



**Cyfoeth  
Naturiol  
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Natural  
Resources  
Wales**

Ein cyf/Our ref: CAS-33799

Eich cyf/Your ref: P/017/0409

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9 June 2017

Er sylw / For the attention of: Philip Forster

Annwyl / Dear Mr Forster

TOWN AND COUNTRY PLANNING ACT 1990  
DEDDF CYNLLUNIO GWLAD A THREF 1990

**BWRIAD / PROPOSAL: CHANGE OF USE FOR THE PROVISION OF HOLIDAY  
ACCOMMODATION ALLIED TO THE EXISTING FISHERY COMPRISING 8 HOLIDAY  
LODGES AND 12 TIMBER HOLIDAY PODS, CENTRAL FACILITIES LODGE AND  
RECEPTION / MANAGERS LODGE AND CONSTRUCTION OF FISHING LAKE**

**LLEOLIAD / LOCATION: Commonwood Fishery, Buck Road, Holt**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 22 May 2017.

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 and you attach the conditions listed below. Otherwise, we would object to this planning application.

**Requirement: European Protected Species: Submission of an ecological report that includes amphibian surveillance carried out in accordance with current guidance, particularly in relation to the optimum period of when such surveys should be carried out.**

**Condition: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.**

## European Protected Species

### Great Crested Newt

The Pre-Application Consultation PAC Report submitted with the planning application failed to identify that our response to the pre-application enquiry included:

*“It is understood that the amphibian assessment was carried out in October 2016. Any subsequent planning application should be supported by an ecological submission that includes amphibian surveillance carried out in accordance with current guidance, particularly in relation to the optimum period of when such surveys should be carried out.*

*Based on the results of the preliminary ecological submission, we agree that the reasonable avoidance measures approach is satisfactory. Works may however, require to be carried out under licence, in the event of great crested newts being found in ponds located closer to the application site.”*

European protected species such as the great crested newt (GCN) and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to GCN under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any European Protected Species on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Although an ecological report has been submitted, we consider that there is not enough information to assess potential effects of the proposal on any protected species that may be present at this site. We consider that the following additional information is required to assess the extent of adverse effects on the European Protected Species:

**Requirement: European Protected Species: Submission of an ecological report that includes amphibian surveillance carried out in accordance with current guidance, particularly in relation to the optimum period of when such surveys should be carried out.**

Although we have no objection in principle to the proposals, we would require an updated ecological report to be carried out, in order to demonstrate that the proposed development will either not harm or disturb European Protected Species or their breeding sites and resting places at this site, or all 3 conditions for the eventual grant of a licence under the Conservation of Habitats and Species Regulations 2010 (as amended) are likely to be satisfied.

## Bats

We consider that a proportionate survey assessment has been carried out in respect of bats.

## 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 welcome the proposal to address biosecurity issues by means of a condition, requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

**Condition: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.**

## Lake Construction

The application documentation includes a plan of the proposed lake, its location and dimensions.

The documentation confirms that no material will be imported or exported during construction, which will remove the risk of introducing any invasive species. It also states clearly that no impoundment or abstraction licence is required as the lake will be filled using rain and groundwater. As the site is an existing fishery the site owners are aware of the requirements of introducing fish onto the site.

On the basis of the information provided we have no objection to the construction of the new lake at this location.

## Foul Drainage

The applicant has demonstrated that the site lies outside of a publicly sewered area and is proposing a private sewage treatment plant to dispose of foul drainage

Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000 .

The written consent of NRW will be required for any discharge from the foul drainage system to any watercourse/ditch or soakaway at this site. The consent/permit must be obtained prior to works relating to the system progressing on site. The applicant is aware of the requirement to obtain a consent to discharge.

## **Surface Water**

We would advise you to consult with your Drainage Department who act as Lead Local Flood Authority, in order to determine the acceptability of the proposed method of surface water disposal.

## **Excavation and Construction**

Any importation or exportation of waste must be carried by a registered carrier of waste and accompanied by an appropriate transfer note.

Any exportation of waste must be deposited at any appropriately licensed waste management facility to handle the waste type.

Any waste importation for use on site must only be used under a valid waste management licence or exemption from the requirement.

Please do not hesitate to contact me if you require clarification on the above.

*Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: <https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf> 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. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.*

Yn gywir / Yours sincerely

*Meryl Read*

Meryl Read

Uwch-gynghorydd Cynllunio Datblygu /Senior Development Planning Advisor  
Cyfoeth Naturiol Cymru / Natural Resources Wales