



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: ME/SJ43/2085635
Eich cyf/Your ref: APP/H6955/A/14/2229673
Ffynnon NRW-15-009066

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For the attention of M Crahart

19th January 2015

Annwyl Syr/Madam / Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL REFERENCE NUMBER: APP/H6955/A/14/2229673

LPA REFERENCE NUMBER: P/2014/0387

PROPOSAL: Outline application to Erect 5 Dwellings Served off a Private Drive

LOCATION: Land at Tan yr Onnen School Lane, Bronington, Wrexham

Grid Reference: E 348474 N 339352

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 09 January 2015. We apologise for any delay in replying to you.

Natural Resources Wales brings together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.

NRW has no objection in principle, but details about the proposal still need to be confirmed in writing before consent is issued.

In our opinion, the proposal has the potential to affect the following natural heritage and environmental interests:

Great crested newt

We wish to express the following further comments and observations:

1. Background Legislation

Regulations 9(1) and 9(3) of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC) and the 2009 'Birds' Directive (2009/147/EC) so far that they might be affected by those functions.

2. Statutory Sites

The proposal will not affect the features, ecological integrity or functionality of any statutory sites of ecological, geological and/or geomorphologic interest.

The proposed scheme will not affect the character or integrity of any statutory protected or nationally important landscapes.

3. Protected Species

The presence of a protected species is listed as a material planning consideration under the provisions of Planning Guidance Wales and Technical Advice Note (TAN) Number 5. In this case, we believe that the great crested newt is likely to be present in the area of the proposal and, if so, may be affected by it. The species has previously been recorded in a ponds located to the east of the boundary of the application site. The proposal has the potential to cause disturbance to individuals and/or cause damage to destruction to their terrestrial resting places.

The great crested newt is protected under the provisions of Section 9 and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and the EC Habitats and Species Directive (as implemented in Great Britain by the Conservation of Habitats and Species Regulations 2010 (as amended)).

If the great crested newt is recorded within the boundary of the appeal site, operations may only proceed after an appropriate licence has been issued by NRW and any conditions complied with. This licence can only be issued for the purposes of 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, this specific licence can only be issued by NRW if it complies with the following criteria that there is no satisfactory alternative, and 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.

To assist the decision making process, we recommend that that the applicant is requested to supply further information in respect of amphibian avoidance, mitigation and compensation measures. Mitigation schemes are likely to include the implementation of Reasonable Avoidance Measures (RAMs), such as timing of operations and the exclusion of individuals from working areas, together with the retention or alternative provision of aquatic and terrestrial habitats.

In our view, the appellant has supplied insufficient information to demonstrate the proposal will not be detrimental to the maintenance of the favourable conservation status of the great crested newt population at this locality. If the public decision maker is minded to approve the proposal, we advise that any consent is subject to the imposition of the following planning conditions or obligations:

- a. The submission and implementation of a detailed amphibian "Reasonable Avoidance Measures Scheme " (RAMs) to the satisfaction of the LPA;
- b. The submission and implementation of habitat mitigation and compensation proposals to the satisfaction of the LPA;

Natural Environment and Rural Communities (NERC) Act (2006)

Please note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of "linear" and "stepping stone" habitats as defined in Article 10 of the Habitats Directive.

To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

Standard Advice for Developers

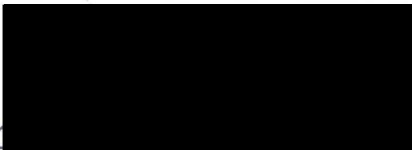
We have attached NRW's standard advice for developers. We would welcome these being referenced within the provisions of any subsequent consent.

Conclusions

To conclude, we have no objection in principle to the proposal. However, we consider that further details still need to be confirmed in writing before any approval is given. NRW would object to issue of consent for this proposal in the meantime.

Please do not hesitate to contact me if you require further information or clarification on any of the above.

Yours faithfully



Matt Ellis
Senior Species Officer
North Wales

Encl.

STANDARD ADVICE - GUIDANCE NOTE FOR DEVELOPERS

It should be noted that this guidance note has not been designed to cover all issues, and where you have any query regarding its contents or other matters associated with the development you should contact Natural Resources Wales / Cyfoeth Naturiol Cymru (NRW/CNC) immediately.

General Advice

1. All appropriate pollution control measures should be adopted to ensure that the water environment (both groundwater and surface water) is not polluted. If in any doubt contact NRW.
2. 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.
3. You must prevent any discharge or seepage of cement from a mixer and/or cement slurry from e.g. washing out cement mixers and tools, into any watercourse.
4. If any oils tanks, fuels or chemicals are being stored on the site during the construction phase, they should be sited in an impermeable bunded area the capacity of which should exceed that which is stored by 10%.
5. Comprehensive data has been issued to the Local Authority, which will inform their decisions by assessing risks from landfill gas and land contamination. In instances where a development appears to be on/within 250m of an historic landfill and there appears to be no impact to controlled waters then we have no further comment.
6. Waste arising from the development must be disposed of in an appropriate way i.e. to a waste management facility, and where possible it should be re-cycled. Certain wastes, for example asbestos, are classed as Hazardous Wastes and shall only be disposed of to an appropriate facility, licensed to take such wastes.
7. If you intend to import waste onto the site for use as e.g. hardcore or are intending to use controlled waste for construction purposes you must contact NRW immediately (and well in advance of any material being brought onto the site) to ensure that any necessary Environmental Permitting procedures are in place.
8. If during the construction/excavation works any contaminated material is revealed you must contact NRW immediately.
9. Any works (including temporary works) in, under, over or adjacent to any watercourse may require the formal consent of NRW prior to works commencing. In accordance with NRW's "no-culverting" policy, consent for culverting will only normally be granted for site access purposes.

10. Any private sewage treatment / disposal facility must be installed and maintained in accordance with British Standard 6297, and Approved Document H of the Building Regulations 2000 (further details may be available from the local authority Building Control Officer). **(NB Private treatment facilities are not considered environmentally acceptable in publicly seweraged areas).**
11. **When connecting to the public sewerage system**, Dwr Cymru/Welsh Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.
12. If you intend to amend any of the details submitted in your planning application (e.g. the proposed drainage arrangements) you should contact the Local Planning Authority who may be required to reconsult NRW.
13. It is recommended that you consult with the Local Authority's Engineers Department in order to establish that should any surface water drainage from this site be discharged to a watercourse, ditch or culvert (excluding statutory main rivers) that such discharge will not cause or exacerbate any flooding in this catchment. Wherever practicable, Sustainable Urban Drainage Systems (SUDS) should be incorporated into the design.
14. It is recommended that you consult with the Local Authority's Engineers Department, who may hold records/additional information in respect of localised flooding problems.

Additional Criteria regarding Agricultural Development

The facilities must, where required, comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991, as amended 1997.

Under the terms of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oils) Regulations 1991, the person who proposes to have control over any relevant storage installation is required to serve notice on NRW specifying the type of structure to be used and its location at least 14 days before it is to be used for the keeping or storing of any relevant substance.

Slurry/silage liquor must be stored within a sealed system in accordance with the MAFF "Code of Good Agricultural Practice for the Protection of Water".

Any manure arising from the process must be stored and disposed of in accordance with the MAFF "Code of Good Agricultural Practice for the Protection of Water."

No manure should be stored within 10m of any watercourse, land drain or ditch.

The development must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

Note: Regarding ALL Development Proposals

The grant of planning permission does not permit activities that require consent, licence, or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations

are obtained before work commences. Activities that may require formal NRW approval (or review of an existing authorisation) include:

- **Works in, under, over or near a watercourse**
- Culverting / diverting a watercourse
- Discharges / emissions to the environment
- Keeping / storage / transfer of waste
- Abstraction of surface water / groundwater
- Fish stocking
- Storage of chemicals, oils or other hazardous materials

NRW consenting procedures can take several months to complete, and early contact is therefore advised. Further information on NRW's responsibilities can be found on our website: www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

CYNGOR SAFONOL - CYFARWYDDYD AR GYFER DATBLYGWYR

Dylid sylwi nad yw'r cyfarwyddyd hwn wedi ei gynllunio ar gyfer pob un pwnc. Os oes gennych unrhyw ymholiad ynghylch ei gynnwys neu ynghylch pynciau eraill perthynol i'r datblygiad, dylech gysylltu â CNC ar unwaith.

Cyngor Cyffredinol

1. Dylid cymeryd pob cam rheoli llygredd addas er sicrhau na lygrir yr amgylchedd dyfrol, gan gynnwys dŵr daear a dŵr arwyneb fel ei gilydd. Os oes unrhyw amheuaeth, cysylltwch â CNC.
2. Rhaid cael caniatâd ysgrifenedig CNC, neu cofrestru eithriad ar gyfer unrhyw ollyngiad o'r safle i gwrs dŵr, ffos, ac yn y blaen. Fe all fod rhaid wrtho ar gyfer rhai mathau o ollyngiadau i dir, hefyd. Rhaid cael pob caniatâd, neu eithriad CNC angenrheidiol cyn dechrau gwaith ar y safle. Ceir rhagor o wybodaeth ar y linc yma: <http://www.environment-agency.gov.uk/homeandleisure/132391.aspx>
3. Rhaid i chi atal unrhyw sment neu slwtsh sment o beiriannau cymysgu, neu o ganlyniad i olchi peiriannau neu offer, rhag llifo neu ddiferu i unrhyw gwrs dŵr.
4. Os oes yna storio unrhyw olew, tanwydd neu gemegau ar y safle yn ystod yr adeiladu, dylid lleoli'r tanciau o fewn bwnd ar waelod anhydraidd. Rhaid i'r bwnd fedru cynnwys 10% yn fwy na'r hyn a gedwir ynddo.
5. Rhoddwyd gwybodaeth gynhwysfawr i'r Awdurdod Lleol ei hystyried wrth asesu peryglon o du nwy tirlenwi a halogiad tir. Pan ymddengys fod datblygiad ar hen safle tirlenwi neu o fewn 250m i un, ac yr ymddengys nad oes effaith ar ddyfroedd rheoledig, yna ni wnawn unrhyw sylwadau ychwanegol.
6. Rhaid gwaredu gwastraff y datblygiad mewn ffordd addas: i gyfleuster rheolaeth gwastraff, er enghraifft. Os oes modd, dylid ei ailgylchu. Y mae rhai mathau o wastraff, fel asbestos er enghraifft, yn Gwastraff Peryglus, a rhaid ei yrru at gyfleuster trwyddedig yn unig, sydd â thrwydded derbyn gwastraff o'r fath.
7. Os yw'n fwriad gennych ddod â gwastraff ar y safle er mwyn ei ddefnyddio (cerrig seilio, e.e.), neu ddefnyddio gwastraff rheoledig at ddibenion adeiladu, yna rhaid i chi gysylltu â CNC ar unwaith (ac ymhell o flaen dod ag unrhyw ddeunydd ar y safle) er mwyn sicrhau bod y trefniadau Trwyddedu Amgylcheddol oll yn eu lle.
8. Os yw gwaith adeiladu neu gloddio yn dod ag unrhyw ddeunydd llygredig i'r amlwg, rhaid i chi roi gwybod i CNC ar unwaith.
9. Gall fod angen caniatâd ffurfiol CNC ar gyfer unrhyw waith (gan gynnwys gwaith dros dro) mewn, oddi tan, dros neu nesaf at gwrs dŵr: a hynny cyn dechrau'r gwaith. Yn unol â pholisi "dim sianelu" CNC, fel arfer ni roddir caniatâd ar gyfer sianelu heblaw at ddibenion mynediad i'r safle.

10. Rhaid gosod a chynnal unrhyw gyfleuster trin/gwaredu carthion preifat yn unol â Safon Brydeinig 6297, a Dogfen Gymeradwyedig H y Rheoliadau Adeiladu 2000. Gall fod manylion ychwanegol ar gael gan Swyddog Rheoli Adeiladu yr awdurdod lleol. (Sylwer: nid ystyrir bod cyfleusterau trin preifat yn addas o safbwynt amgylcheddol ar gyfer ardaloedd lle bo carthffosiaeth gyhoeddus).
11. Dylid ymgynghori â Dŵr Cymru/Welsh Water ynghylch y bwriadau, a gofyn iddynt ddangos fod y rhwydwaith carthffosiaeth a gwaredu carthion sy'n gwasanaethu'r datblygiad yn ddigon i fedru dygymod â'r llif ychwanegol a gynhyrchir yn sgil y datblygiad, heb beri llygredd neu ddirywiad yn y dosbarthiad Cyfarwydddeb Fframwaith Dŵr.
12. Os yw'n fwriad gennych newid unrhyw un o'r manylion yn eich cais cynllunio (y trefniadau draenio, e.e.), dylech gysylltu â'r Awdurdod Cynllunio Lleol, gan y gall y bydd angen iddynt ailymgynghori â CNC.
13. Argymhellir y dylech ymgynghori ag Adran Peiriannydd yr Awdurdod Lleol er mwyn profi na fyddai unrhyw ddŵr wyneb sy'n draenio o'r safle hwn i gwrs dŵr, ffos neu gwlfwr (ag eithrio prif afonydd statudol) achosi neu waethygu llifogydd yn y dalgylch hwn. Dylid cynnwys Rhwydweithiau Draenio Trefol Gynaliadwy (RhDTC) yn y cynllun, lle bynnag y bo hynny'n ymarferol.
14. Argymhellir y dylech ymgynghori ag Adran Peiriannydd yr Awdurdod Lleol, a all fod â chofnodion / gwybodaeth ychwanegol ynghylch trafferthion llifogydd lleol.

Meini Prawf Ychwanegol ynglŷn â Datblygu Amaethyddol

Lle bo angen, rhaid i'r cyfleusterau gydymffurfio â'r Rheoliadau Rheoli Llygredd (Silwair, Biswail ac Olew Tanwydd Amaethyddol) 1991, fel y'u newidiwyd ym 1997.

Tan amodau'r Rheoliadau Rheoli Llygredd (Silwair, Biswail ac Olew Tanwydd Amaethyddol) 1991, rhaid i'r sawl sydd yn amcanu bod â rheolaeth ar unrhyw safle storio perthnasol rybuddio CNC gan nodi'n benodol fath yr adeilad sydd i'w ddefnyddio a'i leoliad, o leiaf 14 diwrnod cyn y bwriedir ei ddefnyddio ar gyfer cadw neu storio unrhyw sylwedd perthnasol.

Rhaid storio trwyth biswail/silwair o fewn system gaeedig yn unol â "Chod Arfer Amaethyddol Da ar Gyfer Gwarchod Dŵr" yr Adran Amaeth, Pysgodfeydd a Bwyd.

Rhaid storio a gwaredu unrhyw dail a gynhyrchir o ganlyniad i'r broses yn unol â "Chod Arfer Amaethyddol Da ar Gyfer Gwarchod Dŵr" yr Adran Amaeth, Pysgodfeydd a Bwyd.

Ni ddylid storio unrhyw dail o fewn 10m i unrhyw gwrs dŵr, draen tir neu ffos.

Sicrhewch gydymffurfio â Rheoliadau Atal Llygredd Nitradau 2008, os gwelwch yn dda..

Rhaid draenio'r datblygiad trwy gyfrwng rhwydwaith ddraenio dŵr aflan a dŵr wyneb ar wahân, gan gadw pob dŵr toeau ac wyneb glân ar wahân i ddŵr aflan.

Noder: Ynglŷn â PHOB Bwriad Datblygu

Nid yw rhoi caniatâd cynllunio'n caniatáu gweithgareddau y mae arnynt angen cydsyniad, trwydded neu ganiatâd tan ddeddfwriaeth arall. Cyfrifoldeb yr ymgeisydd yw sicrhau cael pob awdurdodiad perthnasol cyn i'r gwaith gychwyn. Y mae'r gweithgareddau y gall y bydd angen cymeradwyaeth ffurfiol CNC (neu adolygiad awdurdodiad presennol) ar eu cyfer yn cynnwys:

- Gwaith mewn, o dan, uwchben neu gerllaw cwrs dŵr
- Sianelu / dargyfeirio cwrs dŵr
- Gollwng / allyrru i'r amgylchedd
- Cadw / storio / trosglwyddo gwastraff
- Tynnu dŵr wyneb / dŵr daear
- Stocio pysgod
- Storio cemegolion, olewau neu ddefnyddiau peryglus eraill

Gall trefn ganiatáu CNC gymeryd sawl mis i'w chwblhau, felly gorau po gyntaf y cysylltwch â ni. Ceir rhagor o wybodaeth ynghylch cyfrifoldebau CNC ar ein gwefan: www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk