Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-269679-D7X5
Eich cyf/Your ref: P/2024/1313

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 12 December 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 additional information regarding the above, which we received on 29 November 2024.

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

- **Ground Level Assessment. Urban Green. 18 November 2024**
- **Tan y Bont, Rhosrobin, Wrexham. Preliminary Ecological Appraisal. Cheshire Ecological Services. February 2021**

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

**Protected Species**

*Bats*

We note that the bat report submitted in support of the above application (Ground Level Assessment by Urban Green, dated 18/11/2024) has identified that bats may be present at the application site. 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 the bats or their breeding sites and resting places at this site, provided the avoidance measures described in the bat report 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.

*Great Crested Newts (GCN)*

We have reviewed the following information which has been submitted in support of the application: Tan y Bont, Rhosrobin, Wrexham. Preliminary Ecological Appraisal. Cheshire Ecological Services. February 2021.

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

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

Therefore, we advise that the report is included in the approved list of plans / documents condition within the decision notice.

**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

E-bost/E-mail: northplanning@cyfoethnaturiolcymru.gov.uk

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.