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30/09/2019

Er sylw / For the attention of Philip Forster

Dear Philip,

BWRIAD / PROPOSAL: Althrey Woodhouse, Bangor-On-Dee Wrexham

**LLEOLIAD / LOCATION: PART DEMOLITION, EXTENSIONS AND
ALTERATIONS TO DWELLING AND ERECTION OF
REPLACEMENT STABLES AND TRACTOR SHED**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 12/09/2019.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

Requirement 1: Protected Species: We advise that further information is required to assess the extent of adverse effects on the bats and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Condition 1: Reasonable Avoidance Measures relating to GCN, should be implemented in line with an appropriate method statement to be submitted to the satisfaction of the LPA.

Condition 2: No development, 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.

Protected Species

Bats

We note that the bat report submitted in support of the above application (Preliminary Ecological Appraisal, Althrey Woodhouse, Arbor Vitae, No Date) has concluded that the building holds no potential as a bat roost. However, we advise that the bat report has insufficient information to support this conclusion. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

Requirement 1: Protected Species: We advise that further information is required to assess the extent of adverse effects on the bats and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Additional evidence is required including a detailed physical description of the building and photos of the specific features assessed in order to fully justify the conclusions reached relating to bats.

In the meantime, we are unable to give you any assurance that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Great Crested Newt (GCN)

We note the Preliminary Ecological Appraisal, and that only a habitat suitability index survey has been carried out. The report suggests that that the large tarmac yard and garden is unsuitable for the species. However, we have records of the species within gardens. We also have records of the species crossing tarmac roads.

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 GCN 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 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 the GCN or their breeding sites and resting places at this site, provided avoidance measures are implemented. We do not consider that the development is likely to be detrimental to the maintenance of the favourable conservation status of the local population of this species. However, we advise that an avoidance scheme is submitted

Condition 1: Reasonable Avoidance Measures relating to GCN, should be implemented in line with an appropriate method statement to be submitted to the satisfaction of the LPA.

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 takes account of such changes.

The applicant is reminded that works must immediately stop in the event of one or more great crested newts being found. Works may only resume on receipt of an appropriate derogation licence issued by NRW under the provisions of Regulation 55 of the Conservation of Habitats and Species Regulations 2017

We note that the proposal involves the demolition of a stable block and tractor shed. The Preliminary Ecological Appraisal makes no reference to this element of the application, and, therefore, are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

Biosecurity

We 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.

Condition 2: No development, 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.

This condition is required 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.

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 for the Developer:

Works near Watercourse / Construction or Demolition sites

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and '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>

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 faithfully,

Daniel Davies

Daniel Davies

Cynghorydd, Cynllunio Datblygu / Advisor, Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales