Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-263696-N4S6
Eich cyf/Your ref: P/2024/1313

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 30 September 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: SUBSTITUTION OF HOUSETYPES (ADDITIONAL 20 UNITS) TO INCREASE NUMBER OF DWELLINGS TO 209 WITH ASSOCIATED AMENDMENTS TO APPROVED LANDSCAPING

LLEOLIAD/LOCATION: TAN Y BONT, MAIN ROAD, OLD RHOSROBIN, RHOSROBIN, WREXHAM, LL11 4RL

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 03 September 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 consideration is also required regarding foul drainage. Further details are provided below.

Protected Species

Bats

We note that the ecological report submitted in support of the above application (Tan y Bont, Rhosrobin, Wrexham. Preliminary Ecological Appraisal. Cheshire Ecological Services. February 2021) has identified that bats are present at the application site.

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*".

Although the ecological report has been submitted, we advise that there is insufficient information to assess potential effects on bats, and how any effects will be avoided or mitigated.

As per our pre-application response (dated 21/02/2023, our ref. CAS-207537-S5G0), we continue to advise that further information 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.

We note from the ecological report that trees on site were visually assessed for their potential to be used by bats. However, no further detailed assessments were undertaken. We therefore advise that bat surveys are undertaken in accordance with published guidance, as recommended in Sections 5.22 and 6.0 of the ecological report.

Should any tree felling or management works be required to facilitate the development, a preliminary bat roost inspection for trees should be undertaken to assess their potential to support roosting bats. For any trees categorised as having moderate to high potential for supporting bats, further surveys (climbing inspections and/or activity surveys) should be completed in accordance with best practice. A detailed plan should be submitted with the planning application which outlines which trees require felling or pruning, and their potential to support roosting bats.

If the further surveys identify that bats are likely to be affected by the proposals, the submission should be accompanied by full details of all the mitigation that will be implemented to offset the anticipated impacts.

The mitigation scheme should focus on a pattern of onsite habitat retention and creation that seeks to retain, and preferably strengthen, connectivity with other suitable habitats for the species within the site to the wider landscape. The proposals should include details of the long-term management of the retained and enhanced habitats on site, and how this will be secured.

We advise that such mitigation is included in the proposed green space and for this area to be owned and managed by a body that accords with the definition of "responsible" under Part 7 of the Environment Act 2021.

The Landscape Management Plan (LMP) would need updating to include both species surveillance and management prescriptions. The LMP should clearly delineate land and habitat features that are to be retained, created and managed as nature conservation areas and provide clarity on their scale, location and nature.

In the meantime, we are unable to provide you with 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.

Great Crested Newt (GCN)

We note from Section 5.24 of the ecological report that the site contains habitats suitable for GCN, for example, woodland, scrub and semi-improved grassland. However, there are no ponds within 250m of the site and, as a result, GCN are unlikely to be present at the site. We also note from the report that '*GCN Reasonable Avoidance Measures (RAMs)*' have been recommended, which we welcome.

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.

This application for a housing development 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,

Rhys Jones
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.