



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-148167-R0P2
Eich cyf/Your ref: P/2021/0418

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

21/05/2021

Dear Sir/Madam,

**PROPOSAL: ERECTION OF BUILDING FOR USE AS STABLES AND STORAGE AND
CONSTRUCTION OF MENAGE**

LOCATION: DARNAU, 7 GLASCOED ROAD, BWLCHGWYN, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 06/05/2021.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following condition to the permission and include the following document within the condition identifying approved plans and documents on the decision notice. Otherwise, we would object to this planning application.

Condition (Protected Species): No development shall commence until a Great Crested Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

Approved document: Preliminary Ecological Assessment (Smith, M.; 2021; Land at Darnau Farm, Glascoed, Wrexham; Wildbanks Conservation).

Protected Species

Great Crested Newt (GCN)

We note that the Preliminary Ecological Assessment submitted in support of the above application states:

The development site comprises grassland bound by hedgerows, both of value to GCN for commuting, foraging and sheltering. Beyond the development site the landscape comprises

of a mosaic of good to excellent foraging and refuge habitat in the form of pasture bound by numerous hedgerows and areas of ruderal vegetation.

The GCN assessment did not include detailed field survey and only Habitat Suitability Index scores are included in the report. The Preliminary Ecological Assessment also recommends:

In accordance with the National Planning Policy Framework (NPPF, Para 170(d) and Para 175(d)), to increase biodiversity at the proposed development site, it is recommended a mitigation/compensation scheme should be devised and included within a five year Management Plan to be agreed by the Local Authority. Figure 3 shows the proposed ecological enhancement measures.

We advise that any consent is subject to the imposition of the following condition in respect of GCN and their habitat. Provided this advice is compliantly implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of each of the local GCN populations at this site.

Condition: No development shall commence until a GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan (as well as building on the principles outlined in the Preliminary Ecological Appraisal) should include:

- details of protective measures to be taken to minimise the impacts (the submission of updated details and plan concerning GCN reasonable avoidance measures);
- details of timing, phasing and duration of construction activities and conservation; and
- the submission of a long-term site management plan that includes:
 - defined aims and objectives;
 - habitat management prescriptions;
 - licensing requirements for undertaking habitat management and surveillance;
 - persons or bodies responsible for undertaking management and surveillance together with required skills and competencies;
 - reporting requirements; and
 - proposed dates for updating or revising the management plan.

The GCN Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved GCN Conservation Plan is implemented, which protects species / habitat affected by the development.

Bats

We note that the Preliminary Ecological Assessment (Smith, M.; 2021; Land at Darnau Farm, Glascoed, Wrexham; Wildbanks Conservation) submitted in support of the above application states:

A data request from Cofnod revealed a number of records over a number of years of bats roosting within caves within Nant y Ffrith Woodland supplied by Clwyd bat group. The closest

being a Lesser Horseshoe bat (*Rhinolophus hipposideros*) hibernation roost some 854m to North West within a cave recorded between 1987 and 2020.

The Preliminary Ecological Appraisal recommends the following:

A Schweglar 1FF bat box will be installed on the western aspect of the barn, overlooking the adjacent field.

From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). As this is a lower risk case for bats, 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. Furthermore, we advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided the avoidance measures described in the bat report are implemented.

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Please consult us again if any further information shows that this is no longer a lower risk case.

Protected Sites

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphate levels for all river SACs across Wales. As part of this package, we issued a [Planning Position Statement](#), in which we advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

Any horse manure produced must be managed (storage and application to land) in line with [The Code of Good Agricultural Practice \(CoGAP\) for the Protection of Water, Soil and Air for Wales](#). If manure is managed correctly then the application as submitted is unlikely to increase the amount of phosphate discharged in the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

Advice for the Developer

Pollution Prevention Guidance 24

The applicant should adhere to Pollution Prevention Guidance 24 (Stables, kennels, catteries): <https://www.netregs.org.uk/media/1413/gpp-24-final-3.pdf>

Environmental Management

All works at the site must be carried out in accordance with PPG6: '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/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 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.

Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Agriculture

The facilities must comply with the Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater. Please refer to the link below for further information:

<http://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>

If you have any queries on the above, please do not hesitate to contact us.

Yours faithfully,

Tristan Williams

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales