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Wrexham County Borough Council,
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LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

01/02/2021

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: CAIS AMLINELLLOL AM 10 TY AC ADEILADU HEOL YSTAD
NEWYDD / OUTLINE APPLICATION FOR 10 DWELLING AND CONSTRUCTION OF
NEW ESTATE ROAD**

LLEOLIAD / LOCATION: NORTH ROAD, PONCIAU, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 13/1/2021.

We have significant concerns with the proposed development. We recommend that you should only grant permission if the condition listed below is attached to the permission. We would also recommend that the following document is included in the condition identifying approved plans and documents on the decision notice.

Condition: GCN Conservation Plan

Document for inclusion in the condition identifying approved plans and documents:

- Ecological Impact Assessment (Susan Worsfold, October 2020).

Protected Sites

The application site is located approximately 670m from the the Johnstown Newt Sites Special Area of Conservation (SAC) and the Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI). The great crested newt (*Triturus cristatus*) is a special feature of these protected sites.

We note the submission of the Ecological Impact Assessment (Susan Worsfold, October 2020). The report states that although no GCNs were found during a site walkover, there is a pond that may be suitable to support GCNs within 60m of the site and there is potential for GCNs to be found on site.

We consider that the proposal has the potential to indirectly affect the SAC/SSSI. We advise that mitigation proposals are required for the purposes of addressing indirect impacts on the SAC, particularly those associated with potential increases in recreational pressures and disturbance/predation of wildlife. We therefore advise that proposals are submitted that accord with the provisions of the local planning authority's Great Crested Newt Supplementary Planning Guidance. In this particular instance, this is likely to be a commuted sum. In our view, suitable conditions or obligations can be used to regulate the implementation of proposed measures to safeguard the functionality of the SSSI/SAC.

In view of the above, we have concerns that a significant effect from the proposed development on the SAC/SSSI cannot be ruled out. The following condition must be secured in the planning consent to be certain that there will be no adverse effects on the SAC/SSSI. We would object to the planning application if this condition is not secured.

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 should include:

- Build upon the principles outlined in Ecological Impact Assessment (Susan Worsfold, October 2020)
- Details of measures to prevent or reduce incidental capture or killing
- Details of measures (such as commuted sum) to address indirect impacts on the SSSI/SAC.

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 affected by the development.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

Species

Great crested newts

In addition to being a feature of the above named SSSI/SAC, the great crested newt (GCN) is also an European Protected Species protected under the Conservation of Habitats and Species Regulations 2017.

We consider that GCNs have the potential to be directly affected and that the mitigation measures specified in the report will need to be implemented. Provided the avoidance measures outlined in the ecological report are implemented, and that the condition above is attached to any planning permission, we consider that the proposed 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.

Bats

The Ecological Impact Assessment report concludes that the site is likely to support foraging and/or commuting bats. 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.

The report advises that a lighting plan should be designed that accords with the BCT and ILP Guidance Note 8 Bats and Artificial Lighting <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>. We agree with this statement and advise that the Ecological Impact Assessment report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Provided the above measures are implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the population of bats at a favourable conservation status in its natural range.

Foul drainage

No information has been provided regarding the disposal of foul waters from the proposed development. We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new developments, and specifically paragraphs 2.3-2.5, which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. We advise you that the proposed development is in a publicly sewered area.

Please consult us again if foul sewage from the proposed development is to be disposed of by a private sewerage system.

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

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.

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

Yn gywir / Yours faithfully

Bryn Griffiths

Uwch-gynghorydd - Cynllunio Datblygu / Senior Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales