Ein cyf/Our ref: CAS-271248-L1K5
Eich cyf/Your ref: P/2024/1674

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 16 January 2025

Dear Sir/Madam,

PROPOSAL: ERECTION OF INDUSTRIAL UNIT (CLASS B1/B8) INCLUDING PARKING PROVISION

LOCATION: BRYN Y PYS HOME FARM, WREXHAM ROAD, OVERTON, WREXHAM, LL13 0HG

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 20 December 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 sites – foul drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, condition regarding protected species should be attached to any planning permission granted and the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this condition and document we would object to this planning application.

Ecology Assessment Report, Home Farm, Overton, Wrexham, Reference KE24/071/1, dated 17th July 2024 by Kingdom Ecology

Protected Sites
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. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note from the information submitted that the development has the potential to increase the amount of nutrients being discharged from the site. As such, we refer you to our Advice and advise you to seek further information from the applicant. We advise you to seek further information as identified in the section titled *'Can additional wastewater be discharged to existing private sewage treatment systems?'* of that Advice.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine. 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.

Protected Species

We have reviewed the following information which has been submitted in support of the application (Ecology Assessment Report, Home Farm, Overton, Wrexham, Reference KE24/071/1, dated 17th July 2024 by Kingdom Ecology)

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

The ecology report identified 3 ponds within 250m of the site boundary. During egg searches of ponds undertaken on the 17th April 2024, pond 1 (within 50m of the development boundary) was identified to have GCN eggs present.

Habitat on the development site has been identified as having potential for GCN including areas of tall herb habitat, bramble, and beneath stored farm materials and the stone wall running along the site boundary. Given the proximity to pond 1 the report has concluded a reasonable likelihood that GCN could use the habitat within the fringes of the development site.

We therefore welcome the developments principle mitigation proposals to minimise impact to Great Crested Newt by phasing the removal of vegetation, and utilising one way amphibian fencing, whilst relocating any encountered newts to suitable habitat. We further welcome the creation of a Great Crested Newt mitigation area, including 2 hibernacula.

The proposal has the potential to kill, injure, disturb GCN, or damage or destroy their breeding sites and resting places. 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 compliance with the 3rd 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.

Whilst we consider that the above report provides an adequate basis upon which to consider the potential impacts of the scheme on this species. We advise the report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted to ensure that the proposed mitigation is implemented.

In addition, in order to secure further detail on the mitigation proposals, we advise that any subsequent consent is subject to the imposition of the following planning condition included on the decision notice.

We therefore advise the following condition in respect of GCN is included on any permission granted.

Condition: No development including site clearance, shall commence until a Great Crested Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should build upon the principles outlined in the ecology report and include, but not necessarily be limited to:

- Build upon the principles outlined in *Ecology Assessment Report, Home Farm, Overton, Wrexham, Reference KE24/071/1, dated 17th July 2024 by Kingdom Ecology*
- Submission of detailed great crested newt/amphibian avoidance and mitigation measures. The details to include identified Reasonable Avoidance Measures (RAMS) such as barrier fencing; and measures to be carried that ensure working areas are clear of newts prior to the commencement of construction and related work
- Submission of details concerning retained and compensation areas including management plan that considers initial aftercare and long-term maintenance
- Details of timing, phasing and duration of construction activities and conservation measures
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development
- Ecological Compliance Audit, including key performance indicators
- Persons responsible for implementing the works

- Biosecurity relating to invasive non native species (INNS) and diseases
- Details of measures to prevent or reduce incidental capture or killing

The Conservation Plan shall be carried out in accordance with the approved details.

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

We also advise that the works are carried out under licence. We refer you to the Chief Planning Officer's letter dated 1 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Please note that any changes to proposals between planning consent and the licence application may affect the outcome of a licence application.

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,

Ruth Prichard
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.