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02/11/2020

Annwyl Mared Rees Jones,

BWRIAD / PROPOSAL: ERECTION OF FOODSTORE (USE CLASS A1), CAR PARK, ACCESS AND LANDSCAPING. / CODI STORFA FWYD (DEFNYDD O DIR A1), MAES PARCIO, MYNEDIAD A THIRLUNIO.

LLEOLIAD / LOCATION: LAND AT HOME GRESFORD ROAD, LLAY, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 13/10/2020.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you include the following documents within the condition identifying approved plans and documents on the decision notice:

Approved plans/documents:

- Cambrian Ecology Ltd/Preliminary Ecological Assessment/Land at Home Farm, Llay/21/05/2019.

Protected Species

- Bats

We note that the ecological report submitted in support of the above application (Cambrian Ecology Ltd/Preliminary Ecological Assessment /Land at Home Farm, Llay/21/05/2019) has identified that there is some minimal potential for individual crevice-dwelling bats to be present within crevices in mature trees, although this is further reduced by the presence of street lighting. It is also noted the trees are the subject of a TPO they will be retained, so there should be no impact on potential roosting areas.

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 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 Preliminary Ecological Assessment are implemented.

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

- Great Crested Newts

We note the mitigation measures proposed associated with GCN. We welcome implementation of these measures.

Therefore, we advise the implementation of recommendations listed in the ecological report. The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Flood Risk

The site lies in DAM Zone A, we advise that your Authority refer the details of this application to their own Flood Risk/Drainage Department, who act as the Lead Local Flood Authority, so that they can comment on the surface water drainage provision.

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

Due to the proximity of the site to watercourses, 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/pollutionprevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

- 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>

- Car Park

If a car park is for more than 50 vehicles, then a fuel interceptor must be installed on the drainage from the car park – unless a Sustainable Urban Drainage System (SUDS) is implemented. PPG3 provides further guidance and is available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Where SUDS is proposed for surface run-off from e.g. car parking, the applicant should be advised to refer to the Environment Agency's Position Statement G13 on groundwater protection available on the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692989/Environment-Agency-approach-to-groundwater-protection.pdf

- Surface Water Drainage

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the advice under Position Statements G11 (Discharges from areas subject to contamination) and G13 (sustainable drainage systems) applies to this development.

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

Yn gywir,

Siôn M. Williams

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales