



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-173764-J4T6
Eich cyf/Your ref: P/2021/0742

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

29/11/2021

Dear Sir/Madam,

BWRIAD / PROPOSAL: CREU MENAGE / CREATION OF A MENAGE

LLEOLIAD / LOCATION: OWL COTTAGE, MILLBROOK LANE, CLOY, BANGOR ON DEE, LL13 0DB

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 9th November 2021.

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 1: Protected Species

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

Protected Species

We note that the ecological report submitted in support of the above application (Sambrook, R. (2021). Great Crested Newts: Reasonable Avoidance Measures Method Statement – New Menage, Owl Cottage, Millbrook Lane. Sambrook Associates) has identified that protected species are not present at the application site.

However, we note that the Great Crested Newts: Reasonable Avoidance Measures Method Statement has identified habitats suitable for Great Crested Newts (*Triturus cristatus*) 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 advise that the proposed development is likely to harm or disturb Great Crested Newts or their breeding sites and resting places at this site. Therefore, we advise that the below condition should be attached to any planning permission for this scheme to ensure appropriate avoidance and mitigation measures. Provided those measures are implemented, we do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Condition 1: No development, including site clearance, shall commence until an updated Great Crested Newt Reasonable Avoidance Measures scheme has been submitted to and approved in writing by the Local Planning Authority. The Reasonable Avoidance Measures (RAMs) should include but not necessarily be limited to:

- Further details and associated plans concerning Great Crested Newt avoidance and mitigation measures including, but not limited to, one-way amphibian fence design and locations (prior to and throughout the duration of any work).

The Reasonable Avoidance Measures scheme shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Great Crested Newt Reasonable Avoidance Measures scheme is implemented, which protects the Great Crested Newt affected by the development.

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.

The applicant should be aware that in the event of a Great Crested Newt being found on site during the work, all works should stop and NRW contacted for further advice. Operations may only recommence after an appropriate licence has been issued by NRW and any conditions complied with.

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, 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,

Rachael Burke

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