



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-52079-J8Q2
Eich cyf/Your ref: Stat Pre-App

Cyfoeth Naturiol Cymru
Natural Resources Wales
Maes y Ffynnon
Penrhosgarnedd
Bangor
Gwynedd
LL57 2DW

Roger Parry & Partners LLP

Date: 6th February 2018

Ebost/Email: Northplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: (0300) 065 3787

Dear Sir/Madam,

**RETROSPECTIVE PLANNING APPLICATION FOR THE ERECTION OF A STEEL PORTAL
FRAMED BUILDING FOR LIVESTOCK HOUSING AND STORAGE OF MACHINERY AND
FODDER WITH ALL ASSOCIATED WORKS
UPPER PARK FARM, EYTON, WREXHAM, LL13 0YF**

Thank you for referring the above planning application received at our office 10th January 2018.

Please note that our comments are without prejudice to any comments we may wish to make when consulted on any subsequent planning application or permit (either at pre-application or application stage) for the proposed development. At that time, there may be new information available which we will need to take into account in making a formal response.

Based on the information submitted to us, we would recommend that any planning application submitted to the local authority should include details of the following requirement to address significant concerns that we have identified. Provided this requirement is met, we would not object to the scheme.

Requirement 1: European Protected Species (EPS): An ecological submission should be provided to inform the planning decision making process.

Protected Species

NRW has identified the possibility that European protected species may be present at the application site.

European protected species (EPS) such as bats and great crested newt 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 the local planning 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.

Requirement 1: European Protected Species (EPS): an ecological submission should be provided to inform the planning decision making process.

We advise this report includes ecological surveys together with ecological conservation and habitat restoration measures. We cannot currently confirm the proposal would not be detrimental to the maintenance of the Favourable Conservation Status of any local populations of European protected species. The Local Planning Authority's internal Ecological Advisor should also be contacted to determine any specific information they may require.

Pollution Prevention

Any waste excavation material or building waste generated during the development must be disposed of satisfactorily in accordance with duty of care requirements under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years.

Once the shed is in use, the applicant must also ensure that any contaminated effluent produced from livestock housing is contained in accordance with The Water Resources (Control of Pollution), (Sludge, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010, and not allowed to enter any surface water or groundwater.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). 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*. 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.

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

Yn gywir / Yours' faithfully,



Ruth Prichard

Ymgynghorydd Cynllunio Datblygu / Development Planning Advisor

Ebost/Email: Ruth.Prichard@cyfoethnaturiolcymru.gov.uk

Deialu uniongyrchol/Direct dial: (0300) 065 3787 **Siaradwr Cymraeg / Welsh Speaker**



cc:

Becky Bowen

From: Mark Walters <mark.walters@cpat.org.uk>
Sent: Wednesday, January 17, 2018 8:35 AM
To: Becky Bowen
Subject: Upper Park Farm, Eyton Pre-Consultation

Dear Becky

Thank you for the consultation on this retrospective application.

I can confirm that there are no archaeological sites recorded in this area and we have no objection.

Kind regards

Mark Walters

Mark Walters
Development Control Archaeologist / Swyddog Rheoli Datblygiad

Ffôn / Tel: 01938 553670 Mobile: 07736 163148

E-bost / E-mail: markwalters@cpat.org.uk

Ymddiriedolaeth Archaeolegol Clwyd-Powys, 41 Stryd Lydan, Y Trallwng, SY21 7RR Swyddfa Gofrestredig fel yr uchod. Rhif Cwmni 1212455, Rhif Elusen 508301, Sefydliad Cofrestredig IfA, Rhif 6.

Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, SY21 7RR Registered Office as above. Company No 1212455, Charity No 508301. Chartered Institute for Archaeologists Registered Organisation No 6.

Please note that I do not work Fridays



Llywodraeth Cymru
Welsh Government

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Becky Bowen
Roger Parry and Partners

becky@rogerparry.net

Eich cyfeirnod
Your reference

Ein cyfeirnod
Our reference

Dyddiad
Date

2 February 2018

Llinell uniongyrchol
Direct line

03000 257894

Ebost
Email:

Amadminplanning@gov.wales

Dear Mr Corbett

Pre-Planning Application – Retrospective planning application for the erection of a steel portal framed building for livestock housing and storage of machinery and fodder with all associated works at Upper Park Farm, Eyton, Wrexham, LL13 0YF

Thank you for your letter of 10 January 2018 inviting our comments on the pre-planning application consultation for the proposed development as described above. The following comments are based on information made available to us as part of the pre-application consultation and we will review our comments when we are consulted on the final planning application.

Advice

Having carefully considered the information provided with this pre-planning application, we have no objections to the impact of the proposed development.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW),

Mae'r Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE



Technical Advice Notes and circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Finally, there may also be undesignated historic assets that could be affected by the proposed development and, if you have not already done so, we would advise that you consult the Historic Environment Record held by the Clwyd-Powys Archaeological Trust, 7a Church Street, Welshpool, Powys, SY21 7DL.

Yours sincerely

Nick Segust
Diogelu a Pholisi/ Protection and Policy