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17/11/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: ADEILADU ADEILAD AMAETHYDDOL / ERECTION OF AGRICULTURAL BUILDING

LLEOLIAD / LOCATION: LAND AT, TALFRYN COTTAGE, ERBISTOCK, WREXHAM, LL13 0DF

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 07/11/2022.

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: Protected Species

Without the inclusion of this condition we would object to this planning application.

Protected Species

Great Crested Newts (GCN)

We note that Section 8.11 of the ecological report submitted in support of the above application (Preliminary Ecological Appraisal. Land adjacent to Talfryn Cottage Erbistock Wrexham. Tyrer Ecology. 24/0/22) states that a precautionary programme of Reasonable Avoidance Measures (RAMs) for GCN detailed within a working Method Statement should be produced.

GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). We therefore advise that any consent is subject to the imposition of the following condition 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 the local population of GCN present at this site.

Condition: 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;
- 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 ecological report submitted in support of the above application (Preliminary Ecological Appraisal. Land adjacent to Talfryn Cottage Erbistock Wrexham. Tyrer Ecology. 24/10/22) has identified that bats are not present at the application site.

The report identifies that no trees or buildings are present within the site boundary, but Section 8.5 gives recommendations for a bat-sensitive lighting plan to avoid potential impacts on any foraging/commuting bats that may use the surrounding treelines. We recommend these measures are appropriately secured in any future consent to the satisfaction of your Authority.

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. 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 proposal is to erect a new agricultural shed for calving. Provided the structure is not linked to an increase in livestock numbers or the capacity for an increase in livestock numbers, designed and built by a suitably qualified engineer to meet the standards set in the Water Resources (Control of Agricultural Pollution)(Wales) Regulations 2021 and BS 5502 (Building and Structures for Agriculture Code of Practice for Design, Construction and Loading), it is unlikely to increase the amount of phosphorus entering the catchment and therefore, it is not likely to have a significant effect on the River Dee and Bala Lake SAC.

We refer you to our Planning Advice. Provided this guidance is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we 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).

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