Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-273840-R0L2
Eich cyf/Your ref: P/2024/1637

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 21 February 2025

Dear Sir/Madam,

PROPOSAL: PRIOR NOTIFICATION FOR ERECTION OF AGRICULTURAL BUILDING FOR STORAGE OF MACHINERY

LOCATION: LAND ADJACENT TO ANMOR, STRYT LAS, RHOSLLANERCHRUGOG, WREXHAM, LL14 2HE

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 3rd February 2025.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any prior approval granted:

Condition 1 - Landscape and Ecological Management Plan (LEMP)

We also advise that based on the information submitted to date, the document identified below should be included in the approved plans and documents condition on the decision notice of any prior approval granted:

- **Preliminary Ecological Appraisal, by Arbor Vitae, dated 31st January 2025.**

Protected Sites

Johnstown Newt Sites Special Area of Conservation (SAC)

The Johnstown Newt Sites SAC (and underpinning Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI)) is located within 335m of the site.

We have concerns that harm from the proposed development on the SAC (and SSSI) cannot be ruled out.

We have reviewed the following information submitted in support of this prior notification:

- Preliminary Ecological Appraisal, by Arbor Vitae, dated 31st January 2025.
- Great Crested Newt Long Term Management Plan, by Arbor Vitae, dated 31st January 2025

To secure appropriate mitigation measures, we advise that the above mentioned report and condition set out below should be attached to any prior approval for this development. Provided the development is carried out in accordance with the condition and approved document, we do not consider that it will adversely affect the integrity of the SAC.

Condition: No development including site clearance, shall commence until a Landscape and Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features has been submitted to and approved by the Local Planning Authority. The Plan should build upon the principles outlined in the Great Crested Newt Long-Term Management Plan and include, but not necessarily be limited to, the submission of a long-term site management plan (not less than 25 years) that includes:

- details of habitats and ecological features present or to be created, both in written form and shown on appropriate drawings, including planting plans
- defined aims and objectives
- details of short and long-term habitat management prescriptions to both achieve and maintain the desired condition
- details of monitoring methodologies for habitat(s) and species
- details of scheduling and timings of activities
- current and any proposed changes to the freehold tenure of the compensation area (tenure of the ecology and heritage area to be approved by the Local Planning Authority)
- persons or bodies responsible for undertaking management and surveillance together with required skills and competencies
- site liaison and wardening
- funding
- licensing requirements [for management surveillance and other defined activities]
- details of reporting, review and update of the plan (informed by monitoring) at specific intervals as agreed

Justification: A LEMP should be agreed to ensure necessary habitat management measures for Great Crested Newt are agreed prior to commencement and appropriately managed in the long-term.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), your authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC/SPA/Ramsar site, either alone or in combination with other plans or projects, make an appropriate assessment of 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. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC.

River Dee and Bala Lake SAC

We note the application site is within the catchment of the River Dee and Bala Lake SAC. In line with our *Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation* (June 2024), under the Habitats Regulations,

Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

However, the application as submitted is unlikely to increase the amount of nutrients entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the Stryt Las a'r Hafod SSSI. Providing the advice referenced above for the Johnstown Newt Sites SAC is adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded

Protected Species

We have reviewed the following information which has been submitted in support of this prior notification:

- Preliminary Ecological Appraisal, by Arbor Vitae, dated 31st January 2025.

The above report identifies that "*the site is located approximately 400m from the Johnstown Newt site (SSSI), which is home to one of the largest known Great Crested Newt populations in Great Britain (JNCC). GCN has been recorded at around 500m from the site. The habitats on site provide suitable terrestrial opportunities for GCN*".

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.

Please refer to our Protected Sites advice above and suggested condition in respect of Great Crested Newts.

We also advise that the works are carried out under licence. We refer you to the Chief Planning Officer's letter dated 1 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

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

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.

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

Yours faithfully,

Ruth Prichard
Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

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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.