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27/08/2020

Dear Sir/Madam,

PROPOSAL: Creation of grassland for great crested newts

LOCATION: Land at Gutter Hill, Johnstown, Wrexham

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 11/08/2020.

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

Condition 1: Protected Species: No development shall commence until a Conservation Plan for Amphibians has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include the measures outlined below:

Condition 2: Biosecurity: 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: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Protected Sites

SAC:

We have significant concerns that an adverse effect from the proposed development on the integrity of the Johnstown Newt Sites Special Area of Conservation (SAC). The application is located within 10m of the SAC.

The following condition must be secured in the planning consent to be certain that there will be no adverse effects on the site's integrity. We would object to the planning application if this condition is not secured.

We note that the following reports were submitted in support of the above application:

- Jones, B. (2019) . Ecological Appraisal: Land at Gutter Hill, Rhosllanerchrugog, Wrexham. Greenscape Environmental Ltd. Unpublished
- Proposed Landscape Plan (Reference 19045) Anon. (2020). Design Statement: Enhancement & Creation of Grassland For Great Crested Newts : Land at Gutter Hill, Rhosllanerchrugog, DPA Design and Planning Associated Limited. Unpublished

The reports identified that great crested newts are likely to be present at the application site.

From the information submitted, we consider that the proposed development represents a higher risk for great crested newts, as defined in our guidance document '*Natural Resources Wales Approach to Bats and Planning (2015)*'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

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 conditions or obligations (such as a Section 106 Agreement or a unilateral undertaking):

Condition 1: Protected Species: No development shall commence until a Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include the measures outlined below:

1. Building upon the principles outlined in Jones, B. (2019) . Ecological Appraisal: Land at Gutter Hill, Rhosllanerchrugog, Wrexham. Greenscape Environmental Ltd. Unpublished / Proposed Landscape Plan (Reference 19045) Anon. (2020). Design Statement: Enhancement & Creation of Grassland For Great Crested Newts : Land at Gutter Hill, Rhosllanerchrugog, DPA Design and Planning Associated Limited. Unpublished
2. Updated details and plan concerning GCN avoidance and mitigation measures, to include fence construction and maintenance. Submission to include timescales and reporting requirements

3. Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development
4. Details of timing, phasing and duration of construction activities and conservation measures
5. Submission of a long term site management that includes habitat management prescriptions; licensing requirements for undertaking habitat management and surveillance; current and any proposed tenure to the compensation area; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposals that are capable of being implemented in the event of failure to undertake identified or contingency actions;
6. Submission of details concerning the installation and maintenance of an amphibian-friendly surface water management system that does not include gully pots;
7. Ecological Compliance Audit, including key performance indicators
8. Persons responsible for implementing the works
9. 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.

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

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

SSSI:

NRW consider the proposals have the potential to impact upon the Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI). Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded

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: Any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include

- appropriate measures to control any INNS on site; and
- measures or actions that aim to prevent INNS

being introduced to the site for the duration of construction and operational phases of the scheme.

NRW would refer the Local Authority to the Chief Planning Officer's letter 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.

Land Contamination

Given the history of the adjacent area it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

Condition 3: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

Environmental Management:

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and '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/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 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.

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

Yours faithfully,

Joy Evans

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