

01/07/2019

Er sylw / For the attention of Matthew Phillips

Annwyl Matthew Phillips,

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

**BWRIAD / PROPOSAL: CHANGE OF USE, CONVERSION AND REPLACEMENT
AGRICULTURAL BARNs AND FARMHOUSE TO FORM 8. NO
DETACHED DWELLING HOUSES INCLUDING REMOVAL OF
DERELICT STRUCTURES ACROSS THE SITE
LLEOLIAD / LOCATION: GAMFORD HOUSE, GAMFORD LANE, ROSSETT,
WREXHAM**

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 14/06/2019.

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: The submission and implementation of detailed great crested newt avoidance and mitigation measures. This to include detail of exclusion and barrier fencing

Condition 2: The submission and implementation of compensatory proposals. This to consider material issues associated with future tenure;

Condition 3: A management plan that includes provisions concerning long-term management, surveillance and tenure. This submission is to include the long-term provision of resources

Condition 4: The submission and implementation of detailed bat avoidance and mitigation measures including plans, including proposals articulated in the bat report to the satisfaction of the LPA.

Condition 5: The submission and implementation of an external lighting scheme that accords with the Institute of Lighting Professionals Guidance Note 8 (Bats and Artificial Lighting)

Condition 6: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

Condition 7: The submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA

Protected Species

- Great Crested Newts

The application site has been subject to survey and assessment in respect of the great crested newt (Pritchard, M (2019) GCN - Presence/Absence Survey. Gamford Farm, Gamford Lane, Rossett. Tyrer Ecological Consultants Ltd. (unpublished). The survey confirmed the presence of the species. In our view the survey and assessment has been carried out to a satisfactory standard.

In our view, the overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

We consider that it is possible that the species utilizes the site for foraging, dispersal or sheltering purposes. In our view, we consider that construction and operational phases of the proposal have the potential to adversely affect GCN. We therefore advise that construction works are carried out under the provisions of a derogation licence issued by NRW.

We consider that the overall proposal including indicative mitigation and compensation proposals are satisfactory for the purposes of demonstrating the scheme is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts. However, we advise that any subsequent consent is subject to the imposition of the following planning conditions:

Condition 1: The submission and implementation of detailed great crested newt avoidance and mitigation measures. This to include detail of exclusion and barrier fencing;

Condition 2: The submission and implementation of compensatory proposals. This to consider material issues associated with future tenure;

Condition 3: A management plan that includes provisions concerning long term management, surveillance and tenure. This submission is to include the long-term provision of resources

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, you would need a revised ecology report that takes account of such changes. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation or compensation measures.

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 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.

- *Bats*

We note that the bat report submitted in support of the above application (reference Pritchard, M (2019) Bats - Dusk & Dawn Survey. Gamford Farm, Gamford Lane, Rossett. Tyrer Ecological Consultants Ltd. (unpublished) has identified that common pipistrelle bats are present at the application site. We consider the survey and assessment to be satisfactory.

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.

We consider that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of common pipistrelle bats. However, we advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site and, therefore, we advise that all avoidance and mitigation measures described in the bat report must be undertaken, under derogation licence issued by NRW.

We advise that any subsequent consent is subject to the imposition of conditions in respect of bat., These to include, but not necessarily limited to:

Condition 4: The submission and implementation of detailed bat avoidance and mitigation measures including plans, including proposals articulated in the bat report to the satisfaction of the LPA.

Condition 5: The submission and implementation of an external lighting scheme that accords with the Institute of Lighting Professionals Guidance Note 8 (Bats and Artificial Lighting)

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.

- *Badger*

We note the additional information regarding badger provided. We advise that you liaise with your authority's Ecologist with regards to the report.

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

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.

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.

Ecological Compliance Audit

We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

Condition 7: The submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA

The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidence compliance.

Please do not hesitate to contact us if you require further information or clarification on 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 Developer/Applicant:

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>

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,

Siôn M. Williams

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Uwch Gynghorydd Cynllunio Datblygu / Senior Development Planning Advisor
Cyfoeth Naturiol Cymru / Natural Resources Wales