

Ein cyf / Our ref:je/CAS-31321-H3T3

Community Well-being and Development
Wrexham County Borough Council
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Eich cyf / Your ref: P/2017/0229

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Er sylw/ For the attention of:
Matthew Phillips

11/04/2017

Dear Mr Phillips,

**BADGER BANK BARN CLOY LANE OVERTON - P/2017/0229
ERECTION OF STEEL PORTAL FRAMED BUILDING FOR LIVESTOCK
HOUSING AND STORAGE OF MACHINERY AND FODDER WITH ALL
ASSOCIATED WORKS**

Thank you for consulting Natural Resources Wales regarding the above proposal, received on 21/03/2017.

Natural Resources Wales has no objection to the scheme.

Protected Species

We have identified the possibility that Great Crested Newts (GCNs) may be present, as there are records of them locally in association with a number of ponds. Therefore, we recommend that your Authority screens the application to see if there is a reasonable likelihood of GCNs being present and the need for a species survey in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2).

Great Crested Newts and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to them 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 GCNs on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Please consult us again if the survey finds that protected species are present at the site. In the meantime, we cannot confirm that the proposal would not harm or disturb GCNs, or a breeding site or resting place used by them. Nor can we confirm that the proposal would not be detrimental to the maintenance of a GCN population's favourable Conservation status in its natural range.

Environmental Management

NRW are satisfied that the information presented is sufficient for the purposes of granting planning permission and that the risk of pollution occurring on the site can be managed. The facilities must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.

Please refer to the link below for further information:

<http://naturalresources.wales/media/4344/ssaf0-guidance-leaflet.pdf>

We note that the location is within the Dee Water Protection Zone (DPZ). Should the site have any incidents or spills of any sort of chemicals e.g. oil, sheep dips etc. during the construction phase, the applicant is advised to report them immediately to NRW on incident reporting hotline number (24 hr) 0300 065 3000.

Any waste excavation material or building waste generated in the course of 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. The applicant is advised to follow guideline [PPG 6: Working at construction and demolition sites](#)

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.

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.

Yours sincerely,

Joy Evans

Joy Evans
Development Planning Advisor