Ein cyf/Our ref: CAS-259311-B9N0
Eich cyf/Your ref: P/2024/1174

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 08 July 2024

Dear Sir/Madam,

PROPOSAL: ERECTION OF COFFEE SHOP WITH DRIVE THRU, ASSOCIATED ACCESS, LANDSCAPING AND SERVICING

LOCATION: LAND AT, BORDER RETAIL PARK, WREXHAM, LL13 8NG

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 01 July 2024.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected species. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Species

We note the Preliminary Ecological Appraisal (PEA) (Wes No.1 Ltd, May 2024; Ecus Ltd.) submitted in support of the application has concluded: "…*two trees have been identified as having bat boxes...and one tree has been identified as having a PRF in the form of a split trunk…It is understood that the bat box trees are to be felled as a result of the works and therefore the purpose of these will need to be identified and appropriate replacements provided if necessary*." However, no further information has been submitted regarding this. We therefore advise that the application contains insufficient information to assess the need for bat avoidance / mitigation measures.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is 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 tests set out in the Regulations (please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to

"*demonstration of no detriment to the maintenance of the favourable conservation status of European protected species*".

We advise that further information (survey of the bat boxes and appropriate mitigation) should be submitted to assess the extent of adverse effects on the bats and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.
In the meantime, we are unable to give you any assurance that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Protected Sites

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In line with our *Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation* (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

We have reviewed the Water Quality Nutrient Statement dated 14 May 2024 by Vale Consultancy; Ref: N2658-WQNS, which concludes:

> *"It is likely that the employment type of the above development will attract staff from within the Dee catchment. Within the wider catchment, this development is not likely to increase volume of wastewater due to the majority of users already being within the catchment area. As well as this, the area is already an ancillary area for the retail park, so the provision of the unit is offset by the reduction of the capacity of the adjacent units within the retail park and is unlikely to change the overall footfall for the development."*

Your Authority confirmed to us via email on 3 July 2024 that you concur with this statement. Therefore, recognising the specific nature of the application submitted, we are satisfied that there is unlikely to be a source of additional nutrients or a pathway for impacts. As such, in our opinion, it would be reasonable for your Authority to screen out this proposal as not likely to have a significant effect on the River Dee and Bala Lake SAC in relation to nutrient inputs.

Other Matters

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.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

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

Yours faithfully,

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

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.