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Wrexham County Borough Council,
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ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

25/03/2021

Dear Sir/Madam,

PROPOSAL: OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR UP TO 4 DWELLINGS

LOCATION: GLEBE HOUSE FARM, HORSEMANS GREEN, WHITCHURCH

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 11/03/2021.

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

Requirement (Protected Species): Further information is required to assess the extent of adverse effects on Great Crested Newts and any avoidance or mitigation measures required.

Protected Species

We note that the Ecological Appraisal and Phase 2 Surveys for Bats (Sheil, C; 2020; Greenscape Environmental) submitted in support of the above application has concluded:

A precautionary phase 2 bat survey was conducted and found no bats using the building. No further surveys are considered necessary.

The bat survey and assessment are satisfactory, and we concur with the conclusions and recommendations.

The Ecological Appraisal concluded the following in respect of Great Crested Newt (GCN):

Great crested newts are known to be in the Horseman's Green area and the nearest pond is 50m away. This is pond 3 which scored 0.57 – Below Average on the HSI assessment. However, the site is separated from the nearest pond by poor terrestrial habitat which newts are unlikely to cross. The site itself is mostly of negligible value to newts in their terrestrial phase. The tyres, tarpaulin and vegetation are to be removed under a method statement to further minimise the risk to individual newts.

An ecologist is also to be employed as the Ecological Clerk of Works to ensure there are no newts on site before work commences.

A consultant will be employed as the ECoW to oversee the work in areas sensitive to great crested newts on site. This person will need to be licensed and an experienced surveyor for great crested newts.

We consider that construction of the proposal has the potential to adversely affect GCN at this site and hence is likely to require a derogation licence issued by Natural Resources Wales.

However, the Ecological Appraisal is unsatisfactory for the purposes of demonstrating the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN. Our reasoning for this statement is based on the fact that only Habitat Suitability Index (HSI) surveys appear to have been carried out to date. Existing information highlights the presence of GCN within 500m of the application site. The maps also highlight the high pond density landscape. These two factors together indicate the likely presence of GCN. The assessment in respect of terrestrial habitat is not, in our view, satisfactory.

We would also advise the use of fencing as part of avoidance-based mitigation measures.

Although the Ecological Appraisal has been submitted, we advise that there is insufficient information to assess potential effects on GCN, and how any effects will be avoided or mitigated.

Requirement: Further information is required to assess the extent of adverse effects on Great Crested Newts and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

In the first instance, we advise that a further GCN survey is required. If GCN are confirmed following the survey, we would request a GCN Conservation Plan to be submitted and approved in writing by the Local Planning Authority. The Conservation Plan should include, but not necessarily be limited to:

- the submission of updated details and plan concerning GCN avoidance and mitigation measures including fence construction and maintenance;
- details of timing, phasing and duration of construction activities and conservation measures;

- a timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- persons responsible for implementing the works; and
- post-construction monitoring and record dissemination for a period of no less than 3 years.

Natural Resources Wales would refer the Planning Authority to the letter from the Welsh Government to the Chief Planning Officer's letter dated 1 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.

In the meantime, we are unable to give you any assurance that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Protected Sites and Foul Drainage

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. We also issued [Interim Planning Advice](#), which gives specific advice in respect of foul drainage arrangements for new developments.

We note that the Planning Statement explains that "*foul drainage will be dealt with via septic tank to soakaway or by means of a package treatment plan discharging to a pond or suitable watercourse. The Applicant owns all of the surrounding land*". As such, we refer you to our [Interim Planning Advice](#) and confirm that provided this guidance is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

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.

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.

Yours faithfully,

Tristan Williams

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