Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-274809-S9L4
Eich cyf/Your ref: P/2025/0115

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 04 March 2025

Dear Sir/Madam,

PROPOSAL: ERECTION OF REPLACEMENT AGRICULTURAL BUILDING

LOCATION: PENYLLAN FARM, WREXHAM ROAD, MARCHWIEL, WREXHAM, LL13 0PF

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 14 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 planning permission granted:

- **Condition 1: Protected Species**

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

Protected Species

No ecological information has been submitted in support of this application. We recommend you seek the advice of your Authority's ecologist about the requirement for further information to be submitted in support of the application, and to scope the need for bespoke surveys, where required.

We advise that there are multiple great crested newt (GCN) records, including from ponds, within the vicinity of the application site.

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.

We advise that further information may be required to manage the potential impacts of the scheme. However, we would be content for this further information to be provided via a suitably worded condition.

We therefore advise the following condition in respect of GCN is included on any permission granted.

Condition: No development, including site clearance, shall commence until a Great Crested Newt (GCN) plan of reasonable avoidance measures has been submitted to and approved in writing by the Local Planning Authority. The plan of reasonable avoidance measures should include the submission of details and plans concerning GCN reasonable avoidance and mitigation measures.

The plan of reasonable avoidance measures shall be carried out in accordance with the approved details.

Justification: To ensure that GCN are protected by the development.

Pollution of Controlled Waters / Protected Sites

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In line with our *Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation* (28 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.

We note that it is not the Applicant's intention to increase stock numbers and that the development is intended to improve the welfare facilities for current stock levels.

Any slurry/manure produced should be managed in line with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 and Code of Good Agricultural Practice guidance. Any new channels or pipes to an existing slurry storage system must comply with the above Regulations and we should be informed of any substantial changes at least 14

days before construction begins. Further information on what we require is available on our website at Natural Resources Wales / Silage and slurry storage.

Please note, any manure produced must be managed (storage and application to land) in line with The Code of Good Agricultural Practice (CoGAP) for the Protection of Water, Soil and Air for Wales. If manure is managed correctly then 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.

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.

Yours faithfully,

Tristan Williams
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.