



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-207634-R4H6
Eich cyf/Your ref: P/2023/0001

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13/02/2023

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: CODI FFENS DERFYN A STORFA NEWYDD / ERECTION OF BOUNDARY FENCE AND ERECTION OF NEW STORAGE FACILITY

LLEOLIAD / LOCATION: OAK LODGE, CORKSCREW LANE, RUABON, WREXHAM, LL14 6HG

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 26.01.2023.

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 Sites

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

Protected Sites

Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI)

The application site is located adjacent to the Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI).

We note that the development includes two elements, the construction of a boundary fence which appears to be retrospective and a new storage facility.

As the fence appears to have been completed, we advise that the applicant liaises with the LPA's ecologist regarding any appropriate habitat mitigation for this element.

In relation to the proposed storage facility, we have concerns that the proposed development will damage the features for which the Stryt Las a'r Hafod SSSI is of special interest. We therefore recommend that planning permission should only be granted if an appropriate planning condition is included to avoid damage to the special interest features of the SSSI.

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.

This site supports a nationally important population of Great Crested Newt, and an assemblage of amphibian species. We therefore advise that any consent is subject to the imposition of a condition concerning the submission and implementation of amphibian reasonable avoidance measures. Based on the information submitted, we consider that the proposed scheme will, subject to the inclusion of a condition as advised below, avoid damaging the features for which the Stryt Las a'r Hafod SSSI is of special interest.

Condition: No development pursuant of the storage facility element of this proposal shall commence until an amphibian Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include, but not necessarily be limited to:

- further details and associated plans concerning amphibian avoidance and mitigation measures including, but not limited to, one-way amphibian fence design and locations (prior to and throughout the duration of work).

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

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

Should you be minded to grant permission for the above planning application without attaching the condition as described above to the permission, we ask that you notify us under the provisions contained in Section 28I of the Wildlife and Countryside Act 1981 (as amended).

NRW have also identified potential impact pathways to features of this site:

1. Pollution

The above pathway may not result in an adverse effect if the following measures are adhered to/ implemented:

1. Developer adheres to pollution prevention measures
2. Most likely all works, and storage of materials will occur within the curtilage of the property, but we would advise that no storage of materials or vehicular access should occur on the Protected Sites.

Johnstown Newt Sites Special Area of Conservation (SAC)

The application site is located adjacent to the boundary of the Johnstown Newt Sites SAC. Providing the impact pathways / condition referenced above for the Stryt Las a'r Hafod SSSI are adequately addressed, NRW consider the features of the SAC will also be adequately safeguarded.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the SAC, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

River Dee and Bala Lake Special Area of Conservation (SAC)

We note the application site is within the catchment of the River Dee and Bala Lake 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.

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.

Protected Species

Great Crested Newts (*Triturus cristatus*) have previously been recorded in the vicinity 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). Please refer to our Protected Sites advice and suggested condition above in respect of Great Crested Newts.

Great Crested Newts and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where Great Crested Newts 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*".

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,

Sara Thomas

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