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Gwynedd
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Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

27/03/2023

Dear Sir/Madam,

PROPOSAL: ERECTION OF 9 DWELLING

LOCATION: MORETON INN RUABON

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 8th March 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 protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, condition regarding protected species should be attached to any planning permission granted and the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and document we would object to this planning application.

Further Information [Ecological] Report; Tyrer Ecological Consultants; September 2021

Protected Sites

- River Dee and Bala Lake (SAC) - 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 from the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site. As such, we refer you to our Planning Advice and advise you to seek further information from the applicant. However, we advise you to seek further information as identified in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' of that advice.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)[subsequently referred to as the Habitats Regulations].

- *Johnstown Newt Sites Special Area of Conservation (SAC)*

We have concerns that a significant effect from the proposed development on the Johnstown Newt Sites Special Area of Conservation (SAC) is likely. The application is located within 100m of the SAC. This site supports a nationally important population of Great Crested Newt (*Triturus cristatus*) [GCN]. In our view the detail of the submitted Further Information Report (ecological report) alone is not satisfactory for the purposes of addressing all short and long term ecological issues. These include but not necessarily limited to size and tenure of the proposed ecological area. We therefore welcome commitments cited in Section 4.1 of the ecological report that identifies the imposition of commuted sum would be considered acceptable by the developer as a mechanism for addressing outstanding ecological issues.

As informed by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) we consider the imposition of planning conditions and obligation will ensure the long term functionality of the SAC (together with ensuring no detriment to the maintenance of the favourable conservation status of the local population of GCN as detailed below.

Condition 1 Submission of a long term site management plan that includes, but not necessarily limited to:

- defined aims and objectives (including targets that can be used as key performance indicators for monitoring purposes);
- habitat management prescriptions for aquatic and terrestrial habitats;
- contingency prescriptions if post implementation any fish and/or invasive non-native species (INNS) are detected;
- Species surveillance
- site liaison, wardening, incident reporting and response arrangements;

- detail of the skills and competencies required by those undertaking the works or activities including whether they require European Protected Species licenses for the activities proposed;
- current and proposed changes to tenure of the ecology area (freehold tenure of the ecology area to be approved by the discharging Authority in consultation with Natural Resources Wales) to ensure appropriate control over the land is established and the effective targeted delivery of long-term actions;
- details of persons or bodies responsible for undertaking management and surveillance together with required skills and competencies;
- Financial resource provision; and
- provision for periodic review mechanism for the Environment Management Plan;

We have no objection to the management plan including other species considered by the LPA to be material to the planning decision making process. We also suggest that the boundary of this area is submitted in Geographical Information System (GIS) shapefile format to the relevant local environmental records centre together with copies being supplied to support any subsequent EPS licence applications.

Planning obligation

- Payment of a commuted sum based on the management plan, pro rata agreed amount per dwelling [or other figure approved by the LPA]
- The ecology land is transferred to the ownership of a body that accords with the definition of a responsible body under Part 7 of the Environment Act 2021
- No occupation of 33% of the development until long term proposals have been implemented to the satisfaction of the LPA

If known, we would welcome the Part 7 body also being a signatory to the section 106 agreement.

Ecological Compliance Audit

The condition below should be attached to any planning permission to demonstrate that the proposal would not be detrimental to the Favourable Conservation Status of GCNs:

Condition 2: Ecological compliance: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

Justification: The purpose of the Ecological Compliance Audit is to identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidencing compliance with the mitigation measures to be implemented onsite.

Biosecurity

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 have reviewed '3.0 Biosecurity Risk Assessment' of the Further Information [Ecological] Report; Tyrer Ecological Consultants; September 2021.

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

Sites for Special Scientific Interest

NRW consider the proposals have the potential to impact upon the Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI) is of special interest. Ecological features of interest of this site include great crested newt and an assemblage of amphibian species. The application site is located within 170m of the SSSI boundary.

Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded

Protected Species

We note the Further Information [Ecological] Report; Tyrer Ecological Consultants; September 2021 submitted in support of the above application has identified Great Crested Newt (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 (as amended).

We advise that the proposed development is likely to harm or disturb GCN or their breeding sites and resting places at this site. We therefore advise that works are carried out under licence.

As outlined above, we advise that any consent is subject to the imposition of the planning conditions and obligations in respect of GCN. Provided this advice is compliantly implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of each of the local populations of GCN present at this site.

NRW would refer you to the Chief Planning Officer's letter dated 1 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.

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.

Yours faithfully

Ruth Prichard

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