

Ein cyf/Our ref:
Eich cyf/Your ref: P/2016 /0225

Llwyn Brain
Ffordd Penlan
Parc Menai
Bangor, LL57 4DE

Ebost/Email: Gareth.Thomas@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: (0300) 065 3786

Philip Forster
Planning Control Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Date: 9th March 2016

Dear Mr Forster,

**CHANGE OF USE OF LAND TO PROVIDE 2 NO. GYPSY / TRAVELLER PITCHES, ERECTION OF ANCILLARY MOBILE DAY ROOM / AMENITY BUILDING AND CONSTRUCTION OF HARD-STANDING AREA AND ACCESS
LAND WEST OF BRYN OFFA, FENNANT ROAD, PONCIAU, LL14 1PL**

Thank you for consulting us on the above application, which we received on the 9th March 2016.

We have no objection to the proposal, but recommend that conditions are imposed in respect of ensuring the safeguard protected species at this locality:

Protected Species

We acknowledge receipt of the Ecological Survey Report and consider that it has been carried out to a satisfactory standard for the purposes of informing the public decision making process.

Great Crested Newt

As identified within the report, due to the proximity of the site to the Johnstown Newt Site Special Area of Conservation (SAC) and the removal of the potential refuge around the site in the form of piles of stone, the proposal has the potential to cause disturbance to newts and/or loss or damage to their resting places.

This species is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

As the application site supports a European Protected Species, great crested newt, we advise that development may only proceed, under a licence issued by Natural Resources Wales, who is the appropriate authority responsible for issuing licences under Regulation 53 (2) (e) of the above Regulations. This licence can only be issued for the purposes of:

“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.”

We consider the proposal will not be detrimental to the maintenance of the favourable conservation status of the great crested newt population present at this site.

However, we advise that any consent is subject to the imposition of planning conditions and/or obligations that address the following outstanding issues:

- a. Submission and implementation of avoidance and mitigation proposals including reasonable avoidance measures (RAMs);
- b. Submission and implementation of compensation proposals, including management and surveillance;
- c. Submission and implementation of long term site security and resourcing proposals; and
- d. Submission and implementation of an ecological compliance audit scheme.

Natural Environment and Rural Communities (NERC) Act (2006)

Please note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of “linear” and “stepping stone” habitats as defined in Article 10 of the Habitats Directive.

To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

Foul drainage

The private foul drainage system associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from Natural Resources Wales, unless an exemption applies. The applicant is advised to contact Natural Resources Wales on 0300 065 3000 for further advice and to discuss the issues likely to be raised. The applicant should be aware that a permit may not be granted. Additional guidance on 'Environmental Permitting' can be accessed: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

Where a condition has been imposed which has been suggested by NRW or which meets NRW's objective, the Local Planning Authority should consult with NRW to secure compliance with the condition prior to its discharge. A copy of the subsequent decision notice would be appreciated.

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

Swyddog Cyswllt Cynllunio / Planning Liaison Officer

Ebost/Email: Gareth.Thomas@cyfoethnaturiolcymru.gov.uk

Deialu uniongyrchol/Direct dial: (0300) 065 3786 **Siaradwr Cymraeg / Welsh Speaker**

