Ein cyf/Our ref: CAS-265296-M3J4
Eich cyf/Your ref: P/2024/1293

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 15 October 2024

Dear Sir/Madam,

PROPOSAL: ERECTION OF NEW TRAINING FACILITY COMPRISING OF 2 NEW BUILDINGS AND 2 SHIPPING CONTAINERS

LOCATION: DARLAND SCHOOL AND SPORTS CENTRE, CHESTER ROAD, ROSSETT, WREXHAM, LL12 0DL

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 27 September 2024.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if conditions regarding protected species and biosecurity are attached to any planning permission granted and the document identified below is included in the approved plans and documents condition on the decision notice:

- Dennis, B. (2024). Wrexham Academy - Preliminary Ecological Appraisal. Tetra Tech.

Please note, without the inclusion of these conditions and this document, 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

Great Crested Newts

We have reviewed the following information which has been submitted in support of the application: Dennis, B. (2024). Wrexham Academy - Preliminary Ecological Appraisal. Tetra Tech.

The information has identified that Great Crested Newts (GCN) are material to the application site and there are known records from within 170m. The PEA report notes that

the development had already begun prior to the site visit but no grassland habitats, hedgerows, the adjacent ditch, or trees appear to have been permanently adversely impacted by the works.

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.

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.

However, we advise that further information is required to manage the potential impacts of the scheme on GCN. We would be content for this further information to be provided via a suitably worded condition. We therefore advise the following condition in respect of GCN is included on any permission granted.

Condition 1: No further development, including site clearance, shall commence until a Great Crested Newt (GCN) plan of reasonable avoidance measures has been submitted to and approved in writing by the Local Planning Authority. The plan of reasonable avoidance measures should include, but not necessarily be limited to:

- fence design, construction and maintenance (the erection of a one-way amphibian fence, prior to and throughout the duration of construction operations);
- fence design, construction and maintenance (the erection of amphibian proof fencing, prior to and throughout the duration of construction operations);
- proposals for the clearance of GCN from working areas; and
- details of timing, phasing and delivery of reasonable avoidance measures; and
- an enhancement scheme that includes the implementation of measures identified in Table 6 of the Preliminary Ecological Appraisal.

The plan of reasonable avoidance measures shall be carried out in accordance with the approved details.

Justification: To ensure that GCN are protected by the development.

Bats

We note that the Preliminary Ecological Appraisal submitted in support of the application has confirmed that no buildings are present within the site but several mature trees were noted as having potential roosting features. However, it has been confirmed that "*no trees have been or are due to be impacted as part of the works*." 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 Section 4 (Table 6) of the Preliminary Ecological Appraisal 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.

Please consult us again if any further information shows that this is no longer a lower risk case or if any of the trees are to be affected by the proposals.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We therefore advise that any subsequent planning consent includes the requirement for the submission of an appropriate Biosecurity Risk Assessment to the satisfaction of the Local Planning Authority.

We consider that this assessment must include:

(i) appropriate measures to control any INNS on site; and

(ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

Condition 2: No further development, including site clearance, shall commence until a Biosecurity Risk Assessment, and Method Statement that considers invasive non-native species and specific diseases (e.g., Chytrid) has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to prevent the introduction of and where present control, removal or for the long-term management of invasive species both during construction and operation. The risk assessment shall consider landscaping and other related plans. 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 prevent or control the spread and effective management of any invasive non-native species and listed diseases at the site.

Foul Drainage and 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 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.

Flood Risk

Our Flood Risk Map confirms the application site lies partially within Zone B of the Development Advice Maps (DAM) as contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls partially into Flood Zone 2 Rivers (Building 2 is partially within this flood zone).

Given the scale and nature of the proposed development (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development. Any design should ensure that Building 2's threshold and its contents are set at least a nominal distance above adjacent ground levels to afford added protection against flooding from any source.

In areas at risk of flooding, we recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels.

We refer the applicant to our website for further advice and guidance. Additional guidance including the leaflet "Prepare your Property for flooding" can be found here.

The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', here.

Wrexham County Borough Council drainage department in their capacity as lead local flood authority may be able to advise on any local problems in relation to surface water disposal and any associated flood risk.

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.