

The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3N

Ein cyf/Our ref: CAS-136478-K8H2
Eich cyf/Your ref: P/2020/0287
Appeal Ref: APP/H6955/A/20/3262794

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

ebost/email:

15/02/2021

Dear Sir/Madam,

PROPOSAL: DISCHARGE OF CONDITIONS 3 (LIGHTING), 6 (NEWT CONSERVATION) AND 7 (LANDSCAPING) OF PLANNING PERMISSION P/2019/0898.

LOCATION: CARETAKER HOUSE, HAFOD, RUABON, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above Appeal, which we received on 25th January 2021.

NRW recommend that the Planning Inspectorate dismiss the Appeal, for the reasons explained below.

NRW have considered the Appellant's evidence and provide our advice with respect to each component of condition 6. As explained below, we advise that insufficient detail has been submitted in relation to the long-term management plan and with respect to clearly identifying the habitat provision proposed.

As confirmed in our previous response to the Local Planning Authority (LPA) (dated 14/9/2020), we have no objection to the discharge of conditions 3 and 7.

Condition 6 Newt Conservation

The appeal site is located within 75m of the boundary of the Johnstown Newt Sites Special Area of Conservation (SAC) and Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI). great crested newt (GCN) are a feature of both the SAC and SSSI. The SSSI also includes the following additional features: an assemblage of amphibian species including common toad, common frog, smooth newt, palmate newt and great crested newt.

The Conservation objectives of the GCN at this site include the following provisions:

- Off-site habitats that function as stepping-stone or corridors located between SAC compartments will be maintained for migration, dispersal, foraging and genetic exchange purposes;
- Off-site features that impact on successful dispersal, such as roadside gully-pots, will not be subject to future construction.

GCNs and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017(as amended). Any development affecting GCN needs to demonstrate that it is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range

NRW consider that GCNs can disperse up to 500m from natal ponds. Maximum dispersal distances have been found to be up to 1500m (reference Haubrock, P and Altrichter, J. (2016). Northern crested newt (Triturus cristatus) migration in a nature reserve: Multiple Incidents of Breeding Season Displacements exceeding 1km. The Herpetological Bulletin 138: 31-33)

We consider the proposed development site is within the range of water bodies known to support amphibian species. We therefore advise that implementation of the proposal is predicted to result in the loss of potential terrestrial habitats that may be used for migration, dispersal or genetic exchange purposes. We therefore advised (response dated 10/3/2020 Ref: CAS-109524-F8P7) that an appropriate condition (condition 6) must be attached to any planning permission to address these impacts.

Following consultation by the LPA in relation to discharge of condition 6, we advised (letter dated 14/9/2020 Ref: CAS-122652-J2G1) that insufficient information had been submitted in relation to long term management of the site and habitat provision for GCNs.

We note the Appeal Statement provided by the applicant as part of the Appeal submission. Our advice in relation to the submitted information, responding to each item in turn, is provided below.

Appellant's Appeal Statement

Item 1: *"Refers to a plan required to show areas surrounding the pond (WB1 of the HSI Report) as a dedicated area. The HSI Report 4.2 RECOMMENDATIONS have been included in the Site Development and GCN Conservation Plan....".* We note that the proposed Site Plan includes a small section of proposed hedgerow along one side of the proposed stable block. However, no details are provided for the habitat provision proposed in and surrounding pond WB1, as identified in the Habitat Suitability Index (HSI) report (APP07, Pearce Environment Ltd, December 2019). We advise that the habitat provision should be clearly marked on the Site Plan.

Item 2: The applicant disputes the need for the *"enhancement"* measures identified in the HSI report. Please note, we consider the proposal is likely to result in the loss of amphibian terrestrial habitats. We consider the habitat provision identified in section 4.2 of the HSI

report must be implemented to demonstrate that the proposal would not be detrimental to the favourable conservation status of the GCN in its natural range.

Item 3: The applicant again disputes the need for the habitat “enhancement” measures. As highlighted above, we consider the habitat provision as identified in section 4.2 of the HIS report must be implemented, and should be considered as mitigation.

Item 4: *“Refers to the long-term management of terrestrial and aquatic habitats There are no terrestrial or aquatic habitats on the site or within control of the applicant. There is no reference to any terrestrial or aquatic habitats in the HSI Report which would require any monitoring”*. As advised above, we consider habitat provision is required and should be clearly shown on the site plan. We also advise that details of long-term management of the habitat provision should be clearly set out prior to discharge of condition 6. The long-term management plan should also include details of proposed monitoring, which will inform site management, as well as whether licences may also be required for the purposes of undertaking habitat management.

Item 5: In relation to the need for a derogation licence, NRW accepts the applicant’s intention to construct the proposal without a derogation licence. This is stated in our letter (Ref CAS-122652-J2G1) dated 14 September 2020. However, we advise that works must immediately stop in the event of one individual being found and may only resume under licence issued by NRW under Regulation 55 (2) (e) of the Habitats Regulations/. As Identified in Item 4, please note that a licence may be required for example, in respect of future management.

Item 6: In relation to monitoring, the applicant states that it is dealt with within Site Development and GCN Conservation Plan. We do not consider that monitoring has been dealt with in the Site Development and GCN Conservation Plan (APP10, DMS Architectural Services, May 2020). We consider that a material component of long-term management is monitoring and surveillance, as this informs the delivery of targeted site management and provides the evidence in respect of whether management actions require licencing (see above). Consequently, we advise that a material component of the long-term management plan submission concerns requirements in respect of ecological monitoring.

Item 7: In relation to reporting, the applicant states that it is dealt with within Site Development and GCN Conservation Plan. As with Item 6, we do not consider that the report (APP10) has dealt with reporting. As stated in Item 6, we consider that a material component of long-term management is reporting, as this informs the delivery of targeted site management and provides the evidence in respect of whether management actions require licencing (see above). Consequently, we understand that a component of the long-term management plan submission concerns requirements in respect of ecological monitoring.

The principle outstanding issue relates to the requirement of a long-term management scheme for terrestrial and aquatic GCN habitat, along with a plan that clearly shows the habitat provision proposed. We advise that details of the scheme be submitted for approval.

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.

Yours faithfully

Ruth Prichard

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