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SPECIALISTS IN: HABITAT AND SPECIES SURVEY ECOLOGICAL IMPACT ASSESSMENT MANAGEMENT PLANNING AND ADVICE

P/2026/0445: Unit 31 Miners Road, Llay Industrial Estate

Comments in relation to the Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) response dated 25 September 2026 (their ref CAS-318463-T6P6)

Under the section titled "Protected Species", NRW state: (my highlights – see below for explanation)
"We advise that further information is required to manage the potential impacts of the scheme. However, we would be content for this further information to be provided via a suitably worded condition. We therefore advise that any subsequent consent is subject to the imposition of the following conditions in respect of GCN:

Condition: No development, including site clearance, shall commence until a Great Crested Newt (GCN) plan of reasonable avoidance measures has been submitted to and approved in writing by the Local Planning Authority. The plan of reasonable avoidance measures should include, but not necessarily be limited to:

- *Fence design, construction and maintenance (the erection of amphibian proof fencing, prior to and throughout the duration of construction operations).*
- *Proposals for the clearance of individuals from working areas.*
- *Details of timing, phasing and delivery of reasonable avoidance measures.*
- *Proposals to evidence compliance with the requirements of RAMS and biosecurity conditions.*
- *Persons responsible for implementing the works.*
- *Procedure to be followed if GCN are found on site including outline translocation proposals*

The plan of reasonable avoidance measures shall be carried out in accordance with the approved details."

The applicant is willing to employ reasonable avoidance measures (=precautionary working methods) to minimise the risk of an offence in relation to GCN, thus avoiding the need for mitigation licence. However, my understanding is that the highlighted text itself would require a mitigation licence to lawfully undertake (see https://naturalresources.wales/permits-and-permissions/species-licensing/list-of-protected-species/great-crested-newt-licensing/?lang=en – the offences "obstruct access to their resting or sheltering places" and "capture…great crested newts"

Hence, can NRW please either confirm the highlight text would be lawful without a licence, or amend the wording to exclude unlawful actions. A suggested reworded condition is given below:

Condition: No development, including site clearance, shall commence until a Great Crested Newt (GCN) plan of reasonable avoidance measures has been submitted to and approved in writing by the Local Planning Authority. The plan of reasonable avoidance measures should include, but not necessarily be limited to:

- *Lawful deterrence measures to be placed or implemented prior to and maintained throughout the duration of construction operations).*
- *Details of timing, phasing and delivery of reasonable avoidance measures.*
- *Proposals to evidence compliance with the requirements of RAMS and biosecurity conditions.*
- *Persons responsible for implementing the works.*
- *Procedure to be followed if GCN are found on site, including outline licencing requirements*

The plan of reasonable avoidance measures shall be carried out in accordance with the approved details."

Rob Mileto 13th October 2026

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