

Wrexham County Borough Council
The Guildhall,
Wrexham
LL11 1AY

10/03/2020

For the attention of Simon Greenland:

Dear Simon,

**PROPOSAL: ERECTION OF STABLES BLOCK INCLUDING EQUINE SOLARIUM AND WASH BOX AND CONSTRUCTION OF 40M X 20M RIDING AREA ILLUMINATED WITH 4 NO. HIGH FLOODLIGHTS
LOCATION: CARETAKER HOUSE HAFOD RUABON WREXHAM**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 18/02/2020.

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 1: No development shall commence until a site GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

Protected Species and Protected Sites

Great Crested Newts

Great crested newts and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Any development that would contravene the protection afforded to GCN's under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,

iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development 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.

In our view the proposal is likely to harm or disturb the GCN or their breeding sites and resting places at this site and consequently implementation will therefore require a licence.

We consider the proposal satisfactorily demonstrates that it is not likely to be detrimental to the maintenance of the favourable conservation status of the local populations of GCN's. However, we advise that, in this case, any subsequent consent is subject to the imposition of planning conditions and obligations

Condition 1: No development shall commence until a site GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should:

- Build upon the principles outlined in the ecological report (reference: Molesworth, J. (2020). Habitat Suitability Index (HSI) Report. Pearce Environment Ltd. Unpublished);
- Submission of details concerning amphibian avoidance measures during the construction phase of the proposal;
- Submission of further details including location plans of habitats to be retained created and/or enhanced specifically for amphibians. Details shall be provided in respect of timescales for implementing habitat schemes;
- Submission of a long term management plan for the amphibian habitats, details to include management prescriptions, person responsible for undertaking habitat management works, licensing requirements, monitoring and reporting of management actions;
- 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;
- Ecological Compliance Audit, including key performance indicators;
- Persons responsible for implementing the works;
- Biosecurity Risk Assessment.

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

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb GCN's or their breeding sites and resting places at this site, you would need a revised ecology report that took account of such changes.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's 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](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

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 to Developer

Pollution Prevention

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/>

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>

Yn gywir / Yours sincerely,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales