

16 Lord Street,
Wrexham,
LL11 1LG

Ein cyf/Our ref: TH/CAS-26100-N2M2

Eich cyf/Your ref: P/2016/1028

01/12/2016

Er sylw / For the attention of Sharon Holman

Annwyl Syr/Madam / Dear Sir/Madam,

TOWN & COUNTRY PLANNING ACT 1990

**BWRIAD / PROPOSAL: ERECTION OF DWELLING WITH DETACHED GARAGE,
ASSOCIATED EXTERNAL WORKS AND INSTALLATION OF
SEPTIC TANK**

**LLEIOLIAD / LOCATION: LAND SOUT OF AND ADJACENT TO TRENCH FARM,
RED HALL LANE**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above.

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: Protected Species – Submission of avoidance /mitigation plan for Great Crested Newts to the satisfaction of the LPA.

Protected Species:

We can confirm that ponds in the environs of the application site are considered likely to 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).

The Regulations allow the approval of a scheme that would be likely to result in disturbance or harm to great crested newt (GCN), 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 scheme either would not impact adversely on any GCN’s 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.

Condition 1: Protected Species – Submission of avoidance /mitigation plan for Great Crested Newts to the satisfaction of the LPA.

However, to address potential issues associated with the potential presence of this species, we advise that any subsequent consent is subject to the imposition of the following planning condition or obligation.

- Submission and implementation of avoidance and mitigation proposals to the satisfaction of the local planning authority. These shall include, but not be limited to the erection and maintenance of one-way amphibian fencing prior to and 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.

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

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. We therefore advise that any 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.

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

Yn gywir / Yours sincerely,

Tomos Hughes

Mr T P L Hughes

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