



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-207196-F4M3
Eich cyf/Your ref: P/2022/1074

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08/02/2023

Dear Sir/Madam,

BWRIAD / PROPOSAL: CONSTRUCTION OF A NEW SHOWER BLOCK, NEW MEETING ROOM BUILDING AND LUGGAGE STORAGE SHEDS ACTIVITY CENTRE

LLEOLIAD / LOCATION: Cross Lanes Hotel, Bangor Road, Cross Lanes, Wrexham, LL13 0TF

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 19th January 2023.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding European Protected Species. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Species

Great Crested Newt (GCN)

We note that the Ecological Constraints Survey Report submitted in support of the above application (Richard, Moorhead & Laing Ltd, December 2022, 3244/11) has identified that Great Crested Newts (GCN) are present at the application site.

GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017. 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*".

Although the Ecological Constraints Survey report has been submitted, we advise that there is insufficient information to assess potential effects on GCN, and how any effects will be avoided or mitigated.

Although the report acknowledges the presence of GCN on site, no population class surveys were undertaken to inform population size. We'd advise that an assessment of the impacts of the scheme on this species and measures to address those impacts is set out in a Conservation Plan to be submitted in support of the application, prior to its determination.

The Conservation plan should include but not be limited to the following information:

- Further information about the GCN population
- Details of the extent of GCN habitat on site
- A comprehensive assessment of the impacts of the proposal on GCN; this should include the extent and distribution of habitat that will be impacted and the extent of any areas that will remain undisturbed.
- Measures to ensure GCN are conserved during works, including submission of great crested newt/amphibian avoidance. The details to include identified Reasonable Avoidance Measures (RAMS) such as barrier fencing; and measures to be carried out that ensure working areas are clear of newts prior to the commencement of construction and related works
- Measures to mitigate and or compensate habitat loss proportionate to the impacts
- Submission of details concerning retained and compensation areas including management plan that considers initial aftercare and long-term maintenance
- Details of timing, phasing and duration of construction activities and conservation measures

We advise that the above further information is submitted to assess the extent of adverse effects on the GCN and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

In the meantime, we are unable to give you any assurance that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

On receipt of appropriate information to satisfy the above we will be happy to review our position and to provide advice on any conditions / planning obligations we advise are attached to any planning permission.

Otter

Given the presence of nearby record for otter, there is a reasonable likelihood of otters being present on the site. Otters and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

We advise that an otter survey and report are required before your Authority determines this application that assess the extent of adverse effects on any otters found to be present and any avoidance or mitigation measures required. We advise that the survey includes an assessment of the potential of the habitat to support natal use. Should they be confirmed, an otter conservation plan as indicated above for GCN should be submitted.

The additional information should demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

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](#) (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.

However, recognising the specific nature of the application submitted, and that the proposal would not result in any increase in capacity of employees and that you have confirmed that you would not consider the proposal to result in any increase in phosphates at the site, 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

Gareth Thomas

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