

Wrexham County Borough Council
The Guildhall,
Wrexham
LL11 1AY

16/12/2019

For the attention of Simon Greenland:

Dear Simon,

**PROPOSAL: ERECTION OF STABLES BLOCK INCLUDING EQUINE SOLARIUM AND WASH BOX AND CONSTRUCTION OF 40M X 20M RIDING AREA ILLUMINATED WITH 4 NO. HIGH FLOODLIGHTS
LOCATION: CARETAKER HOUSE HAFOD RUABON WREXHAM**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 10/12/2019.

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

Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

Protected Species and Protected Sites

We have concerns that a significant effect from the proposed development on the Johnstown Newt Sites SAC cannot be ruled out. The application is located within 40m of the SAC.

The following requirements need to be met before allowing the proposed development to proceed. We would object to the planning application if the requirements are not met.

Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

An ecological report has been submitted to inform the planning decision making process (Habitat Suitability Index (HSI) Report: Caretaker House, Hafod Road, Johnstown, Wrexham, Pearce Environment Limited, December 2019).

In our view, the overall proposal has the potential to cause disturbance to great crested newts (which are a feature of the Johnstown Newt Sites SAC) and/or loss or damage to their resting places. We consider that it is possible that the species utilizes the site for foraging, dispersal or sheltering purposes.

We advise that the current ecological report is unsatisfactory. Material issues include:

- The failure to consider dispersal of a nationally important population of GCN (dispersal distances can be up to 1.2 kms).
- Failure to effectively consider measures to prevent GCN accessing the site during construction - We anticipate that appropriate mitigation measures will entail the implementation of Reasonable Avoidance Measures (RAMs), such as the erection of a 1-way amphibian fence, prior to and throughout the duration of construction operations; together with the clearance of individuals from working areas.
- Details of timing, phasing and duration of construction activities and conservation measures.
- Failure to consider biosecurity issues. The Chytrid fungus that affects amphibian has been recorded at Johnstown;
- Lack of detail in respect of long-term habitat compensatory proposals - Submission of further details concerning ecology area including size, location, tenure and long term management of the identified ecology area.

In conclusion, we do not consider the ecological report satisfactorily demonstrates that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN at this locality (and which also constitute a feature of Johnstown Newt Sites SAC). Further information is required to assess the extent of adverse effects on GCN and any avoidance or mitigation measures required.

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

The proposed development site is located within 40m of the Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI).

This site supports a nationally important population of great crested newt (Triturus cristatus), and an assemblage of amphibian species.

The ecological submission fails to consider the implications of the proposal on the amphibian assemblage. Further information should be submitted in line with the requirement above.

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, including environmental interests of local importance.

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 to Developer

Pollution Prevention

All works at the site must be carried out in accordance with PPG6: '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/>

Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Yn gywir / Yours sincerely,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales