



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-136143-G6C6
Eich cyf/Your ref: P/2020/0802

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01/02/2021

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: CODI ADEILAD AMAETHYDDOL / ERECTION OF AGRICULTURAL BUILDING

LLEOLIAD / LOCATION: Tŷ Y MAES, BOWLING BANK, WREXHAM LL13 9RT

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 07/12/2020

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. Otherwise, we would object to this planning application.

Condition: No development, including site clearance, shall commence until a site wide Amphibian Method Statement for construction has been submitted to and approved in writing by the Local Planning Authority

Our advice is as follows:

Protected Species

The high pond density landscape suggests likely presence of great crested newt (GCN).

In our view, the overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. Great crested newts and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

The Regulations allow the approval of a scheme that would be likely to result in disturbance or harm to GCN, but only if satisfy an appropriate Habitats Directive derogation purpose and two tests. In the case of development, the applicable derogation purpose is:

“Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.”

Furthermore, the licence can only be issued by NRW on condition that there is: “no satisfactory alternative”, and that “the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Paragraph 6.3.7 of TAN5 states that your Authority should not grant planning permission without having satisfied itself that the proposed scheme either would not impact adversely on any GCN’s on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We consider that it is possible that the species utilizes the site for foraging, dispersal or sheltering purposes. However, we consider that the development and its subsequent operation is not be likely to be detrimental to the maintenance of the favourable conservation status of the GCN populations provided that any subsequent consent is subject to the imposition of a condition requiring the submission and implementation of Amphibian Method Statement.

Condition: No development, including site clearance, shall commence until a site wide Amphibian Method Statement for construction has been submitted to and approved in writing by the Local Planning Authority. The Method Statement should include:

- Details of protective measures to be taken to minimise the impacts on GCNs.
- Actions to be taken in event previously unidentified GCN features are found.
- Details of measures to prevent or reduce incidental capture or killing of GCNs.

The Method Statement shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Method Statement is implemented, which protects Great Crested Newts affected by the development.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, you would need a revised ecology report that takes account of such changes. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation or compensation measures.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application. We advise that if works are not carried out under derogation licence, works must stop in the event of great crested newt is found.

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

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

Rhys Jones

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

