



Cyngor Cefn Gwlad Cymru Countryside Council for Wales

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Ein cyf/Our ref:1742099/C.38.07.01/C.09.90.01/DH/IG
Eich cyf/Your ref:CONEX/12/0871

8 October 2012

Dear Ms Brooks

RIVER USK SPECIAL AREA OF CONSERVATION (SAC) RIVER USK (LOWER USK) SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)

EUROPEAN PROTECTED SPECIES

INSTALLATION OF 816 METRE LONG ZIP WIRE (CONSISTING 4NO. PARALLEL STEEL CABLES) BETWEEN 2NO. GALVANISED COATED STEEL PLATFORMS

THE CELTIC MANOR RESORT THE COLDRA NEWPORT SOUTH WALES NP18 1HQ

Thank you for your letter dated 17 September 2012 seeking the advice of the Countryside Council for Wales (CCW) in relation to the above proposal. We welcome the submission of the supporting information: *'Ecological Appraisal and Assessment, Proposed Zip Wire, Celtic Manor Resort, Newport'*, prepared by Environgauge and dated August 2012. We note that a full method statement outlining a mitigation strategy for dormice is currently being prepared in support of this application.

CCW has no objection in principle to the proposals providing appropriately worded conditions requiring the implementation of the mitigation measures set out in the Ecological Appraisal and Assessment report are attached to any planning permission.

River Usk Special Area of Conservation (SAC)

The advice in this letter is offered to assist in reaching a view on the possible significant effect of these proposals in the context of Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010. CCW is of the opinion that providing that the mitigation measures outlined in sections 8.2, 8.3, 8.4. and 8.6, of the Ecological Appraisal and Assessment report listed above,



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the proposals would not be likely to have a significant effect on the River Usk SAC. Further, these proposals are not directly connected with or necessary to the management of that site.

River Usk (Lower Usk) Site of Special Scientific Interest (SSSI)

We consider that your letter of 17 September 2012 constitutes the giving of a notice to CCW of proposed operations likely to damage the features of a SSSI, under section 28I (2) of the Wildlife and Countryside Act 1981 (as substituted by section 75 (1) and Schedule 9 of the Countryside and Rights of Way Act 2000). In summary, our advice for the SSSI is the same as that for the SAC.

European Protected Species

We note from our records and from the Ecological Appraisal and Assessment report that the site supports habitats for dormice and otters. As you are aware, otters and dormice are European Protected Species, protected by The Conservation of Habitats and Species Regulations 2010. Where a European Protected Species is present and a development proposal is likely to contravene the protection afforded to these species, development may only proceed under a licence issued by the Welsh Government (WG), having satisfied three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range.'

These requirements are translated into planning policy through Planning Policy Wales (PPW) July 2010, sections 5.5.11 and 5.5.12, and Technical Advice Note (TAN) 5, Nature Conservation and Planning September 2009. The planning authority should take them into account when considering development proposals where a European protected species is present.

As stated above, we welcome the submission of the report: '*Ecological Appraisal and Assessment, Proposed Zip Wire, Celtic Manor Resort, Newport*', prepared by Environgauge and dated August 2012. Subject to the implementation of appropriate mitigation as outlined in the report, we do not consider the proposed development will result in a detriment to the maintenance of favourable conservation status of otters and dormice. Should your authority be minded to grant planning permission, we advise that suitable conditions are attached to the permission to address the following;

- The implementation of the proposed mitigation measures as detailed in 'Section 8 Mitigation'.
- The preparation of a detailed Method Statement for dormice to detail how dormice will be conserved mainly during the construction phase. This is to be submitted to and agreed in writing with CCW and the Local Planning Authority prior to the start of clearance works. The method statement is to be implemented as agreed.



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- We also advise that the applicant obtains a European Protected Species licence from the Welsh Government under Regulation 53(1)e of The Conservation of Habitats and Species Regulations 2010.

Local biodiversity

Please note that the proposal has the potential to impact on other local and regional biodiversity interests on which we have not considered all possible effects. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). We recommend that you speak to your Authority's Ecologist in this regard.

In summary, CCW does not object to the above application, providing appropriately worded conditions requiring the implementation of mitigation measures for the river Usk SAC, SSSI, and for European Protected Species are attached to any planning permission.

I hope these comments are of assistance. If you have any queries, or if you require any further information, please do not hesitate to contact us at the above address.

Yours sincerely

Dunia Hatuqa
Conservation Officer
Cardiff and Newport District Team



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