

Ein cyf/Our ref: CAS-242831-Z3Y2
Eich cyf/Your ref: P/2023/0747

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 30 November 2023

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Adeiladu adeilad amaethyddol / Erection of agricultural building.

LLEOLIAD/LOCATION: Old Hall, Overton Road, Penley, Wrexham, LL13 0LS.

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 16 November 2023.

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

We note that the ecological report submitted in support of the above application (Preliminary Ecological Appraisal Old Hall. Arbor Vitae Environment Ltd. 25/10/2023) confirms that ponds in the vicinity of the application site are known to support breeding Great Crested Newt (GCN). This includes Pond 2 which is within 10m of the application site. This species is protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

We note the reasonable avoidance measures for GCN proposed in section 6.2 of the report. However, we note that no details are included regarding the use of one-way amphibian fencing during the construction phase, or the installation of permanent amphibian fencing into the boundary fence line, and biosecurity measures.

Given the proximity of the application site to ponds known to support breeding GCN, we therefore advise that the following condition should be attached to any permission granted by your authority for the above application:

Condition: No development shall take place until a Great Crested Newt Reasonable Avoidance Measures scheme has been submitted to and approved in writing by the Local Planning Authority. The Reasonable Avoidance Measures scheme shall include, but not necessarily be limited to:

- Build upon the principles outlined in the submitted ecological report
- Details and associated plans concerning GCN reasonable avoidance and mitigation measures including, but not limited to, one-way amphibian fence design and locations (prior to and throughout the duration of any work)
- Measures to be taken to prevent or reduce accidental capture or killing of GCN including installation of permanent amphibian fencing into the boundary fence line
- Measures to control any Invasive Non-Native Species (INNS) and diseases (e.g. Chytrid) on site; and to prevent INNS and diseases being introduced to the site for the duration of the construction and operational phases of the scheme
- All works to be carried out under the appropriate licence issued by NRW under the provisions of Regulation 55 (2) of the Conservation of Habitats and Species Regulations 2017 (as amended)

The Reasonable Avoidance Measures scheme shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Great Crested Newt Reasonable Avoidance Measures scheme is implemented, which protects the Great Crested Newts affected by the development.

We also note that the report states: *"If GCN are found at any point during the development or activities outlined above, works must stop and an appropriately qualified ecologist should be contacted for advice. Contractors are prohibited from handling GCN."*

However, due to the proximity of water bodies to the application site that are known to support breeding GCN we advise that all works should be carried out under protected species license.

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.

Protected Sites

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments.

However, the application as submitted is unlikely to increase the amount of phosphorus 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.

Pollution of Controlled Waters

We understand this proposal is to construct an agricultural shed for the storage of hay and haylage. The structure is not to accommodate an increase in stock number on the farm. We advise that the applicant follows the [Code of Good Agricultural Practice guidance](#).

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,

Rhys Jones

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.