



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-126673-P8G9
Eich cyf/Your ref: P/2020/0562

Maes Y Ffynnon,
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Ffôn/Phone: N/A

12/10/2020

Dear Sir/Madam,

PROPOSAL: ERECTION OF A REPLACEMENT DWELLING

LOCATION: 2A LLWYN Y CIL, CHIRK, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 30th September 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: European Protected Species: Conservation Plan

European Protected Species

We note that the bat report submitted in support of the above application (Report: Sheil, C. (2020). Ecological Appraisal: 2a Llwyn-y-Cil, Chirk, Wrexham, LL14 5AB. Greenscape Environmental. Unpublished)) has identified that bats are present at the application site. From the information submitted, we consider that the proposed development represents a higher 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.

We advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site. Therefore, we advise that the below condition should be attached to any planning permission for this scheme to ensure appropriate avoidance and mitigation measures. 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.

Condition: European Protected Species: No development shall commence until a Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall build upon the principles outlined in the ecological report (reference Sheil, C. (2020). Ecological Appraisal: 2a Llwyn-y-Cil, Chirk, Wrexham, LL14 5AB. Greenscape Environmental. Unpublished) and include:

- Submission of further details concerning bat mitigation and compensation measures including plans;
- Details of timing, phasing and duration of construction activities and conservation measures;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- Actions to be taken in event previously unidentified species of bat are found;
- Ecological Compliance Audit, including key performance indicators;
- Persons responsible for implementing the works;
- Post-construction monitoring and record dissemination for a period of not less than 3 years, and;
- Further details concerning external lighting proposals including plans that illustrate current or proposed bat emergence points and features that currently or are proposed to be functionally used by bats for foraging/dispersal purposes. [*reference to Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK is advocated*]

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

Justification: To ensure that an approved Conservation Plan is implemented, which protects European Protected Species affected by the development.

Provided these avoidance measures are implemented, 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.

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.

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 01 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.

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

Foul Drainage

Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our [website](#). Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the [NetRegs website](#), which provides further information.

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>

Landfill

According to our records the proposed development site is located near to land that is, or has been, used for the deposition of waste material. We would therefore advise you to consult with the local authority's Environmental Health and Building Control Departments, as they may hold detailed records, and may wish to make appropriate recommendations in respect of landfill gas investigation/remedial work. The developers should be made aware of the existence of the landfill site(s) so that they can decide whether or not to make their own investigations into the presence of landfill gas. It should also be noted that Waste Management Paper 27 states "*It has been found that many sites which have taken only supposedly 'inert' waste have produced gas*".

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

Yours faithfully,

Ruth Prichard

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