Ein cyf/Our ref: CAS-261006-K3M8
Eich cyf/Your ref: P/2024/1180

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 09 August 2024

Dear Sir/Madam,

PROPOSAL: IMPROVEMENTS TO PUBLIC FOOTPATH BELOW PONTCYSYLLTE AQUEDUCT INCLUDING REALIGNED FOOTPATH, NEW STEPS AND LANDINGS, NEW RAILINGS AND HANDRAILS AND LANDSCAPING

LOCATION: LAND BELOW PONTCYSYLLTE AQUEDUCT, PONTCYSYLLTE, LLANGOLLEN, WREXHAM, LL20 7TY

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 22 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 sites. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding European Protected Species should be attached to any planning permission granted and the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and document we would object to this planning application.

Protected Sites
Pollution prevention
The River Dee and Bala Lake Special Area of Conservation (SAC) and underpinning River Dee Site of Special Scientific Interest (SSSI) is located adjacent to the site, if this is incorrect and part of the proposal does lie within the SAC or SSSI we would wish to be reconsulted.

We have concerns that a significant effect from the proposed development on the SAC cannot be ruled out. We advise that further information is required to adequately consider the potential impacts on the features of protected site and in particular to enable your

Authority to carry out a Habitats Regulations Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended).

The submitted PEA state no significant landscape work will be carried out, but from the plans that looks to be incorrect. The mitigation should be based on the detailed proposals put forward.

In the design statement it states “Where possible, avoid the removal of woodland, trees and scrub habitat and compensate for any habitat lost”. The potential impact of vegetation clearance is significant and needs to be carefully considered.

Further pollution prevention measures need to be explored and outlined.

Non Native Species have been identified in the PEA and should be included in any HRA as detailed below in the protected species section.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), your authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC/SPA/Ramsar site, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC/SPA/Ramsar site.

Foul Drainage
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.

However, recognising the specific nature of the application submitted that no foul drainage is required, we are satisfied that there is unlikely to be a source of additional nutrients and/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.

SSSI
NRW consider the proposals have the potential to impact upon the River Dee Site of Special Scientific Interest. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded

Protected Species
We note that the preliminary ecological report submitted in support of the above application (Murfy, R. (2024). Trevor Basin Public Realm, Step Access and River Walk Preliminary Ecological Appraisal. Arcadis. (Unpublished Report No.: 10058635-AUK-XX-XX-RP-ZZ-0050-01)) has identified bat potential at the application site. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

We advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site but there are potential roosting sites adjacent to the site. Therefore, we advise that the mitigation outlined in the report section 4.4.is implemented and that the report is included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

We also advise that the below conditions should be attached to any planning permission for this scheme to ensure appropriate bat friendly lighting scheme and biosecurity.

Provided those measures are implemented, we do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Should any permanent lighting be proposed as part of the project, or if it is expected that night time working will be required, we recommend that a lighting plan is submitted to the satisfaction of your authority. The Lighting Plan should include:
• Details of the siting and type of external lighting to be used
• Drawings setting out light spillage in key sensitive areas (no lighting near potential bat roosts)
• Details of lighting to be used both during construction and/or operation

Condition: No development or phase of development, including site clearance, with the potential to impact on invasive species, shall commence until a site wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site.

Provided these avoidance measures are implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range:

Please consult us again if the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site.

Designated Landscape
The development site lies within the Clwydian Range and Dee Valley AONB where the primary objective is the conservation and enhancement of natural beauty.

We note and support comments made by the Clwydian Range and Dee Valley AONB committee dated 26th July 2024, we have no further comments to make.

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

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

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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.