

For the attention of Sharon Holman

08/01/2018

Dear Sharon,

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990

**PROPOSAL:
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ALL MATTERS
RESERVED
LOCATION:**

Land Opposite Maes Llwyn Close, East of Mill Road, Bronington

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 18/12/2018.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1: EPS: External lighting/internal light spillage assessment compliant with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK

Condition 2: Reasonable Avoidance Measures in respect of great crested newt should be set out in a method statement and secured through the inclusion of suitable planning conditions.

Condition 3: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA

Protected Species

We note that the ecology report submitted in support of the above application (reference Jones, B. (2018) . Ecological Appraisal: Land Opposite Maesllwyn Close, Bronington, Whitchurch, SY13 3JB. Greenscape Environmental Ltd. Unpublished) has

identified the potential for the great crested newt (GCN) and bats to be present in the environs of the application site. Ponds in Bronington are known to support the GCN species.

European protected species (EPS), such as all species of bat and GCN, 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 EPS 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 EPS on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the ecology report concludes that the proposed development is not likely to harm or disturb either bats or GCN or their breeding sites and resting places at this site, provided that avoidance measures described in the report are implemented. We consider that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of any EPS.

Therefore, we do not object to the proposal, subject to all avoidance measures described in the ecology report being set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

Condition 1: EPS: External lighting/internal light spillage assessment compliant with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK

Condition 2: Reasonable Avoidance Measures in respect of great crested newt should be set out in a method statement and secured through the inclusion of suitable planning conditions.

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb EPS or their breeding sites and resting places at this site, you would need a revised ecology report that takes account of such changes. If, in light of modifications, it was no longer possible to avoid harming or disturbing EPS or their breeding sites and resting places at this site, the applicant would also need a licence from Natural Resources Wales and probably additional mitigation measures to reduce adverse effects.

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.

Biosecurity

NRW consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We therefore advise that any future consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 3: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

We consider that this assessment must include

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

Foul Drainage

No information has been provided regarding the disposal of foul waters from the proposed development. We refer you to WG Circular 008/2018 on private drainage, and specifically paragraphs 2.3-2.5, which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. We advise you the proposed development is in a publicly sewered area.

Please consult us again if foul sewage from the proposed development is to be disposed of by a non-mains drainage system.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

Advice to Applicant

Pollution Prevention

The applicant is advised to follow the guidance within the Guidance for Pollution Prevention 6 'working at construction and demolition sites':

<https://www.sepa.org.uk/media/60125/ppg-6-working-at-construction-and-demolition-sites.pdf>

Any work which is to take place should be done so with pollution prevention in mind. Pollution prevention advice and guidance can be found via this link:

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

Should any pollution occur during the construction or operational phase, Natural Resources Wales should be notified via the incident hotline – 03000 65 3000.

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 provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours sincerely,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales