

Liam Hopkins
The Urbanists
Cardiff Studio
The Creative Quarter
8A Morgan Arcade
Cardiff, CF10 1AF

Ein cyf/Our ref: CAS-222309-H7R7
Eich cyf/Your ref:

Dyddiad/Date: 08 August 2023

Annwyl Syr/Madam/Dear Sir/Madam,

**STATUTORY PRE-APPLICATION CONSULTATION – TOWN AND COUNTRY
PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012 AS
AMENDED**

BWRIAD/PROPOSAL: NEW MOUNTAIN BIKE TRAILS AND AN ACCESS TRACK

**LLEOLIAD/LOCATION: BIKEPARK WALES, GETHIN WOODLAND CENTRE,
ABERCANAID, MERTHYR TYDFIL, CF48 1YZ**

Thank you for providing a requisite notice to us under Article 2D of the above Order. We received a copy of your proposed application on 05 July 2023.

We have concerns with the application as proposed because inadequate information has been provided. To overcome these concerns, you should provide further information in your planning application regarding great crested newts, a European Protected Species. If this information is not provided, we may object to the planning application when formally consulted by the planning authority. Further details are provided below.

European Protected Species

Great crested newts and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where these species are present and where a development proposal is considered likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The proposed works to be authorised satisfy an appropriate derogation purpose, which in the case of development are 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;
- ii. There is no satisfactory alternative; and
 - iii. 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.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that the planning 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.

We have reviewed the following information submitted in support of the application:

- Ecological Impact Assessment document titled *PROVISION OF NEW BIKE TRAILS AT BIKE PARK WALES SITE, GETHIN FOREST* by Hawkeswood Ecology, dated April 2023
- Drawing number OT-BPW22-D03 titled *PROPOSED TRAILS* by Back On Track Mountain Bike Solutions Ltd, dated 06.04.23

We note that multiple ponds with records of great crested newts lie within 150-300 metres from proposed new mountain bike trails as shown on the above drawing. While it is acknowledged within the above EclA report (page 8) that great crested newts are known to be present in pools within the Rhydycar West Site of Importance for Nature Conservation (SINC), the potential for the presence of the species within working areas appears not to have been considered to date. The works as proposed have the potential to adversely impact on great crested newts and their terrestrial habitat.

We advise that additional information is sought from the applicant to determine the potential impacts of the scheme upon great crested newts.

We advise that a comprehensive conservation plan for GCN will be required prior to the determination of the application. We advise that the conservation plan includes, but is not limited to, the following:

- An assessment of impacts during the construction and operational phases of the scheme. This to include an evaluation of the nature, extent and duration of the likely direct and indirect impacts of the development. This assessment should include:
 - Tabulated review of the extent, distribution, and quality of GCN habitat to be removed, retained, enhanced and created, supported by drawings as appropriate.
 - Risks of incidental injury or killing; and
 - Consideration of habitat functionality and connectivity during and post construction.
- Ecological design considerations. This should include habitat enhancement for GCN on land within the applicant's control and should demonstrate how habitat connectivity is to be maintained post construction.
- Submission of details and associated plans concerning principles of GCN avoidance and mitigation measures during construction including, but not limited to amphibian fence specifications and proposed locations; fence monitoring and maintenance requirements; and proposed timescales.
- Submission of further details concerning any on- or off-site GCN habitat compensatory proposals including plans, extent, access, as well as current and proposed tenure.

Details should identify areas of terrestrial and aquatic habitat to be retained, enhanced, and created.

- Details of timing, phasing and duration of construction activities and conservation measures; the timetable should demonstrate that mitigation/ compensation works are aligned with the proposed development.
- Submission of the principles of a long-term site management plan that includes: defined aims and objectives; habitat management prescriptions; surveillance; contingency measures if fish or invasive non-native species (INNS) are detected; licensing requirements; current and any proposed changes to tenure of the dedicated ecology areas; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan. Submission to include proposed timescales and long-term financial considerations.
- Submission of a long-term great crested newt monitoring plan. The methodology should accord with, and the results should be reported through, the Wales Great Crested Newt Monitoring Scheme.

We envisage that the proposed conservation plan will materially inform the provisions of any subsequent application for a derogation licence issued by NRW under Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Follow on advice

Please note, part of the application site (the most northern proposed trail) is within 265m of the Cwm Glo a Glyndyrys Site of Special Scientific Interest (SSSI). We are likely to have additional advice in relation to potential impacts on the SSSI, but unfortunately, we are unable to provide these within the current timescale. We will provide this additional advice within the next seven working days.

Other Matters

Please note, if further information is prepared to support an application, it may be necessary for us to change our advice in line with the new information.

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.

In addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured. Please refer to our [website](#) for further details.

Further advice on the above matters could be provided prior to your planning application being submitted, however there would be a charge for this service. Additional details are available on our [website](#).

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Gail Parkhouse

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

E-bost/E-mail: southeastplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 65 3549

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.