Ein cyf/Our Ref: CAS-266882-B6Z4
Eich cyf/Your Ref: P/2024/1451

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

Dyddiad/Date: 05 November 2024

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD/PROPOSAL: ERECTION OF TIMBER OFFICE BUILDING

LLEOLIAD/LOCATION: TARALOKA CORNHILL FARM, BETTISFIELD, WHITCHURCH, SY13 2LD

Thank you for consulting Cyfoeth Naturiol Cymru (CNC) / Natural Resources Wales (NRW) about the above, which we received on 21/10/2024.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice:

- **Ellson, M. 18th September 2024, Proposed Office Building, Taraloka Buddhist Retreat Centre, Bettisfield, SY13 2LD – Great Crested Newt Reasonable Avoidance Measures Method Statement**
- **Ellson, M. September 2024, Proposed Office Building, Taraloka Buddhist Retreat Centre, Bettisfield, SY13 2LD, Walkover Survey and Biodiversity Statement, Version C542/ V1.0**

Please note, without the inclusion of these documents we would object to this planning application. Further details are provided below.

Protected Species

We have reviewed the following information which has been submitted in support of the application.

- Ellson, M. September 2024, Proposed Office Building, Taraloka Buddhist Retreat Centre, Bettisfield, SY13 2LD, Walkover survey and Biodiversity Statement, Version C542/ V1.0
- Ellson, M. 18th September 2024, Proposed Office Building, Taraloka Buddhist Retreat Centre, Bettisfield, SY13 2LD – Great Crested Newt Reasonable Avoidance Measures Method Statement

Great Crested Newts (*Triturus cristatus*)

The information has identified that Great Crested Newts (GCN) are material to the application site due to their presence within proximity of it.

GCN and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981. Where GCN are present and a development proposal is likely to contravene the legal protection, they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. The development works to be authorised are for the purpose 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;
ii. There is no satisfactory alternative; and,
iii. 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.

To avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note 5 into account when considering development proposals where a European Protected Species is present.

Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the third test “demonstration of no detriment to the maintenance of the favourable conservation status of European protected species”. We advise that before any consent is given, as informed by the provisions of Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) the LPA satisfy itself as to whether the scheme satisfies the other two tests, namely a relevant Habitats Regulations purpose and whether there is no satisfactory alternative to the proposal.

We consider that the above report and Reasonable Avoidances Measures Method Statement provides an adequate basis upon which to consider the potential impacts of the scheme on GCN and inform the decision-making process.

Therefore, we advise that the following documents are included in the approved list of plans / documents condition within the decision notice:

- Ellson, M. September 2024, Proposed Office Building, Taraloka Buddhist Retreat Centre, Bettisfield, SY13 2LD, Walkover survey and Biodiversity Statement , Version C542/ V1.0)
- Ellson, M. 18th September 2024, Proposed Office Building, Taraloka Buddhist Retreat Centre, Bettisfield, SY13 2LD – Great Crested Newt Reasonable Avoidance Measures Method Statement

Bats

The submitted Biodiversity Report identifies that there is no evidence of bats at the application site. We therefore have no comments to make concerning bats and advise that you liaise with your Authority's ecologist regarding the recommended practices.

Protected Sites

Special Area of Conservation (SAC) / Ramsar site

The application is located within 325m of the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SAC and the Midland Meres and Mosses Phase 2 (Wales) Ramsar site.

From the information submitted, we consider that the proposal is not likely to have a significant effect on the SAC / Ramsar site due to the nature of the proposed development and lack of pathways to the protected sites.

Our advice may change should modifications be made to the proposed development prior to the determination of the application. If there are any changes to the proposed development which may affect the consideration of potential environmental impacts, please consult us again before you determine the application.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), it is for your Authority to carry out the test of Likely Significant Effects for the proposed development. Should you conclude that the proposal is likely to have a significant effect on a SAC / Ramsar site, either alone or in combination with other plans or projects, an appropriate assessment must be made on the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify.

Site of Special Scientific Interest (SSSI)

The application is located within 325m of Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SSSI.

We have considered the information submitted in support of the above application. Based on the information submitted, we consider that the proposed development is not likely to damage the features for which Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SSSI is of special interest.

Flood Risk

The planning application proposes less vulnerable development (office). Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning (FMfP) also identifies the application site to be at risk of flooding and partially falls into Flood Zones 2 and 3 (Rivers).

However, the location of the proposed building and access route are not within the flood zones referenced above. Therefore, given the location of fluvial flood risk shown to be affecting the application site (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks to these areas.

Wrexham County Borough Council drainage department in their capacity as lead local flood authority may be able to advise on any local problems in relation to surface water disposal and any associated flood risk.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our website. We have not considered potential effects on other matters and do not *rule out the potential for the proposed development to affect other interests.*

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Pauline Gallagher Brown
Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

E-bost/E-mail: northplanning@cyfoethnaturiolcymru.gov.uk

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi. / Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.