

From: North Planning <NorthPlanning@cyfoethnaturiolcymru.gov.uk>
Sent: 07 September 2023 15:51
To: Gwyn Humphreys; planning_admin
Cc: Emma Broad
Subject: P/2023/0408 - UNIT 1 MAELOR WORKS CROSS LANES WREXHAM (Minor) v2 - NRW Response NRW:01951343

Dear Gwyn Humphreys,

Further to our previous response to your application No P/2023/040(our ref CAS-233911-T6V9 dated 07.08.23) we have the following additional comments in relation to protected species. We previously noted that records showed that there is a likelihood of protected species (Great Crested Newts) being present in the vicinity of the site.

It has since come to our attention that the site is located close to an area where works have been undertaken which we consider to have destroyed one GCN breeding pond and significantly damaged another in conflict with the terms of extant European Protected Species Licences relating to GCN's.

GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We note that this application is retrospective, and the application is not supported by an ecology report.

Section 6.4.5 of Planning Policy Wales requires LPA's to ensure that development does not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. Section 6.4.23 concerns consideration of EPS derogation under Article 16 of the Habitats Directive. Provisions of this section state "Planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities must take the above three requirements for derogation into account when considering development proposals where a European protected species is present".

We therefore concur with your ecologist view and advise that a long term European protected species restoration scheme be submitted prior to determination of the application to the be approved to the satisfaction of the LPA in consultation with NRW.

If you have any queries please do not hesitate to contact me.

Kind Regards
Sara Thomas

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Yn falch o arwain y ffordd at ddyfodol gwell i Gymru trwy reoli'r amgylchedd ac adnoddau naturiol yn gynaliadwy / Proud to be leading the way to a better future for Wales by managing the environment and natural resources sustainably.

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.