

Cyfoeth Naturiol Cymru
Natural Resources Wales
Maes y Ffynnon
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LL57 2DW

Wrexham County Borough Council

Date: 15th March 2018

Ebost/Email:

[Northplanning@cyfoethnaturiolcymru.](mailto:Northplanning@cyfoethnaturiolcymru.gov.uk)

Dear Sir/Madam,

gov.uk

Ffôn/Phone: (0300) 065 3787

**EXTENSION TO CREATE
ADDITIONAL 6 NO. ENSUITE BEDROOMS TOGETHER WITH INTERNAL
ALTERATIONS THE CONIFERS NURSING HOME, BRANDY, RUABON**

Thank you for referring the above planning application received at our office 28th February 2018.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Condition 1: Before commencement of the development, measures to safeguard Great Crested Newt that may be present and implementation of amphibian mitigation and avoidance measures to the satisfaction of the LPA.

Condition 2 - No commencement of development works until the Local Planning Authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead, or Natural Resources Wales has informed the applicant that such a licence is not required.

Condition 3: The submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA

Protected Species

Regulations 9 of the Conservation of Habitats and Species Regulations 2017 requires public bodies in exercise of their functions, to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC) and the 2009 'Birds' Directive Birds' Directive (2009/147/EC) so far that they might be affected by those functions. The applicant has not supplied an ecological survey

Protected Sites

Special Area of Conservation

The application site is located close to the boundary of Johnstown Newt Sites Special Area of Conservation (SAC). This site supports a nationally important population of great crested newt (*Triturus cristatus*).

We advise that the proposal may have implications for the SAC, and you should carry out a test of likely significant effects under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

We remind you that, as a competent authority for the purposes of the 2010 Regulations, your authority must not normally agree to any plan or project unless you are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a SAC, SPA or Ramsar site.

Without prejudice to your assessment, we consider that the above submitted proposal, when considered in combination with other plans and projects in the environs of Johnstown, is not likely to have a significant effect on the Johnstown Newt Sites SAC.

However, we advise the imposition of conditions relating to GCN as outlined below, to safeguard any individual great crested newts that may be present.

Site of Special Scientific Interest

The application site is located within and adjacent to the boundary of Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI). This site supports a nationally important population of great crested newt (*Triturus cristatus*), and an assemblage of amphibian species.

Owing to the application site being located close to the boundary of the SSSI, we advise that any consent is subject to the imposition of a condition requiring the implementation of amphibian mitigation and avoidance measures to the satisfaction of the LPA.

Great Crested newt

In our view, the overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 and they classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

The Regulations allow the approval of a scheme that would be likely to result in disturbance or harm to GCN, but only if satisfy an appropriate Habitats Directive derogation purpose and two tests before a licence can be issued from Natural Resources Wales.

In the case of development, the applicable derogation purpose is:

“Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.”

Furthermore, the licence can only be issued by NRW on condition that there is:

“no satisfactory alternative”, and that

“the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

Paragraph 6.3.7 of TAN5 states that your Authority should not grant planning permission without having satisfied itself that the proposed scheme either would not impact adversely on any GCN's on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We consider that it is possible that the species utilizes the site for foraging or sheltering purposes. However, we consider that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the GCN populations provided that any subsequent consent is subject to the imposition of the following planning condition or obligations (such as a Section 106 Agreement or a unilateral undertaking):

Condition 1: Before commencement of the development, measures to safeguard Great Crested Newt that may be present and implementation of amphibian mitigation and avoidance measures to the satisfaction of the LPA.

We anticipate that appropriate mitigation measures will entail the implementation of Reasonable Avoidance Measures (RAMs), such as the erection of a 1-way amphibian fence, prior to and throughout the duration of construction operations; together with the clearance of individuals from working areas.;

Condition 2 - No commencement of development works until the Local Planning Authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to proceed, or Natural Resources Wales has informed the applicant that such a licence is not required.

The inclusion of a planning condition to any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to proceed, or Natural Resources Wales has informed the applicant that such a licence is not required

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, you would need a revised ecology report that takes account of such changes. 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.

Biosecurity

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 3: The submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA

NRW consider that this assessment must include (i) appropriate measures to control any INNS on site; and (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of development and restoration

Waste

Any waste excavation material or building waste generated during the course of the development must be disposed of satisfactorily and in accordance with Section 33 and 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Yn gywir / Yours' faithfully,



Ruth Prichard

Ymgynghorydd Cynllunio Datblygu / Development Planning Advisor

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Deialu uniongyrchol/Direct dial: (0300) 065 3787 **Siaradwr Cymraeg / Welsh Speaker**



cc: