Ein cyf/Our ref: CAS-261756-P4B8
Eich cyf/Your ref: P/2024/1209

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 20 August 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: DYMCHWEL YR ANNEDD BRESENNOL A CHODI 8 O FFLATIAU GYDA LLEFYDD PARCIO A MYNEDFA CYSYLLTIEDIG / DEMOLITION OF EXISTING PROPERTY AND ERECTION OF 8 APARTMENTS WITH ASSOCIATED ACCESS AND PARKING

LLEOLIAD/LOCATION: 22 BRYN ESTYN ROAD, WREXHAM, LL13 9NB

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 31 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.

We also advise that further consideration is required regarding foul drainage. Further details are provided below.

Protected Species

Bats

We note that the ecology report submitted in support of the above application (Sambrook, R,. (2024). Update Preliminary Ecological appraisal and Green Infrastructure Statement: 22 Bryn Estyn Road, Wrexham. Sambrook Associates) explains that surveys carried out in 2017-2018 confirmed that a Common Pipistrelle maternity roost had been identified at the application site.

From the information submitted, we consider that the proposed development is likely to represent a higher risk for bats, as defined in our guidance document '*Natural Resources Wales Approach to Bats and Planning* (2015)'.

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 should be submitted to assess the extent of adverse effects on the bats and any avoidance or mitigation measures required. The submitted ecological report refers to bat survey information gathered approximately 6-7 years ago. We therefore advise that updated bat activity surveys are carried out in accordance with current guidelines in order to determine the presence/absence of bat species and the type of roost should any bats be detected. We also advise that appropriate mitigation and/compensation measures in line with the findings of the updated activity surveys are included with the bat survey report and submitted in support of this planning application. 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.

<u>Great Crested Newts</u>

We have reviewed the following information which has been submitted in support of the application: Sambrook, R,. (2024). Update Preliminary Ecological appraisal and Green Infrastructure Statement: 22 Bryn Estyn Road, Wrexham. Sambrook Associates

The information has identified that Great Crested Newts (GCN) are material to the application site.

Our records indicate that there is a known GCN breeding pond located approximately 317m away from the application site boundary.

Great Crested Newts (GCN) and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981. Where GCN 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 requirements set out in the legislation. A licence may only be authorised if:

i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
ii. There is no satisfactory alternative; and,
iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

To avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note 5 into account when considering development proposals where a European Protected Species is present.

Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the third test "demonstration of no detriment to the maintenance of the favourable conservation status of European protected species". We advise that before any consent is given, as informed by the provisions of Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) the LPA satisfy itself as to whether the scheme satisfies the other two tests, namely a relevant Habitats Regulations purpose and whether there is no satisfactory alternative to the proposal.

We consider that the above report provides an adequate basis upon which to consider the potential impacts of the scheme on this species and inform the decision-making process.

We consider that the 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 provided the measures set out in the submitted report are implemented.

Protected Sites and 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.

This application for the erection of a block of 8 apartments proposes connection of foul water to the mains sewer. Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine. However, we are satisfied that our concerns can be overcome by your Authority following our Advice specifically the section titled '*What does this mean for development proposals involving connection to public wastewater treatment works?*'

We therefore advise you to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity.

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.

Yn gywir / Yours faithfully,

Rachael Burke
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.