



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-185063-D9B5
Eich cyf/Your ref: P/2021/0276

Maes Y Ffynnon,
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08/04/2022

Dear Sir/Madam,

BWRIAD / PROPOSAL: DEFNYDDIO TIR FEL PWLLGOR PWLL PSYSGOTA MASNACHOL A FFURFIO PARC CAR / USE OF LAND AS COMMERCIAL FISHING POOL AND FORMATION OF CAR PARK

LLEOLIAD / LOCATION: HOLT LODGE FARM, HUGMORE LANE, LLANYPWLL, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the additional information regarding the above, which we received on 23rd March 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**

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

Protected Species

The application site has been subject to assessment in respect of great crested newt (GCN). The ecological submission (Holt Lodge, Amphibian Conservation Plan, Arbor Vitae 16/07/2021) confirms the presence of the species in the environs of the application site.

In our view, the overall proposal has the potential to cause disturbance to GCN and/or loss or damage to their resting places. GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and they

are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

We note the submitted risk assessment within the Amphibian Conservation Plan and have the following comments in relation to its content:

- (a) Dispersal distances - More recent research highlights dispersal distances can be up to 1.5km (see Haubrock, P and Altrichter, J (2016). Northern crested newt (*Triturus cristatus*) migration in a nature reserve: multiple incidents of breeding season displacements exceeding 1km. The Herpetological Bulletin 138, 31-33). Other factors that inform dispersal include terrestrial habitat suitability, connectivity and spatial locality together with size of population. In the case of Wrexham Industrial Estate and its environs, we consider the GCN population to be of national importance.
- (b) Connectivity - We do not consider that the minor road will constitute a barrier to dispersal.
- (c) Habitat Type - The habitats in the environs of the application site represent typical, though not necessarily optimal, terrestrial habitat for GCN.

In our view, construction of the proposal has the potential to adversely affect great crested newts at this site. We therefore consider that the construction phase is subject to the provisions of a derogation licence issued by NRW.

We note the proposed amphibian conservation area and welcome the proposed construction of two ponds. However, we advise that the overall proposals within the Amphibian Conservation Plan are unsatisfactory for the following reasons:

- (a) Size of the conservation area – We advise that this should be on a ‘like for like basis’, further guidance can be found at the following link: [Local Planning Guidance Note No 29 - Wrexham Industrial Estate Employment Development and Nature Conservation](#);
- (b) Lack of a detailed management plan;
- (c) Lack of a monitoring plan. Methodology to accord with and results to be uploaded into the [Wales Great Crested Newt Monitoring Scheme](#) (methodology shall include abundance counts and Habitat Suitability Index (HSI) assessments. Each water body shall be individually numbered on site);
- (d) Lack of appropriate detail in respect of tenure (we advise future tenure to be to the satisfaction of the LPA);
- (e) Long term resource provision (we advise a minimum of 25 years);
- (f) Biosecurity during construction and operational phases of the scheme (see also below and consider wider risks);
- (g) Ecological Compliance Audit, including key performance indicators.

We therefore advise that the following condition is attached to any planning permission granted for this proposal.

Condition 1: No development shall commence until a satisfactory Amphibian Conservation Plan is submitted to and approved in writing by the Local Planning Authority.

Justification: To ensure that an approved Amphibian Conservation Plan (Reasonable Avoidance Measures) is implemented, which protects any Great Crested Newt affected by the development.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, a revised ecology report that takes account of such changes would be needed. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation or compensation measures.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officers dated 01 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.

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.

Condition 2: No development or phase of development, with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority.

The Risk Assessment must include:

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

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 control the spread and effective management of any invasive non-native species at the site.

Foul Drainage and Protected Sites

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.

However, we note from your email dated 23rd March 2022 that the Applicants' Agent has confirmed that there will not be any toilets or foul drainage associated with the proposals and we are therefore satisfied that it 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.

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.

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,

Rachael Burke

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