

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

10/12/2020

Dear Sir/Madam,

PROPOSAL: OUTLINE APPLICATION FOR UP TO 17 DWELLINGS WITH ALL MATTERS EXCEPT ACCESS RESERVED

LOCATION: LAND OFF TUDOR DRIVE, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 20/11/2020.

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: Great Crested Newts: No development or phase of development, including site clearance, shall commence until an Amphibian Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

Condition 2: Biosecurity: No development, including site clearance, with the potential to impact on invasive species, shall commence until a site wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority.

We also advise that the following report is included in 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

- Sambrook, R and Smith, M. (2020). Ecological Appraisal: Polish Hospital Penley, Land off Tudor Drive, Penley, LL13 0JN. Sambrook Associates.

Protected Species

Great Crested Newts:

We note that the ecological submission in support of the above application (Sambrook, R and Smith, M. (2020). Ecological Appraisal: Polish Hospital Penley, Land off Tudor Drive, Penley, LL13 0JN. Sambrook Associates.) has identified that great crested newts are present at the application site.

From the information submitted, we consider that the proposed development represents a higher risk for great crested newts (GCNs).

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 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 the following planning condition.

Condition 1: Great Crested Newts: No development or phase of development, including site clearance, shall commence until an Amphibian Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

The Amphibian Conservation Plan should include:

- Building upon the principles outlined in Sambrook, R and Smith, M. (2020). Ecological Appraisal: Polish Hospital Penley, Land off Tudor Drive, Penley, LL13 0JN. Sambrook Associates. Unpublished.
- Submission of details concerning GCN avoidance and mitigation measures including fence construction and maintenance. Submission to include timescales and reporting requirements;
- Submission of long-term conservation site management plan that includes aims and objectives, habitat creation and enhancement, tenure; and management prescriptions.
- Submission of details concerning the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots;
- Details of timing, phasing and duration of construction activities and conservation measures
- Timetable for implementation demonstrating that works are aligned with the proposed development
- Persons responsible for implementing the works
- Post construction monitoring scheme. All ponds proposed to be monitored to be added to the Wales Great Crested Newt Monitoring Scheme, (see <https://www.cofnod.org.uk/LinkInfo?ID=7>)
- Ecological Compliance Audit, including key performance indicators

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

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

Please consult us again if the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site.

Bats:

We note that the bat report submitted in support of the above application (Sambrook, R and Smith, M. (2020). Ecological Appraisal: Polish Hospital Penley, Land off Tudor Drive, Penley, LL13 0JN. Sambrook Associates.) has identified that bats are present at the application site. 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 bat report are implemented.

Biosecurity

Condition 2: Biosecurity: No development, including site clearance, with the potential to impact on invasive species, shall commence until a site wide 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.

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](https://www.naturalresourceswales.gov.uk). 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: <https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/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.

Construction Waste:

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-permitting/?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-car>

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

Yours faithfully,

Joy Evans

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