Ein cyf/Our ref: CAS-263775-Z6T0
Eich cyf/Your ref: P/2024/1174

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 09 September 2024

Dear Sir/Madam,

PROPOSAL: ERECTION OF COFFE 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) with additional information about the above, which we received on 04 September 2024.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the document identified below is included in the approved plans and documents condition on the decision notice:

- Tree Inspection; dated 23 August 2024; Indigo Surveys Ltd.

Please note, without the inclusion of this document, we would object to this planning application. Further details are provided below.

Protected Species

We note that the bat report submitted in support of the above application (Tree Inspection; dated 23 August 2024; Indigo Surveys Ltd.) acknowledges three trees as providing potential for bats (trees T10, T12 and T16). The proposals will include the removal of tree T12. Following inspection, trees T10 and T12 displayed no Potential Roost Features but support a single bat box each. No bat field signs were identified in the bat boxes. Tree T16 displayed several Potential Roost Features. Trees T10 and T16 are to be retained. However, the report recommends that measures are implemented to ensure that there is no change in lighting or disturbance around these trees during the development.

From the information submitted, we consider that the proposed development represents a lower 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).

As this is a lower risk case for bats, 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.

Furthermore, we advise that the proposed development is not likely to harm or disturb bats or their breeding sites and resting places at this site, provided the avoidance measures described in the bat report ('Recommendations', Section 5) are implemented.

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Section 5 of the bat report also outlines best practice measures with regards to bats and any external lighting proposals. We recommend these measures are appropriately secured in any future consent to the satisfaction of your Authority.

Please consult us again if any further information shows that this is no longer a lower risk case, or if trees T10 and T16 are no longer to be retained.

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

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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.