



**Cyfoeth
Naturiol
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Natural
Resources
Wales**

Ein cyf/Our ref: qA1268367
Eich cyf/Your ref: CAS-23524-W0J2

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Mr Ceri Litherland,
Decisions Branch.
Planning Directorate

31/10/2016

Dear Mr Litherland,

**PROPOSAL: Change of use of disused quarry to Country Park incorporating heritage attraction, recreational uses and visitor centre with associated parking.
LOCATION: Hanson Fagl Lane Quarry, Fagl Lane, Hope**

Thank you for your letter dated 7th of September 2016 requesting our views on whether the above proposed development is likely to have a significant environmental effect.

Please note that our advice is made without prejudice to comments we may subsequently wish to make when consulted on any planning application, the submission of more detailed information or an Environmental Statement should the proposal be considered to constitute EIA development.

Please find attached our response dated 4th of May 2016 to the planning application to Flintshire County Council.

From the information provided to date we consider that the proposed development is not likely to have a significant effect on the environment provided that the additional information summarised below and detailed as requirements in our letter of 4th May 2016 is provided as part of any planning application for the development as proposed:

Protected Species

Great Crested Newts

It is likely that this species utilises the site for breeding, foraging, dispersal, sheltering and hibernation purposes. Consequently, both construction and operational phases of the proposal have the potential to adversely affect Great Crested Newts (GCN).

The planning application is supported by an ecological submission (Reference: Guest, J. (2014). The Former Quarry, Fagl Lane, Near Hope, Flintshire: Extended Phase 1 Habitat

Survey and Protected Species Surveys. Enfys Ecology Limited. Report No: WW/50.10.14/TY. Unpublished.

The above mentioned survey confirmed the presence of the Great Crested Newt throughout the application site. We note that survey methodologies did not include techniques such as eDNA analysis.

It is likely the application site is used by GCN for hibernation, foraging, dispersal, sheltering and breeding. We consider that the scheme is likely to affect GCN at present, and may have a detriment on the FCS of the species in its natural range. However, whilst further assessment will be required as part of any planning application to understand the likely impact of the scheme on GCN present, from the information currently available to us, and the prevalence of GCN across the wider area, we do not consider that the extent of any impact will be significant.

Bats

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.

While NRW consider that the scheme may have an impact on bats we do not consider that it will detrimentally affect the FCS of the species in its natural range, and will not have a significant effect on bats given the likely extent and magnitude of any impact.

Invertebrates

We are aware that sand and gravel working can support invertebrates, and in some instances have been notified as SSSIs in light of their importance. On the basis of the information provided to us to date we do not consider that the above scheme is likely to have a significant effect on invertebrates as it seems the site is of lower value for invertebrates.

Birds

Birds are protected under the provisions of the Wildlife and Countryside Act 1981 and the Conservation of Wild Birds Directive 2009. The Conservation of Habitats and Species Regulations (Amendments) 2012 transposes specific provisions of Article 3 of this Directive in respect of up-keep, creation and management of wild bird habitats. In our view Regulations 9(3) and 9A (3) of the Regulations will in this case be material to the local planning authorities public decision making process.

The application site supports kingfisher which is listed under Annex 1 of the Birds Directive, and Article 4(4) of the Directive requires member states to prevent, in respect of the wider countryside, the deterioration or pollution of bird habitats. Given the rarity of

kingfisher across the wider area of Flintshire, we consider that the application site will have a significant effect on this species.

We consider that the application site is likely to support over wintering birds. Article 3 of the Birds Directive (as implemented under Reg 9a (3) of the 2012 Habitat Regulations Amendments) requires the creation, management and upkeep of bird habitats. In light of the information supported to us, and the extent of suitable habitats across the wider area, we do not consider that the extent or magnitude of any effect on over-wintering birds will be significant.

To conclude, the ecological importance of the site is of possible county importance. As a consequence it is arguable that an EIA may be required for the purposes of informing the planning decision making process. However, in respect of the ecological interest of the site, issues in this case could be effectively considered under the provisions of a non-statutory Ecological Impact Assessment (EclA). We consider this approach to be both appropriate and proportionate in this case.

We trust our comments will assist you, please contact us if you require any further information or advice.

Yn gywir / yours faithfully

Charlotte Hawksworth

**Swyddog Cadwraeth Casework Officer
Tim Gwaith Achos / Casework Team**