



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-145468-V9V3
Eich cyf/Your ref: P/2021/0307

Maes Y Ffynnon,
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26/04/2021

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: CODI GAREJ GYDA ATODIAD UCHOD / ERECTION OF GARAGE WITH ANNEXE ABOVE

LLEOLIAD / LOCATION: Plot 2, Lane End, Penley, Wrexham

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 11th April 2021

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application.

Condition 1 (Protected Species): No development shall commence until a species Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

Condition 2 (Biosecurity): No development or phase of development, with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority.

Protected Species

We note that there are records of Great Crested Newt (*Triturus cristatus*) within 170m of the development site. Great Crested Newts and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). We consider that there is currently not enough information to assess potential effects of the proposal on any GCN that may be present at this site.

Condition 1: No development shall commence until a species Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include:

- Details of protective measures to be taken to minimise the impacts on Great Crested Newts;
- Details of measures to prevent or reduce incidental capture or killing (Reasonable Avoidance Measures in respect of Great Crested Newt).

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

Justification: To ensure that an approved species Conservation Plan (Reasonable Avoidance Measures) is implemented, which protects any Great Crested Newt affected by the development.

Biosecurity

We consider biosecurity to be a material consideration owing to the location/nature of the proposal.

Condition 2: No development or phase of development, with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation.

The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site.

Protected Sites

We note the application site is within the catchment of the River Dee & 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.

However, the application as submitted is unlikely to increase the amount or concentration of phosphate discharged directly or indirectly into the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee & Bala Lake SAC.

Foul Drainage

The application form indicates the proposals will be connected to the mains sewer. We consider this would be appropriate for this development. The connection must be discussed with the sewerage network undertaker. If the proposal changes so another means of foul drainage is proposed, please re-consult with Natural Resources Wales.

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

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>

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

Yn gywir / Yours faithfully,

Rachael Burke

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