

Community Well-being and Development
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Ein cyf / Our ref: je/CAS-31339-Y6R3

Eich cyf / Your ref: P/2017/0230
Email: northplanning@cyfoethnaturiolcymru.gov.
uk
Tel: 03000 65 5236

Er sylw/ For the attention of:
Philip Forster

13/04/2017

Dear Mr Forster,

**THE ELMS, TALLARN GREEN - P/2017/0230
ERECTION OF STABLE AND FIELD SHELTER AND CONSTRUCTION OF
ASSOCIATED HARDSTANDING LAND ADJOINING AND EAST OF THE ELMS**

Thank you for consulting Natural Resources Wales regarding the above proposal, received on 21st March 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 for them locally. 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 GCN survey in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2).

GCNs 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 GCNs 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 protected species 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 GCNs 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

The importation of waste to the site for use in construction (e.g. to make the bases of the pods, or car park) needs to be registered as an exempt activity under the Environmental Permitting Regulations 2010, or a permit sought. The following link will take the applicant to the relevant NRW webpage for registering such an exemption, or applying for a waste permit: <https://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

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.

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