



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-215052-T2L0
Eich cyf/Your ref: P/2023/0136

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09/05/2023

Annwyl Syr/Madam / 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 11/04/2023.

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

Condition 1-2: Protected Species

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

Protected Sites

Site of Special Scientific Interest (SSSI)

The application site is located adjacent to 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 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. Based on the information submitted, we consider that the proposed development is likely to damage the features for which Stryt Las a'r Hafod is of special interest.

We have concerns with regards to indirect impacts associated with the proposed land use change. The proposal would result in an increase in recreational use of the site. Increased

public access 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 disturbance by dogs).

Furthermore, indirect impacts of increased parking facilities, including whether existing facilities will require upgrading and the implications on surface water management regimes do not form part of this application. Roadside gully pots, associated with surface water drainage, are known to cause capture/killing of amphibians and consideration of these is a requirement of the conservation objectives for the site.

We note the submitted Biodiversity Enhancement Plan (Undated) includes additional mitigation for GCN, and states that a RAMS Method Statement is to be submitted. We would advise that the construction of one-way amphibian fencing is included within the provisions of the method statement. We therefore advise that the following condition should be attached to any planning permission granted.

Condition 1: No development, including site clearance, shall commence until a site wide GCN Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement should include:

- Build on the principles detailed in (Marches Ecology. December 2022. Proposed Commemorative Woodland and Associated Infrastructure. Ref C500/1.0) including further details and associated plans concerning amphibian 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 amphibians including installation of permanent amphibian fencing into the boundary fence line.
- Details of timing, phasing and duration of construction activities and conservation measures.
- Details of initial aftercare and long-term maintenance.
- Actions to be taken in event previously unidentified species/habitat features are found.
- Ecological Compliance Audit, including key performance indicators.
- A timetable for implementation demonstrating that works are aligned with the proposed phasing of the development.
- Persons responsible for implementing the works.
- Information to demonstrate that the Amphibian Conservation Plan is compatible with the SSSI/SAC conservation objectives.

The GCN Method Statement shall be carried out in accordance with the approved details.

Justification: To ensure that an approved GCN Method Statement is implemented, which protects GCN affected by the development.

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non native species (INNS) and diseases. 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 2: 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 28I 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 have concerns that harm from the proposed development on the SAC cannot be ruled out.

To secure appropriate mitigation measures, we advise that the conditions detailed above are attached to any planning permission for this development to secure appropriate mitigation measures. Provided the development is carried out in accordance with those conditions, we do not consider that it will adversely affect the integrity of the SAC.

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/SPA/Ramsar 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”*.

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 direct impact on roosting bats are anticipated. From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document ‘*Natural Resources Wales Approach to Bats and Planning (2015)*’. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

As this is a lower risk case for bats, we consider that the 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.

Furthermore, we advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided the avoidance measures described in the bat report are implemented.

We would welcome the inclusion of the report in the ‘approved list of plans / documents’ condition within the decision notice should consent for the project be granted, in respect of bats.

Please consult us again if any further information shows that this is no longer a lower risk case

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