

Community Well-being and Development
Wrexham County Borough Council
16 Lord Street
Wrexham
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Er sylw/ For the attention of:
Cerys Jones

Ein cyf / Our ref: je/ CAS-22959-B3W7

Eich cyf / Your ref: P/2016/0798

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08/09/2016

Dear Ms Jones,

FFRWD FARM, FFRWD, CEFN Y BEDD, WREXHAM

CONVERSION OF TWO FORMER AGRICULTURAL BUILDINGS INTO 2 NO DWELLINGS TOGETHER WITH ANCILLARY WORKS INCLUDING DRAINAGE, ACCESS DRIVEWAYS AND ECOLOGICAL PROTECTIVE MEASURES

Thank you for consulting Natural Resources Wales regarding the above proposal which was received on the 28th August 2016.

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 - Submission and implementation of bat avoidance, mitigation and compensation measures to the satisfaction of the LPA.
- Condition 2 - Submission and implementation of an external lighting/internal light spillage scheme to the satisfaction of the LPA.
- Condition 3 - Submission and implementation of a post construction bat monitoring and surveillance scheme to the satisfaction of the LPA
- Condition 4 - Prior to commencement of development your Authority needs to be provided with a licence for both bats and GCN that has been issued to the applicant by NRW
- Condition 5 - Submission and implementation of Great Crested Newts (GCN) avoidance and mitigation proposals to the satisfaction of the LP
- Condition 6 - Submission and implementation of a Biosecurity Risk Assessment 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.

Further detailed information regarding these conditions is provided below.

Protected Species

We note that the application is supported by both an Extended Phase 1 Survey Report and detailed Phase 2 Bat and GCN Report (prepared by Roberts, P. (2016). Ecological Appraisal: Ffrwd Farm, Cefn y Bedd, Wrexham. Pearce Environment Limited. Unpublished).

We consider the survey and assessment to be satisfactory for the purposes of informing the planning decision making process

Bats

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they are 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 it satisfies 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 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.

In this case, the bat report concludes that the proposal is likely to impact adversely on the bats present at this site (the survey of Barn B identified the presence of a single Common Pipistrelle and a peak count of 2 Brown Long Eared Bats and the survey of Barn A confirmed the presence of 2 common pipistrelle bats roosting) and, therefore implementation of the proposal will be subject to a European protected species derogation licence. The submission proposes species enhancements in Section 4, including the creation of new access points into the loft and additional external opportunities for crevice dwelling bat species. The mitigation is outlined as part of the application submission.

However, 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 populations of bat affected by the proposal, provided that any subsequent consent is subject to the imposition of the following planning conditions;

Condition 1 - Submission, approval and implementation of bat avoidance, mitigation and compensation measures to the satisfaction of the LPA.

An outline of the bat mitigation and enhancement measures are provided as part of the application submission.

We therefore request that any planning consent given for the development includes the imposition of a suitably worded planning condition requiring the submission and implementation of appropriate bat avoidance, mitigation and compensation measures, including those measures described in the bat report.

The locations of the retained and replacement bat roosts should be clearly identified on the planning drawings.

Condition 2 - Submission, approval and implementation of an external lighting/ internal light spillage scheme to the satisfaction of the LPA.

The survey report advises that a sensitive lighting scheme should be developed for the proposed development with all lighting to be directed away from features used by bats.

We request that any planning consent given for the development includes the imposition of a suitably worded planning condition requiring the submission, approval and implementation of an external lighting/internal light spillage scheme to the satisfaction of the LPA.

Condition 3 - Submission, approval and implementation of a post construction bat Monitoring and surveillance scheme to the satisfaction of the LPA

We request that any planning consent given for the development includes the imposition of a suitably worded planning condition requiring the submission, approval and implementation of a post construction monitoring and surveillance scheme. This required to monitor the approved mitigation and enhancement scheme.

Condition 4 - Prior to commencement of development your Authority needs to be provided with a licence for both bats and GCN that has been issued to the applicant by NRW

We request that any planning permission given for the development includes a suitably worded condition that prevents the commencement of the development until your authority has been provided with a licence that has been issued to the applicant by NRW pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development.

Subject to any planning consent including the above conditions we are satisfied that the proposal will not be detrimental to the maintenance of the favourable conservation status of bats which are protected species.

Great Crested Newts

The Great Crested Newt is a European Protected Species, protected under the Conservation of Habitats and Species Regulations 2010.

The Protected Species Survey considered the potential presence of great crested newts and confirmed the presence of the species within one of the nearby ponds

We concur with the conclusions of the report in respect of potential impacts on this species.

The 2010 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 it satisfies 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 subsequent to any planning consent including the imposition of the following planning condition to ensure the submission, approval and implementation of a suitable GCM avoidance and mitigation scheme.

Condition 5 - Submission, approval and implementation of GCN avoidance and mitigation proposals to the satisfaction of the local planning authority, including those detailed in the report.

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 protected species 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 suitably worded condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 6 - Submission, approval 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.

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, approval 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 (KPI's) that are to be used for the purposes of assessing and evidence compliance.

Foul Drainage

The application states that the foul water from the proposed development will be treated by a package treatment plant.

The written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse/ditch etc, from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website

<https://naturalresources.wales/apply-for-a-permit/water-discharges/?lang=en>

Contamination

During the construction phase the developer should take all precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

Guidance should be taken from 'Working at construction and Demolition Sites, Pollution Prevention Guidance 6, a copy of which is available on the following website;

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Waste

Any waste excavation material or building waste generated in the course of this work must be disposed of satisfactorily and in accordance with the Duty of Care requirements of Section 34 of the Environment Protection Act 1990.

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
Development Planning Advisor