



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-44444-M6Q7
Eich cyf/Your ref: P/2017/0871

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03/11/2017

Er sylw / For the attention of: Matthew Phillips

Annwyl / Dear Mr Phillips,

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

**BWRIAD / PROPOSAL: CONVERSION OF DISUSED FARM BUILDINGS INTO 2
RESIDENTIAL UNITS TOGETHER WITH ACCESS AND PARKING ARRANGEMENTS**

**LLEOLIAD / LOCATION: CHETWYND GROVE BANGOR ROAD MARCHWIEL
WREXHAM, LL13 0TF**

Thank you for consulting Natural Resources Wales (NRW) on the application above, which was received on the 18th of October 2017.

NRW recommends 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: European Protected Species: The submission and implementation of detailed bat avoidance, mitigation and compensation measures, including those measures described in the bat report. The locations of retained or replacement bat roosts to be clearly identified in plans.

Condition 2: European Protected Species: The submission and implementation of a post construction surveillance scheme.

Condition 3: European Protected Species: Before commencement of development, the applicant to submit a protected species licence issued by NRW to the LPA.

Condition 4: European Protected Species: Submission and implementation of the amphibian avoidance and mitigation proposals to the satisfaction of the local planning authority.

Condition 5: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

Condition 6: Ecological Compliance: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

European Protected Species

The application is supported by a protected species survey. (Kingdom Ecology, 2017). NRW consider the survey and assessment to be satisfactory for the purposes of informing the public decision making process.

Bats, GCN and their respective breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

The Regulations allow the approval of development that would be likely to result in disturbance or harm to bats, but only if satisfy an appropriate Habitats Directive derogation purpose and two tests before a licence can be issued from Natural Resources Wales.

In the case of development, the applicable derogation purpose is:

“Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.”

Furthermore, the licence can only be issued by NRW on condition that there is:

“no satisfactory alternative”, and that

“the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”

Paragraph 6.3.7 of 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 bats or GCN on the site or that, in its opinion, that an appropriate derogation purpose and the two conditions for the eventual grant of a licence are likely to be satisfied.

Bats

The applicant's ecological submission considered the presence of bats. The results confirmed the application site supports the following species of bat:

- i. Common pipistrelle bat;
- ii. Brown long-eared bat; and
- iii. Whiskered bat.

The proposal has the potential to cause disturbance to bats and/or loss or damage to their resting places.

In this case, the submission concludes that the proposal is likely to impact adversely on the bats present at this site and, therefore implementation of the proposal will to be subject a European protected species derogation licence. The report proposes outline bat avoidance, mitigation or compensation measures required to implement the project.

We consider that, in principle, the development is not likely to be detrimental to the maintenance of the favourable conservation status of each of the affected populations, provided that any subsequent consent is subject to the imposition of the following planning conditions.

Condition 1: The submission and implementation of detailed bat avoidance, mitigation and compensation measures, including those measures described in the bat report. The locations of retained or replacement bat roosts to be clearly identified in plans.

We request that any planning permission includes a suitably worded planning condition requiring of bat avoidance, mitigation and compensation measures, including those measures described in the bat report to be set out in a method statement and approved to the satisfaction of the LPA. This should include an external lighting/internal light spillage scheme.

Condition 2: The submission and implementation of a post construction surveillance scheme.

We request that any planning permission includes a suitably worded planning condition that prevents the commencement of development works until your authority has been provided with details of a post construction monitoring and surveillance scheme to the satisfaction of the local authority.

Condition 3: Before commencement of development, the applicant to submit a protected species licence issued by NRW to the LPA.

We request that any planning permission includes a suitably worded planning condition that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant

to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect the bats on this site, you would need a revised bat report that takes account of such changes. Please consult us again if any updated or revised bat report concludes that the proposal is more likely to have an adverse impact on the bat 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.

Great Crested Newts (GCN)

We can confirm that ponds in the environs of the application site support populations of the great crested newt (*Triturus cristatus*). This species is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

Paragraph 6.3.7 of TAN5 states that your Authority should not grant planning permission without having satisfied itself that the proposed scheme either would not impact adversely on any GCNs on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We consider the proposal will not be detrimental to the maintenance of the favourable conservation status of any of the great crested newt populations present within the environs of the application site.

However, we advise that any subsequent consent include the following condition:

Condition 4: The submission and implementation of the amphibian avoidance and mitigation proposals to the satisfaction of the local planning authority.

In order to avoid danger to GCN that may be present, we request the submission of a reasonable avoidance and mitigation plan. Proposal shall include, but not limited to, installation and maintenance of one way amphibian barrier fencing around the working area throughout the duration of construction operations.

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.

Our above advice is based on a precautionary based avoidance approach to safeguarding any GCN on site. We advise that if GCN are found, then works must stop and may only resume on receipt of an appropriate derogation licence issued by NRW. Please also note

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

Biological Security

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. We therefore advise that any consent includes the imposition of the following:

Condition 5: 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.

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: 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 (KPIs) that are to be used for the purposes of assessing and evidence compliance.

Please do not hesitate to contact us if we can be of any further assistance to you or if you wish clarification on the above.

Pollution Prevention

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/>

Construction Waste

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site. For further information please visit the website <https://www.gov.uk/government/collections/waste-exemptions-using-waste> and contact our Customer Centre on 0300 065 3000 (Mon-Fri, 9am-5pm).

If during construction/excavation works do go ahead and any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes. These notes must be kept for at least two years.

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.

Yn gywir / Yours sincerely,



Holly Tomlinson
Cynghorydd Cynllunio Datblygu / Development Planning Advisor
Cyfoeth Naturiol Cymru / Natural Resources Wales