



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-59663-G2J4
Eich cyf/Your ref: P/2018/0229

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Date: 16th April 2018

Dear Sir/Madam,

**OUTLINE PLANNING APPLICATION TO ERECT AGRICULTURAL WORKERS DWELLING
WITH ASSOCIATED ACCESS.
LAND AT KNOLTON, BRYN FARM, KNOLTON, OVERTON WREXHAM**

Thank you for referring the above planning application received at our office 28th March 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: Submission of sufficient evidence to demonstrate that the proposed development satisfies derogation provisions under the Habitats Directive and the Conservation of Habitats and Species Regulations.

Condition 2: Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA

Condition 3: Submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the LPA.

Protected Species

The applicant has submitted an ecological report for the purposes of informing the public decision making process. (Reference: Smith, M. (2016). Bryn Knolton.: Ecological Appraisal. Wildbanks Conservation. Unpublished.

Great Crested Newt

The results of surveys commissioned by the applicant confirmed that ponds in the environs of the application site support populations of the great crested newt (*Triturus cristatus*).

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.

In our view, construction of the proposal has the potential to adversely affect GCN's. We consider that the species utilizes the site for foraging, dispersal or sheltering purposes. Consequently, we advise that implementation is subject to the provisions of a derogation licence issued by NRW.

We therefore consider that further information is required for the purposes of ensuring the appropriate construction. Information requirements include clearance of individuals from working areas during construction; and the submission of a compensatory scheme to offset the loss of terrestrial habitat. We note the supporting statement highlights conservation opportunities within the applicants land holding though no details were provided.

Condition 1: Submission of sufficient evidence to demonstrate that the proposed development satisfies derogation provisions under the Habitats Directive and the Conservation of Habitats and Species Regulations.

We consider that the development its not be likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN's provided that any subsequent consent is subject to the imposition of the following planning conditions or obligations (such as a Section 106 Agreement or a unilateral undertaking):

1. The submission and implementation of detailed great crested newt avoidance and mitigation measures based on the RAMS to the satisfaction of the LPA. This shall include proposals outlined the ecological submission together with details concerning the erection and maintenance of exclusion, drift and barrier fencing; relocation of individuals from working areas and the removal or modification of features that have the potential to cause incidental capture/killing of individuals;
2. The submission and implementation of compensatory or off setting proposals.;

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.

Bats

NRW concur with the submitted assessment and conclusions in respect of bats.

The proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of bat.

We welcome implementation of the recommendations in respect of bats.

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: Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA

We 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 construction and operational phases of the scheme.

Ecological Compliance Audit

We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the LPA.

Condition 3: Submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the LPA.

The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works within the scheme. The Audit shall also include Key Performance Indicators.

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

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

cc: