Ein cyf/Our ref: CAS-272990-M1S4
Eich cyf/Your ref: P/2024/1167

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 14 February 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Newid defnydd tir i drac amaethyddol / llwybr cwn 2m / Change of use of land to 2m agricultural track / dog trail

LLEOLIAD/LOCATION: Land at Rossett Road, Commonwood, Holt, LL12 0BN

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the additional information for the above, which we received on 21 January 2025.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted:

- **Condition 1: Protected Species**

We also advise that based on the information submitted to date, the documents identified below should be included in the approved plans and documents condition on the decision notice:

- **Site Access Visibility and Car Park Area, drawing ref P24092-001B dated 28/11/24 (within Appendix B of the Highways Note, ref P24092/HN)**
- **Howard, J. (2025), Preliminary Ecological Appraisal At Lower Park Farm Parkside Rossett Wrexham LL12 0BN, UES, Reference: UES04733/01**
- **Howard, J. (2025), Great Crested Newt Impact Assessment at Lower Park Farm Parkside Rossett Wrexham LL12 0BN, UES, Reference: UES04733/01**

Without the inclusion of this condition and documents we would object to this planning application.

Protected Species

We have reviewed the following information which has been submitted in support of the application:

- Howard, J. (2025), Preliminary Ecological Appraisal At Lower Park Farm Parkside Rossett Wrexham LL12 0BN, UES, Reference: UES04733/01
- Howard, J. (2025), Great Crested Newt Impact Assessment at Lower Park Farm Parkside Rossett Wrexham LL12 0BN, UES, Reference: UES04733/01

The information has identified that great crested newts (GCN) are material to the application site.

Our records indicate that GCN have been recorded within approximately 120m of the application site.

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 reports provide an adequate basis upon which to consider the potential impacts of the scheme on GCN, 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.

As the development is completed and already in use we advise that the following condition in respect of GCN is included on any planning permission granted and the information should be submitted within 3 months of determination.

Condition: Within 3 months of the determination of this application, a Great Crested Newt Management Plan must be submitted to and approved in writing by the Local Planning Authority. The Management Plan should build upon the principles outlined in the Great Crested Newt Impact Assessment and include, but not necessarily be limited to:

- Further details concerning management prescriptions
- Post construction monitoring plan
- Details regarding biosecurity measures

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

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

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. We refer you in particular to the section of our Advice titled '*What does this mean for agricultural developments?*'

The Proposed Site Plan (Drawing Number 2767.P1; dated August 2023) shows a "*cattle feeding area*" to be used as a car park for the "tail trail", a store for silage bales and a feeding area for cattle. Our records indicate that there is a watercourse (which leads to the River Dee) within 10 metres of this area.

In our previous response dated 01/10/2025 (reference CAS-264354-B0L7) we advised that we consider bale-wrapped grass / green fodder to be baled silage (as defined in the following regulations) and therefore it should not be stored within 10m of a watercourse. The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 state installations should not be constructed, and silage/slurry must not be stored, within 10 metres of any inland freshwater or coastal water.

We note from the agent's email dated 20/01/2025 and the drawing (P24092-001B dated 28/11/24) included within the submitted Highways Note (Highways Note, Rossett Park Farm, reference P24092/HN, dated January 2025) that the wrapped bale storage area is now located over 10m away from the watercourse. We therefore have no remaining concerns over the proposed storage area for the wrapped bales.

We advise that the Drawing Number 2767.P1; dated August 2023 should be labelled as superseded for the avoidance of doubt and that the updated drawing P24092-001B dated 28/11/24 should be included in the approved plans and documents condition of the decision notice.

In consideration of the above, provided that you are able to conclude that the development is not likely to have a significant effect on the SAC, we have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, 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

The planning application proposes less vulnerable development. Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (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 Zones 2 and 3 (Rivers).

Given the 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.

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. We refer the applicant to our website for further advice and guidance.

Flood Risk Activity Permit

The designated main river 'Daisy Lane Drain' is within 5m of the western boundary of the application site. In our previous response dated 01/10/2025 (reference CAS-264354-B0L7) we advised that further information should be submitted to demonstrate that the main river watercourse corridor has not been compromised along the western boundary of the application site.

We note the submission of drone footage (Drone Video West Boundary) to confirm this and have no further concerns in relation to the completed works affecting the main river.

However, please advise the applicant that prior to carrying out any future works within the vicinity of a main river, they should seek further guidance relating to the Environmental Permitting Regulations (2016).

The Environmental Permitting Regulations (2016) require that a bespoke Flood Risk Activity Permit is obtained for any works or structures located in, under, over or within 8 metres of the bank top of the Daisy Lane Drain, a designated "main river". Further advice and guidance is available on our website at:

http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en

The footbridge that has been constructed appears to cross an ordinary watercourse. Any works affecting an ordinary watercourse may require an Ordinary Watercourse Consent from the relevant Lead Local Flood Authority (LLFA). We therefore advise that you discuss this matter with the LLFA.

Groundwater

The application site is within Source Protection Zone (SPZ) 3. Pollution prevention measures should therefore be adhered to during any construction work: guidance-for-pollution-prevention-1-2022-update.pdf (netregs.org.uk).

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,

Rachael Burke
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.