



**Cyfoeth
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Natural
Resources
Wales**

Ein cyf/Our ref: CAS-24687-J7Q9
Eich cyf/Your ref: P/2016/0953

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Wrexham County Borough Council
Planning Officer
16 Lord Street
Wrexham
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Date: 21st October 2016

Dear Sir/Madam,

**CHANGE OF USE OF CLASS LANES COUNTRY HOTEL (USE CLASS C1) AND THE LODGE (USE CLASS C3) TO CHILDREN'S ACTIVITY CENTRE (USE CLASS C2) TO INCLUDE EXTENSION TO EXISTING HOTEL BUILDING, ERECTION OF BUILDINGS AND EQUIPMENT FOR CHILDREN'S ACTIVITIES WITH ASSOCIATED CAR PARKING, COACH PARKING, LANDSCAPING AND RAILINGS
FORMER CROSS LANES HOTEL BANGOR ROAD CROSS LANES WREXHAM**

Thank you for referring the above planning application received at our office 11th October 2016.

We have the following comments for consideration:

Species

Background Legislation

Regulations 9(3) of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC) and the 2009 'Birds' Directive (2009/147/EC) so far that they might be affected by those functions.

Survey

The applicant has submitted further ecological information for the purposes of informing the public decision making process.

Reference:

Wainwright, E. (2016). Ecological Appraisal Cross Lanes Hotel, Wrexham. Envirotech.
Unpublished

Protected Sites

This proposal will not affect the features, functionality or integrity of any statutory designated sites of ecological, geological and/or geomorphic interest.

However, the environs of the Wrexham Industrial Estate have been considered to support a nationally important population of the great crested newt.

Great Crested newts

The great crested newt is considered likely to be present within the boundary of the application site. We therefore consider the overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. Great crested newts (GCN) and their breeding

and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

The Regulations allow the approval of a scheme that would be likely to result in disturbance or harm to GCN, but only if satisfy an appropriate Habitats Directive derogation purpose and two tests¹ before a licence can be issued from Natural Resources Wales. *[Please note Regional Species Advice only concerns the 'FCS test'.]*

In the case of development, the applicable derogation purpose is:

“Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.”

Furthermore, the licence can only be issued by NRW on condition that there is:

“no satisfactory alternative”, and that

“the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

Paragraph 6.3.7 of TAN5 states that your Authority should not grant planning permission without having satisfied itself that the proposed scheme either would not impact adversely on any GCN's on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We consider that it is possible that the species utilizes the site for foraging, dispersal or sheltering purposes. In our view, we consider that construction and operational phases of the proposal have the potential to adversely affect GCN.

We therefore consider that further information is required for the purposes of ensuring the appropriate implementation and operation of the proposal. Information requirements include clearance of individuals from working areas during construction; and the detail of habitat management and tenure within the dedicated compensatory area.

We consider that the applicant has failed to demonstrate that the proposed development is not be likely to be detrimental to the maintenance of the favourable conservation status of the GCN population at this site.

Any appropriate scheme will need to include, but not be restricted to the submission of the following further information :

- The submission and implementation of detailed great crested newt avoidance and mitigation measures;
- The submission and implementation of long term compensatory proposals including,

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appropriate sized compensation area (based on 'like for like') and appropriate tenure;

- The submission and implementation of long term management, surveillance and wardening proposals;
- The submission of proposals that evidence the long term provision of resources for future management, wardening and surveillance;
- The inclusion of a planning condition to any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to proceed, or Natural Resources Wales has informed the applicant that such a licence is not required

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Therefore, we object to the development as currently proposed, and recommend planning permission is refused until it can be demonstrated that the proposed development satisfies derogation provisions under the Habitats Directive and the Conservation of Habitats and Species Regulations.

Bats

NRW consider survey and assessment in respect of bats to be satisfactory.

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 future 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

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

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

Ecological Compliance Audit

We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the local planning authority. The purpose of this condition is to facilitate the provision of evidence that demonstrates implementation of the proposal accords with the provisions of planning (and other) statutory consents

Recommendation

Submission of holding objection based on the submitted scheme in its current form. However we accept the principle of development at this site. We will be pleased to supply further advice on receipt of an appropriate mitigation/compensation for the great crested newt.

Yn gywir / Yours' faithfully,

Ruth Prichard

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Deialu uniongyrchol/Direct dial: (0300) 065 3787 **Siaradwr Cymraeg / Welsh Speaker** 

cc: