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29/12/2021

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: ERECTION OF AGRICULTURAL BUILDING

LLEOLIAD / LOCATION: TORRIAD FARM, BOWLING BANK, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the additional information regarding the above, which we received on 13/12/2021.

We continue to 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 Species

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.

- **Torriad Farm Amphibian Conservation Strategy. Arbor Vitae. 10/12/2021**

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

Protected Species

We note that an updated report has been submitted in support of the above application (Torriad Farm Amphibian Conservation Strategy. Arbor Vitae. 10/12/2021). The updated report is satisfactory and addresses the concerns raised in our previous response email, dated 03/11/2021.

We welcome the principles of the submitted strategy and agree with the avoidance and mitigation measures proposed.

We also welcome the outline proposal for a dedicated amphibian conservation area. In terms of extent, we advise that this is informed by the overall extent of the proposed development.

We advise that the following condition is attached to any decision notice to ensure the long term site security for Great Crested Newts (GCN).

Condition: No development shall commence until an Amphibian Conservation Plan covering construction and post-construction has been submitted to and approved in writing by the Local Planning Authority. The Conservation plan shall include, though not necessarily be limited to, the following:

- Build upon the principles outlined in Torriad Farm Amphibian Conservation Strategy/ Arbor Vitae (10/12/2021).
- The provision of a plan illustrating the location of the ecology area. This submission shall include Geographical Information Shape files together with underpinning rationale for the extent of the identified area.
- Details of protective measures to be taken to minimise the impacts during construction.
- Details of timing/phasing and duration of construction activities.
- A long term site management plan that includes defined aims and objectives; habitat management prescriptions; contingency measures if fish or invasive non-native species (INNS) are detected; proposals that are capable of being implemented in the event of failure to undertake or to appropriately implement identified or contingency actions; site liaison and wardening; surveillance based on the methodology of results reported through the online Wales GCN Monitoring Scheme; licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to tenure of the compensation area; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan.
- Reporting of the results of Ecological Compliance Audits.
- Details of measures to prevent or reduce incidental capture, injury or killing.

The Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved GCN Conservation Plan is implemented which protects GCN affected by the development.

We advise that any consent includes a requirement for a unilateral undertaking planning obligation from the applicant.

Suggested provisions of the unilateral undertaking to include

- (a) Management plan review
- (b) Restrictive Covenants as in informed by Part 7 of the Environment Act 2021
- (c) Provision of resources for conservation works

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.

We note from the information submitted that a new agricultural storage shed is to be built.

Provided the structure is designed and built by a suitably qualified engineer to meet the standards set in the Regulations 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](#) (May 2021). 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