



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-139874-Y1K5
Eich cyf/Your ref: P/2021/0132
Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

22/03/2021

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: CAIS AMLINELLLOL (POB MATTER WEDI'I GADW'N OL) AR
GYFER 5 ANNEDD / OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR 5 NO.
DWELLINGS**

**LLEOLIAD / LOCATION: LAND TO THE REAR OF MAES Y GORNEL,
RHOSLLANERCHRUGOG, WREXHAM**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 22/3/2021.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following condition to the permission. Otherwise, we would object to this planning application.

Condition (Protected Species): No development shall commence until a Great Crested Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

Protected Species

Great crested newt (GCN)

The application site has been subject to assessment in respect of Great Crested Newt (reference: Ellson, M. (2018). Proposed Residential Development. Land at Llwyneinion, Wrexham – Ecological Appraisal. Marches Ecology. Unpublished).

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 consider that construction of the proposal has the potential to adversely affect GCNs at this site. We therefore consider that the construction phase is subject to the provisions of a derogation licence issued by NRW.

We welcome the proposal to dedicate an area specifically for GCN conservation purposes. However, the ecological report does not appear to have included the detail of conservation measures required to maintain favourable conservation status of the local population of this species in the long term. It is therefore unsatisfactory for the purposes of demonstrating the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN. Our reasoning for this statement is based on the inadequate detail concerning the proposed conservation measures including, but not limited to proposed habitat creation and enhancement; and long-term proposals such as tenure, management and monitoring.

We consider that the proposal would not be likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN subject to the following planning condition.

Condition: (Protected Species) No development shall commence until a GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

The Conservation Plan shall include, but not necessarily be limited to:

- Build upon the principles outlined in the ecological report (reference Ellson, M. (2018). Proposed Residential Development. Land at Llwyneinion, Wrexham – Ecological Appraisal. Marches Ecology. Unpublished);
- Submission of further details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to: fence design, specifications and locations; considerations of access issues (including PROW if applicable); and monitoring and maintenance requirements. Submission to include proposed timescales and reporting requirements;
- Submission of (further) details concerning - compensatory proposals including plans, access, current and any proposed changes to tenure. Details to identify areas of terrestrial and aquatic habitat to be retained, enhanced and created. Submission to include timescales and reporting requirements;
- Submission of a long term site management plan (not less than 25 years) that includes defined aims and objectives; habitat management prescriptions; contingency measures if fish or invasive non-native species (INNS) are detected; proposals that are capable of being implemented in the event of failure to undertake or to appropriately undertake identified or contingency actions; site liaison and wardening; licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to tenure of the compensation area [tenure to accord with the definition of “responsible” body as defined by Defra in respect of Conservation Covenants (see <https://consult.defra.gov.uk/wildlife->

[management/conservation-covenants/](#)); persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan;

- Submission of measures designed to prevent the accidental capture/killing of GCN during operational (and decommissioning) phases of the scheme (i.e. post construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features);
- Details of timing, phasing and duration of construction activities and conservation measures;
- Timetable for implementation demonstrating that works are aligned with the proposed development;
- Ecological Compliance Audit, including key performance indicators;
- Persons responsible for implementing the works;
- Post construction monitoring and record dissemination for a period of not less than 25 years. All ponds to be added to the Wales Great Crested Newt Monitoring Scheme, (see <https://www.cofnod.org.uk/LinkInfo?ID=7> with individuals/bodies being identified as being responsible for monitoring and reporting works. Methodology shall include biennial abundance counts and Habitat Suitability Index (HSI) assessments. Each water body shall be individually numbered on site. In respect of biennial surveillance, frequency of monitoring visits shall be increased in the event of fish and or aquatic invasive non-native species are detected;
- Submission of a biosecurity risk assessment.

The Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved GCN Conservation Plan is implemented, which protects GCN affected by the development.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's 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.

Protected Sites

River Dee and Llyn Tegid Special Area of Conservation (SAC)

We note the application site is within the catchment of the River Dee and Llyn Tegid SAC. As you are aware, on the 21st January 2021, we published an evidence package outlining phosphate 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 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. We also issued [Interim Planning Advice](#), which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that the development has the potential to increase the volume or concentration of wastewater and associated phosphate levels being discharged from the site. As such, we refer you to our [Interim Planning Advice](#) and confirm that provided this guidance is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species *Regulations 2017 (as amended)*.

Johnstown Newt Sites SAC

The application site is located within 1300m of Johnstown Newt Sites SAC. This site supports a nationally important population of the great crested newt *Triturus cristatus*.

From the information provided, we consider that the proposal is not likely to have a significant effect on the SAC.

Our advice may change should modifications be made to the proposed development prior to the determination of the application. If there are any changes to the proposed development which may affect the consideration of potential environmental impacts, please consult us again before you determine the application.

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.

Advice for the Developer

Contaminated land

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the [CL:AIRE Definition of Waste: Development Industry Code of Practice](#). This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed onsite operations

are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Rhys Jones

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales