



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-196449-L7F3
Eich cyf/Your ref: P/2022/0681

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13/09/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: CHANGE OF USE OF LAND FOR USE AS CHRISTMAS TREE FARM AND OUTDOOR RECREATION CENTRE TO INCLUDE REINDEER CENTRE

LLEOLIAD / LOCATION: Land South Of Llay Road, Cefn Y Bedd, Wrexham, LL12 9UG

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 12/08/2022.

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 species and foul drainage. 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 a condition regarding protected sites and biosecurity should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.

Protected Species

We note that the ecological report submitted in support of the above application (Cefn-y-Brith, Llay Road, Cefn-y-Bedd, Wrexham: Preliminary Ecological Appraisal. Leigh Ecology Ltd. 2021) (PEA) has identified that Great Crested Newts (GCN), Bats, Otter and Water Vole may be present at the application site. These species and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

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

We advise that further information is submitted to assess the extent of adverse effects on bats, GCN and otters, 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 populations of the species concerned at a favourable conservation status in their natural range.

Bats

We note surveys and assessments in respect of bats included one foraging and dispersal survey. However, no information has been provided in respect of the survey area, techniques and other associated details of the survey. We therefore advise that further information in respect of bat usage of the site together with details of any proposed external lighting is submitted for the purposes of informing the planning decision making process.

Great Crested Newts (GCN)

We advise that the survey and assessment in respect of GCN is unsatisfactory. No consideration appears to have been given to:

- Appropriate timing and methodology for completing amphibian surveys.
- The implications of weather conditions; the spring of 2022 was cold and unseasonably dry.

We hold records of GCN approximately 50m from the boundary of the application site. We therefore advise that further information is submitted in relation to GCN including:

- Further survey and assessment.
- Reasonable Avoidance Measures (RAMs).
- Mitigation/compensation measures.
- Measures required to prevent or reduce accidental capture or killing.

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 GCN at a favourable conservation status in its natural range.

Otter

We note surveys and assessments in respect of otter, which have 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).

We refer you to our comments in the protected sites section below and advise that you secure the submission and implementation of Otter Reasonable Avoidance Measures via condition.

Water Vole

We advise that the surveys and assessments in respect of water vole are satisfactory when considered with extant information.

Protected Sites

Special Areas of Conservation

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 a new package treatment plant is to be installed to provide foul drainage for the development, however no details have been submitted. As such, we refer you to our Planning Advice and advise you to seek further information from the applicant as identified in the section titled 'What does this mean for development proposals involving private sewage treatment systems'.

We also advise that the applicant submits details of the number and type of existing livestock on the land, details of proposed numbers of reindeer, and details of proposed manure management and storage arrangements and disposal of bedding.

For further information, please refer to the [Planning Advice](#) on our website.

We have also identified the following potential impact pathway to Otters, a feature of the River Dee and Bala Lake SAC:

- Potential harm/killing during the construction phase.

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

- The applicant submits and adheres to a Reasonable Avoidance Measures scheme for Otter.

Condition 1: No works shall take place (including vegetation site clearance) until a Reasonable Avoidance Measures scheme for Otter has been submitted to and approved in writing by the local planning authority.

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 European site, 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.

Sites of Special Scientific Interest (SSSI)

We have concerns that the proposed development, as submitted, will damage the features for which the Llay Bog SSSI is of special interest. We therefore advise 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.

The PEA report identifies the watercourse at the eastern boundary of the site which flows downslope to the SSSI (photograph 13), but it is not identified on the Phase 1 habitat map.

The report explains that *'the drains feeding Llay Bog SSSI are dry, which may have emanated from agricultural management and drain diversion over the years'*.

The PEA recommends that *'the [applicant] and NRW agree a re-irrigation proposal and on-site management. This will ensure the proposed development will have a positive impact on the SSSI'*.

We have considered the PEA report submitted in support of the above application. On the basis of 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 Llay Bog is of special interest.

We therefore advise that the following conditions should be attached to any permission granted by your authority for the above application:

Condition 2: No development, or phase of development shall commence until a SSSI Habitat Creation Method Statement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved within the timescales agreed with the Local Planning Authority.

The SSSI Habitat Conservation Plan shall include, but not necessarily be limited to:

- build upon the principles outlined in the PEA report,
- details of the restoration of the diverted watercourse back to its original route,
- details of the incorporation of a wetland filtration bed to ensure that water flowing to the SSSI from the application site is free of excess nutrients.; and,
- details of initial aftercare and long-term maintenance.

Justification: A SSSI Habitat Creation Method Statement should be submitted to ensure the efficacy of proposed techniques are validated, and the delivery and management requirements agreed prior to commencement of development or phase of development. We understand that the previous diversion of the watercourse along the eastern boundary of the application site is currently under investigation, and we advise that you discuss this with the relevant department/s in your Authority.

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).

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 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.

We consider that this assessment must include:

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the 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.

Yn gywir / Yours faithfully,

Rhys Jones

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