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10/07/2023

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: ERECTION OF INDUSTRIAL BUILDING

LLEOLIAD / LOCATION: PLOT 4, MINERS PARK, LLAY INDUSTRIAL ESTATE, LLAY

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 22/06/2023.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the document identified below is included in the approved plans and documents condition on the decision notice:

- **Whitcher, S., Switch Ecology, May 2023, Plot 4, Miners Road, Preliminary Ecological Appraisal (PEA)**

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

Protected Species

Great Crested Newt (*Triturus cristatus*)

We note the ecology report submitted in support of the above application (Whitcher, S., Switch Ecology, May 2023, Plot 4, Miners Road, Preliminary Ecological Appraisal (PEA)) identifies the site as providing a low value habitat for Great Crested Newts (GCN) with no GCN identified onsite during the site survey.

However, records show the presence of GCN within the 2km search area. GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

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 GCN or their breeding sites and resting places at this site, provided the avoidance measures described in the ecological report are implemented.

The report must therefore be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

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

Bats

We note the Preliminary Ecological Appraisal (Whitcher, S., Switch Ecology, May 2023, Plot 4, Miners Road, Preliminary Ecological Appraisal (PEA)) identifies the development to have a negligible impact on bats. We therefore have no further comments to make regarding bats and advise that you liaise with your Authority's ecologist regarding the advised lighting scheme referenced in section 4.3.3.5 of the report.

Protected Sites and Foul Drainage

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](#) (July 2022), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note the application form confirms foul sewage will be disposed of via connection to mains but no further information has been submitted with the application.

However, recognising the specific nature of the application submitted i.e. a development intended to provide industrial/commercial opportunity for the existing local population, we are satisfied that it 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.

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,

Pauline Gallagher Brown

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales