



**Cyfoeth  
Naturiol**  
Cymru  
**Natural  
Resources**  
Wales

Assent Ref No: 2258938  
Our Ref: SJ24.1(B)

Mr James Dean  
Highways & Environmental Services  
Denbighshire County Council  
Lon Parcwr Depot  
Ruthin  
DENBIGHSHIRE  
LL15 1NA

13 December 2017

Dear Mr Dean

**ASSENT BY THE NATURAL RESOURCES BODY FOR WALES (“NATURAL RESOURCES WALES”) TO CARRY OUT OPERATIONS IDENTIFIED IN A NOTICE DATED 31 OCTOBER 2017 UNDER SECTION 28H OF THE WILDLIFE AND COUNTRYSIDE ACT 1981, AS SUBSTITUTED**

**DESIGNATED SITES:**

**RUABON/LLANTYSILIO MOUNTAINS AND MINERA - SITE OF SPECIAL SCIENTIFIC INTEREST**

**BERWYN A MYNYDDOEDD DE CLWYD / BERWYN AND SOUTH CLWYD MOUNTAINS - SPECIAL AREA OF CONSERVATION**

Please find enclosed assent to carry out specified work affecting the above named sites. This assent allows you to carry out the operations in the way described, and fulfils the legal requirement. You must give written notice if you intend to alter these operations in any way, or wish to carry out any further work.

Note that this assent only relates to the above mentioned legislation – other authorisations may be required.

Yours sincerely

David Drewett

Arbenigwr Cadwraeth Technegol / Canolbarth Cymru  
Conservation Technical Specialist / Mid Wales

Encs: copy of notice and map

Ebost/Email [ian.hughes@cyfoethnaturiolcymru.gov.uk](mailto:ian.hughes@cyfoethnaturiolcymru.gov.uk)  
[www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk) [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

Gweithrediadau Gogledd Chanolbarth Cymru/Operations North and Mid Wales Chester Road, Buckley, Flintshire CH7 3AJ

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg  
Correspondence welcomed in Welsh and English

**CYFOETH NATURIOL CYMRU  
NATURAL RESOURCES WALES**

Assent ref no: 2258938

Our ref: SJ24.1(B)

ASSENT TO CARRY OUT OPERATIONS ON LAND AFFECTING THE FOLLOWING SITES: RUABON/LLANTYSILIO MOUNTAINS AND MINERA - SITE OF SPECIAL SCIENTIFIC INTEREST; BERWYN A MYNYDDOEDD DE CLWYD / BERWYN AND SOUTH CLWYD MOUNTAINS - SPECIAL AREA OF CONSERVATION UNDER SECTION 28H OF THE WILDLIFE AND COUNTRYSIDE ACT 1981, AS SUBSTITUTED

The Natural Resources Body for Wales (“Natural Resources Wales”) hereby agrees that,

**Highways & Environmental Services  
Denbighshire County Council  
Lon Parcwr Depot  
Ruthin  
DENBIGHSHIRE  
LL15 1NA**

as a section 28G authority with respect to the above sites, may carry out the operation(s) specified below in the manner prescribed:

**To widen the extent of cutting of the verge either side of the A542 around the Horseshoe Pass (See attached map) to an approximate width of up to 2m.**

**Works to be undertaken between 1st October and 31st March in any given year and to be undertaken as specified in submitted notice dated 31 October 2017.**

**THE ABOVE OPERATIONS CAN ONLY BE CARRIED OUT UNDER THE FOLLOWING CONDITIONS**

**Condition:**

**This assent is valid until 31 March 2022**

**Reason:**

**To time limit the consent to allow an opportunity to review**

**Condition:**

**All equipment including boots and vehicles will be clean and dry before being used on the SSSI/SAC**

**Reason:**

**Biosecurity measures to reduce the risk of the spread of non naive species**

This notice only relates to the above mentioned legislation. It does not release you from any obligations to obtain approval under other legislation or the General Law. If proposed works involve development, you must also apply for planning permission to the Local Authority. Some proposals may require the landowner’s permission or other authorisations.

In this document “Natural Resources Wales” (NRW) means the Natural Resources Body for Wales established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012. The Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

Date: 13 December 2017

Signed:

A handwritten signature in black ink, appearing to read 'D Drewett', written over a horizontal line.

David Drewett

Arbenigwr Cadwraeth Technegol / Canolbarth Cymru  
Conservation Technical Specialist / Mid Wales

Copy of Notice and location map.

## **ANNEX 1 S28G Authority**

Name and address of S28G Authority

Highways & Environmental Services  
Denbighshire County Council  
Lon Parcwr Depot  
Ruthin  
Denbighshire  
LL15 1NA

### **NOTICE TO CARRY OUT AN OPERATION/OPERATIONS LIKELY TO DAMAGE THE SPECIAL INTEREST UNDER SECTION 28H OF THE WILDLIFE AND COUNTRYSIDE ACT 1981, AS SUBSTITUTED BY SCHEDULE 9 TO THE COUNTRYSIDE AND RIGHTS OF WAY ACT 2000 (W & C Act 1981)**

Ruabon Llantysilio Mountains & Minera Site of Special Scientific Interest

I/We hereby give notice under Section 28H of the W & C Act 1981, of my/our proposal to carry out, cause or permit to be carried out the operation(s) specified below:-

1. Details of proposed operation (s) (please refer to the specific Operation (s) Likely to Damage the Special Interest reference number):-

To widen the extent of grassy verge either side of the A542 around the Horseshoe Pass. (See attached map – NB, not all of the highlighted area currently requires attention).

The existing verge is maintained via annual cutting to an approximate width of 1m.

Both western and European gorse that grows beyond the area cut by the flail is now growing quite tall and leggy, compromising driver visibility and road safety for all users.

It is intended to incorporate an additional cut (the width of the flail) that would initially take the verge to an approximate width of up to 2m.

Livestock on the mountain also often graze on the existing cut verge. By doubling its width, this may be beneficial in terms of road safety too.

To achieve the works, an arm mounted flail operated via a tractor would be used.

All machinery will be checked for defects/leaks before working on site.

A small team would also be following to manually clear trees that would be too mature for the flail to cut (still relatively young trees). This would be done with chainsaws – with refuelling being undertaken away from the designated area.

Timber would be removed from site.

It would be prudent to trial the consent for a period of 5 years. This would allow for any oversights in the event that not all of the work is achievable in one season, or, if a subsequent follow up cut is needed in 3-4 years time

Under the OLDSI reference list, the works would be described as:-

'Dumping, spreading or discharge of any materials'

'The destruction, removal or pruning of any plant remains, including tree, shrub, herb, hedge, moss, lichen, fungus or turf'

'Introduction of mowing or other methods of controlling vegetation'

- 2.a I/We intend to carry out this operation/these operations on the area of land detailed below.

Ideally, the consent would run for a period of up to 5 years. This would allow DCC to either conduct follow up works or target areas that may not currently require attention. Works would take place between 1<sup>st</sup> October and 31<sup>st</sup> March for the duration of the consent to ensure that it would not conflict with the bird nesting season.

SSSI Map/Other Map enclosed, Yes

- 2.b Name and address of owner/occupier of land (if not the S28G Authority)

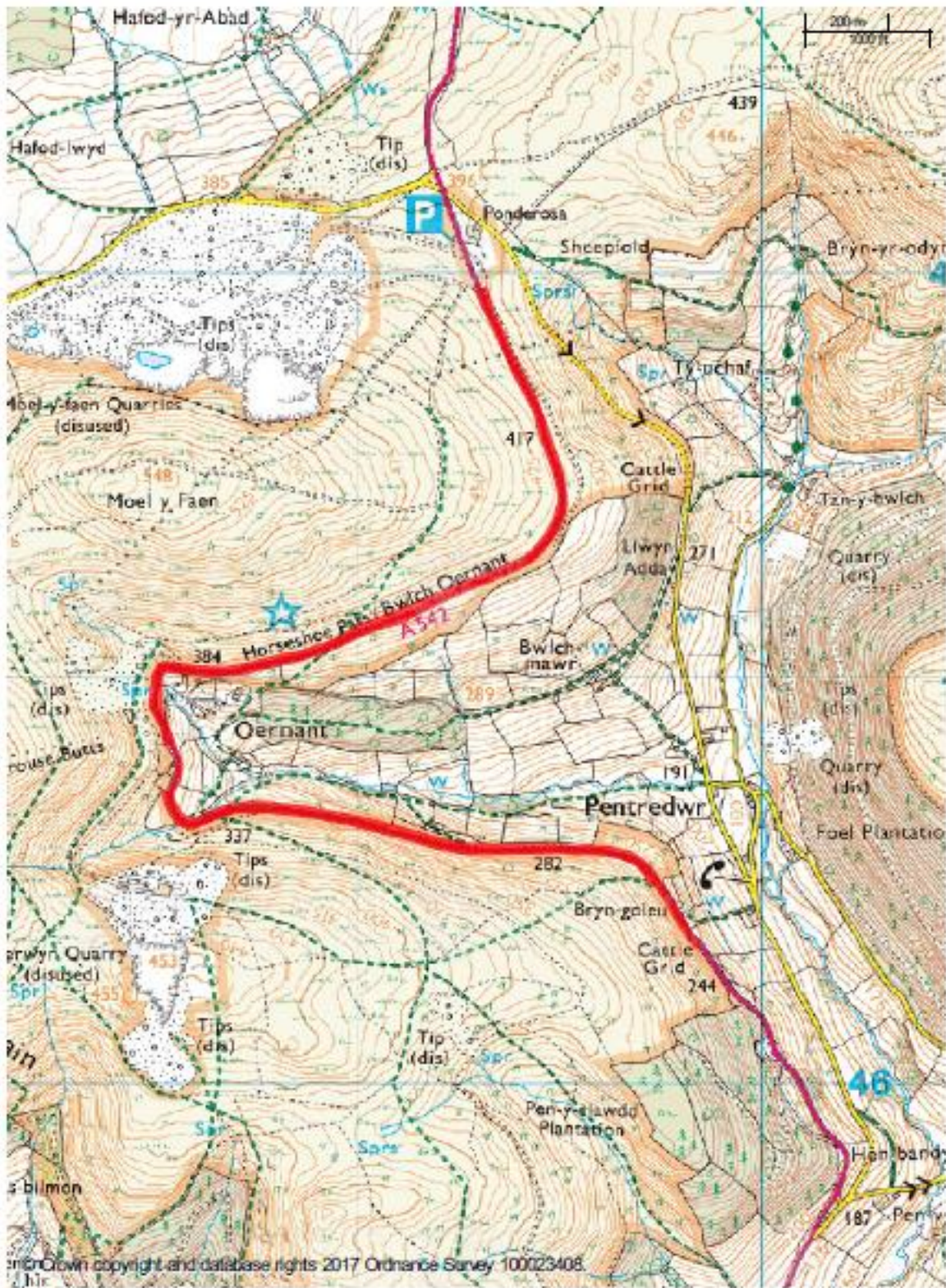
Llantysilio Estate  
C/O William Shuttleworth  
Balfours  
The Estate Office,  
The Vallets, Whitfield,  
Hereford, HR2 9BA

2. I/We propose to carry out the operation between October 1<sup>st</sup> – 31<sup>st</sup> March 2017/18 and the work will take no more than 3 days to complete. Subsequent follow-up works, if required, may take place in the period covering the next 5 years to the same agreed method.

Signed: James Dean

Date: 31<sup>st</sup> October 2017

*CCF notice of proposal form annex 1 s28g authority.doc/26.aug13*



Enter Title Here  
 Scale: 1:12205  
 Printed on: 2/3/2017 at 13:41 PM

  
 © Denbighshire County Council

In this document "Natural Resources Wales" (NRW) means the Natural Resources Body for Wales established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012. The Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.