

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

30/06/2023

Dear Sir/Madam,

BWRIAD / PROPOSAL: CONSTRUCTION OF FOOTPATH, ACTIVE TRAVEL ROUTE AND PEDESTRIAN ACCESS, SITING OF CYCLE STAND, ENGINEERING WORKS TO CREATE WILDLIFE HABITAT AND ASSOCIATED LANDSCAPING AND DRAINAGE

LLEOLIAD / LOCATION: HAFOD HOUSE FARM HAFOD RUABON WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 18/06/2023.

We continue to 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:

Marches Ecology. December 2022. Proposed Commemorative Woodland and Associated Infrastructure. Ref C500/1.0

EPH, National Trust. July 2022. Proposed Ecology Plan

We also advise that based on the information submitted to date, a condition regarding protected sites should be attached to any planning permission granted. Without the inclusion of the condition and documents we would object to this planning application.

Protected Sites

Site of Special Scientific Interest (SSSI)

The application site is located adjacent to of the boundary of Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI) . This site supports a nationally important population of Great Crested Newt (*Triturus cristatus*), and an assemblage of amphibian species.

We have concerns with regards to indirect impacts associated with the proposed land use change. The proposal has the potential to cause an increase in recreational use of the

nearby designated site in the longer term. Within the designated site, increased public recreation could lead to loss of terrestrial habitat following erosion / upgrading of footpaths, as well as resulting in additional impact pathways to the features of the site. The most notable predicted impacts pathways include biosecurity risks (Crassula and Chytrid) and an increased risk of introduction of predators (e.g., fish) or through disturbance by dogs.

We have considered the Ecological Report (Marches Ecology. December 2022. Proposed Commemorative Woodland and Associated Infrastructure. Ref C500/1.0) submitted in support of the above application together with additional comments received from the applicant's ecologist on 18 May 2023. Based on the information submitted, we consider that the proposed development is not likely to damage the features for which Stryt Las a'r Hafod SSSI is of ecological special interest. The submitted ecological report in Section 4.2.7 states that the external carpark will not be expanded and will serve as a long-term limiting factor. The ecology report subsequently goes on to state that there is an intention for visitors to either walk or cycle to the application site. This will further represent a limiting factor to possible long term increases in recreational pressure.

We therefore welcome component proposals that contribute to recreation activities taking place away from the designated site. As articulated above, we welcome the submitted approach to visitor management in Section 4.2.7 of the ecology report whereby existing carpark provision will serve as a limiting factor (in the long term) to any potential increases in visitor pressure. The inclusion of the ecology document as an approved document is therefore advocated.

We note the submitted Biodiversity Enhancement Plan (July 2022) includes mitigation measures for GCN. When considering the extent of works undertaken to date and the relative impacts of the remaining proposed works, we consider the ecological submission to be appropriate and proportionate. We therefore advise that the report be listed as an approved document.

We consider biosecurity to be a material issue owing to the nature and location of the proposals, and we therefore would welcome the following condition being attached to any subsequent planning consent. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases including the amphibian fungus Chytrid. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 1: No development, including site clearance, shall commence until a Biosecurity Risk Assessment, and Method Statement that considers invasive non-native species and specific diseases (e.g., Chytrid) has been submitted to and approved in writing by the Local Planning Authority. The risk assessment must include:

- i. appropriate measures to control any INNS on site;
- ii. measures or actions that aim to prevent INNS from being introduced to the site for the duration of construction and operational phases of the scheme.

The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to prevent or control the spread and effective management of any invasive non-native species and listed diseases at the site.

Paragraph 6.4.14 of *Planning Policy Wales* states development should be refused where there are adverse impacts on the features for which a site has been designated.

Should you be minded to grant permission for the above planning application without requiring the specified conditions, we ask that you notify us under the provisions contained in Section 281 of the Wildlife and Countryside Act 1981 (as amended).

Special Area of Conservation (SAC)

The application site is adjacent to the boundary of the Johnstown Newt Site SAC. We consider that the proposal will not be likely to cause a significant affect on the conservation objectives of the SAC, both alone and in combination with other projects and in the short and long term; provided there are no consequent requirements to upgrade recreation infrastructure within the designated site,

Protected Species

Great Crested Newts

Providing the advice referenced above for the SSSI is adequately addressed, NRW, consider that the proposed development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). 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 tests set out in the Regulations (Please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to “*demonstration of no detriment to the maintenance of the favourable conservation status of European protected species*”.

We advise that the provisions of any subsequent licence application include:

- (a) Details concerning the rationale and approach for each proposed action including any component avoidance and mitigation measures;
- (b) Post construction management, monitoring and maintenance plan. This to include identification of any future works to be carried out under further EPS licence(s); and ideally analysis of visitor usage and assessment of any impacts;

- (c) Ecological compliance audit; and
- (d) Biosecurity.

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 01 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.

Bats

We note that the bat report submitted in support of the above application (Marches Ecology. December 2022. Proposed Commemorative Woodland and Associated Infrastructure. Ref C500/1.0) states that no impacts on bats are anticipated.

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

Garmon Lewis

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