Ein cyf/Our ref: CAS-273270-M5D1
Eich cyf/Your ref: P/2024/1661

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 11 February 2025

Dear Sir/Madam,

PROPOSAL: DEMOLITION OF EXISTING BUILDING AND ERECTION OF DWELLING WITH ASSOCIATED ACCESS AND PARKING

LOCATION: LAND AT GARDEN HOUSE, ERBISTOCK, WREXHAM, LL13 0DL

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 24 January 2025.

We continue to have concerns with the application as submitted. To overcome these concerns, further consideration is required regarding foul drainage. 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. Without the inclusion of this condition we would object to this planning application.

Protected Sites

River Dee and Bala Lake Special Area of Conservation (SAC)

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 proposal demolition and erection of dwelling with associated access and parking and that there is an existing soakaway that will be utilised. We refer you to our Advice and the section titled 'Can additional wastewater be discharged to existing private sewage treatment systems?' of that advice.

Ultimately it is a matter of judgment for you, as Competent Authority, to satisfy yourselves that the proposed development will not result in a significant effect on the SAC.

Construction impacts

The application is located 50m from the River Dee and Bala Lake SAC. However, the Design and Access Statement confirms: "*Much of the site is not included in the area of works, ensuring preservation of the walled garden, the greenhouse (within the walled garden), the cold frames and all ponds on the wider site. The red line boundary is therefore restricted to a select area of the site, with the remainder of the wider site not forming part of the development proposals".* Therefore, we consider the construction phase is not likely to have a significant effect on the SAC.

Our advice may change should modifications be made to the proposed development prior to the determination of the application. If there are any changes to the proposed development which may affect the consideration of potential environmental impacts, please consult us again before you determine the application.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), it is for your Authority to carry out the test of Likely Significant Effects for the proposed development. Should you conclude that the proposal is likely to have a significant effect on a SAC/SPA/Ramsar site, either alone or in combination with other plans or projects, an appropriate assessment must be made on the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify.

Site of Special Scientific Interest

NRW consider the proposals have the potential to impact upon the River Dee SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

Protected Species

Bats

We note that the ecological report submitted in support of the above application (Sambrook, R. (2024). Bat and GCN Appraisal: Garden House, Erbistock. Sambrook Associates Limited) has identified that bats are present at the application site. From the information submitted, we consider that the proposed development represents a higher 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).

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 condition suggested below will be attached to any planning permission for this scheme.

Provided those avoidance measures are implemented, we consider that the proposed 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:

Please consult us again if the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site.

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

Great Crested Newts (GCN)

We have reviewed the following information which has been submitted in support of the application (Sambrook, R. (2024). Bat and GCN Appraisal: Garden House, Erbistock. Sambrook Associates Limited).

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

Section 4.3.6 of the above mentioned report states: "*the two on-site ponds within the site proved to be positive for GCN through eDNA testing. It is assumed both ponds are GCN breeding ponds."*

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 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.

Whilst we consider that the above report provides an adequate basis upon which to consider the potential impacts of the scheme on this species, aspects of the proposed scheme will require further development. However, this further information can be provided via a suitably worded condition, included on the decision notice.

We therefore advise the below condition in respect of protected species (bats and GCN) is included on any permission granted.

Condition 1: No development shall commence until a species Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall build upon the principles outlined in the ecological report (Sambrook, R. (2024). Bat and GCN Appraisal: Garden House, Erbistock. Sambrook Associates Limited) and include, but not necessarily be limited to:

- Submission of further details including plans of bat roost retention or compensation measures for each of the species of bat recorded roosting at the application site
- The submission (to include proposed timescales and reporting requirements) of further details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to:
  - fence specifications, locations, construction and maintenance (one-way amphibian fence, prior to and throughout the duration of construction operations)
  - consideration of access issues (including PROW if applicable)
  - monitoring and maintenance requirements and supervised removal. The detail of habitat retention, enhancement and creation proposals associated with terrestrial and aquatic habitats. Details to include plans and timescales
- The submission of a long-term site management plan that includes:
  - defined aims and objectives (including defined key performance indicators for long term monitoring)
  - details of short and long-term habitat management prescriptions to both achieve and maintain the desired condition
  - details of monitoring methodologies
  - details of scheduling and timings of activities
  - contingency measures if fish or invasive non-native species (INNS) are detected
  - licensing requirements for management surveillance and other defined activities
- Details of timing, phasing and duration of construction activities and conservation measures
- Timetable for implementation and demonstrating that works are aligned with the proposed phasing of the development
- Measures to prevent incidental capture or killing of bats and GCN post development
- Persons responsible for implementing the works
- Biosecurity measures
- Post-construction monitoring and record dissemination for a period of not less than 5 years
- The submission of an external lighting scheme including plans. This scheme shall consider existing and proposed lighting together with any spillage originating from internal locations. This component requirement shall include
  - Details of lighting to be used during and post construction
  - Plans illustrating the location and type of lighting

- Plans illustrating projected or retained bat emergence points; together with retained or proposed features planned to be functionally used by bats for foraging/dispersal purposes

- Provisions of the scheme shall accord with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/23: Bats and Artificial Lighting at Night

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

Justification: To ensure that an approved species Conservation Plan is implemented, which protects species affected by the development.

We have no objection to the conservation plan including other species considered by the LPA to be material to the planning decision making process

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 01 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

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.