

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

23/05/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: DEVELOPMENT OF EQUESTRIAN FACILITIES INCLUDING STABLES, MENAGE, HORSE WALKER, MUCK HEAP AND HARD STANDING

LLEOLIAD / LOCATION: SCHOOL HOUSE FARM, OVERTON ROAD, RUABON, WREXHAM, LL14 6HN

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the additional information regarding the above, which we received on 09/05/2022.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

- **Condition 1: Protected Species**
- **Condition 2: Biosecurity**

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

- **Ecological Appraisal. School House, Cinders, Ruabon. Greenscape Environmental Ltd. Ref: PEA 21-07 240.4. 09/05/2022**

Protected Species

Great Crested Newts (GCN)

We note that an updated ecological report has been submitted in support of the above application (Ecological Appraisal. School House, Cinders, Ruabon. Greenscape Environmental Ltd. Ref: PEA 21-07 240.4. 09/05/2022) and has identified that GCN may be 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 note that eDNA and Habitat Suitability Index (HSI) surveys have been carried out, and that Ponds 2 and 3 have previously been found to support GCN. However, no traditional survey techniques were carried out to corroborate these negative results, and Ponds 4 and 5 were not subject to surveys.

Given the combination of weather conditions in April 2022, the lack of traditional amphibian survey techniques, and lack of surveys in respect of Ponds 4 and 5, we advise the presence of GCN cannot be ruled out. Therefore, we advise that the following condition for a detailed Reasonable Avoidance Measures scheme is implemented.

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 the local population of GCN present at this site.

Condition 1: No development shall commence until a GCN Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement should include, but not necessarily be limited to:

- the submission of details and plans concerning GCN reasonable avoidance and mitigation measures including fence construction and maintenance;
- details of timing, phasing and duration of construction activities and conservation measures;
- a timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- persons responsible for implementing the works.

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

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

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.

Bats

We note that the updated ecological report submitted in support of the above application has identified that bats may be present at the application site. From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document '*Natural Resources Wales Approach to Bats and Planning*

(2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

As this is a lower risk case for bats, 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 the bats or their breeding sites and resting places at this site, provided the avoidance measures described in the ecological appraisal report are implemented.

The report must 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.

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 and diseases.

Condition 2: No development, including site clearance, shall commence until a Biosecurity Risk Assessment, and Method Statement that considers invasive non-native species and specific diseases (e.g. Chytrid) has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to prevent the introduction of and where present to control, remove or for the long-term management of invasive species both during construction and operation. The risk assessment shall consider landscaping and other related plans. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

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

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. As part of this package, we issued a [Planning Position Statement](#), in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

Any manure produced must be managed (storage and application to land) in line with [The Code of Good Agricultural Practice \(CoGAP\) for the Protection of Water, Soil and Air for Wales](#). If manure is managed correctly then 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.

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