul drainage

The site lies within a publicly sewered area and the proposal must discharge to the public sewerage system. It is recommended that consultation takes place with the sewerage undertaker to confirm that connection is available.

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

Ymgynghorydd Cynllunio Datblygu / Development Planning Advisor

Ebost/Email: Ruth.Prichard@cyfoethnaturiolcymru.gov.uk

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



cc: