



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Ein cyf/Our ref:  
Eich cyf/Your ref:

CAS-34396-D0Q5  
P/2017/0329

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P/2017/0329

20/06/2017

Er Sylw / For the attention of: Dunya Fourie

Annwyl / Dear Dunya Fourie,

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

**BWRIAD / PROPOSAL:**

**Residential development of up to 9 dwellings, including new access and all associated works (some matters reserved)**

**LOCATION / LLEOLIAD:**

**Land adjoining Min-y-Ffordd, Adfa, Newtown**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 05/06/2017.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

**Summary of Conditions:**

Condition 1 – *GCN: The construction phase implements Reasonable Avoidance Measures (RAM) for Great Crested Newts (GCN) as described in Section 8 of the GCN Survey and Mitigation Plan dated May 2017 by Gerald Longley Ecological Consultants (GLEC).*

Condition 2 – *Bats: Security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats (all tree lines and hedgerows surrounding the site).*

**Protected Species**

The site itself does not provide breeding habitat for Great Crested Newt (GCN) however it offers suitable terrestrial habitat. Due to the proximity of a pond hosting GCN within 200m of the proposal NRW will make comments on the assumption that GCN are likely to use the site for foraging / hibernation. All areas of hedgerows and trees at the application sites are likely to attract GCN and other protected species such as bats.

Our comments are made on the assumption that all existing hedgerows will be retained and enhanced as part of the proposal, should this not be the case alternative work methodology, avoidance measures may be required as well as the requirement for the provisions of habitat

enhancements to guarantee there will be no loss of suitable habitat for GCN and other protected species.

GCN, bats 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 bats 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 (EPS) 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 GCN 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, however, provided RAM are adopted we consider that the development is not be likely to be detrimental to the maintenance of the favourable conservation status of the GCN populations and we advise that any subsequent consent is subject to the imposition of a condition that will secure the implementation of the RAM as described in section 8 of the GCN Survey and Mitigation Plan dated May 2017 by Gerald Longley Ecological Consultants (GLEC).

*Condition 1 – GCN: The construction phase implements Reasonable Avoidance Measures (RAM) for Great Crested Newts (GCN) as described in Section 8 of the GCN Survey and Mitigation Plan dated May 2017 by Gerald Longley Ecological Consultants (GLEC).*

If works are undertaken without an appropriate derogation licence issued by NRW, we advise that works must immediately stop in the event of the great crested newt being found. Operations can recommence on receipt of the appropriate licence issued by NRW.

Also, to minimise impact on other protected species such as bats, it will be necessary to retain dark wildlife corridors, we therefore advise the following condition of approval:

*Condition 2 – Bats: Security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats (all tree lines and hedgerows surrounding the site).*

*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/planning-and-development/planning-and-development/planning-en>. 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.

Yours Faithfully,

Sara Price Jones

Development Planning Adviser  
Development Planning Advisory Service

