



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-278535-N5B2
Eich cyf/Your ref: P/2023/0050

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Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

29/04/2025

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: RESIDENTIAL DEVELOPMENT OF 96 NO. DWELLINGS AND ASSOCIATED INFRASTRUCTURE

LLEOLIAD / LOCATION: LAND AT STANSTY FIELDS, MOLD ROAD, STANSTY, WREXHAM, LL11 4AX

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 09/04/2025.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, further consideration is required regarding foul drainage, and you should seek further information from the applicant regarding protected species. 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, conditions regarding protected species should be attached to any planning permission. Without the inclusion of these conditions we would object to this planning application.

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.

The proposed development could potentially lead to an increase of phosphorus load from the receiving wastewater treatment works into the River Dee and Bala Lake Special Area of

Conservation. The majority of the River Dee catchment in Wales is currently failing to meet water quality targets for phosphorus. The nutrient impacts of new connections need to be considered on a case-by-case basis within the Habitats Regulations Assessment process. Whilst NRW permitting service has completed a Review of Water Company Discharge Permits we are currently undertaking further data analysis for the River Dee following a number of enquiries and questions from stakeholders and several ongoing Appeals. We will be able to provide further advice to your Authority once we have concluded the review.

Protected Species

Bats

We note that the Preliminary Ecological Appraisal (PEA) submitted in support of the above application (Ascerta, March 2022) has identified that there is a possibility of bats being 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)*'. However, we advise that the bat report has insufficient information to assess the need for avoidance / mitigation measures.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats 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 tests set out in the Regulations (please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to "*demonstration of no detriment to the maintenance of the favourable conservation status of European protected species*".

However, we advise that further information is required to assess the extent of adverse effects on the bats and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

It is not clear from the plans as to the actual location of the trees categorised as having low suitability for bats. Details on whether or not they would be felled or pruned to accommodate the development should be provided. If any of these tree are to be felled, then we would expect details showing appropriate soft felling proposals to be submitted.

In the meantime, we are unable to give you any assurance that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Great Crested Newts (GCN)

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

- Kenyon, E. (2025). Great Crested Newt Mitigation Strategy: land at Mold Road, Gwersyllt. Ascerta. (Unpublished report No. P.1626.22)
- Waldron, S. (2025). Landscape and Ecological Management Plan Land at Mold Road, Gwersyllt. Ascerta. (Unpublished report No. P.1626.25)

The information has identified that great crested newts (GCN) are material to 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 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 following conditions and obligation in respect of GCN is included on any permission granted.

Condition 1: No development, including site clearance, shall commence until a Great Crested Newt (GCN) 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 Great Crested Newt Mitigation Plan and include, but not necessarily be limited to:

- 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)
 - considerations 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 (not less than 25 years) that includes:
 - defined aims and objectives (including defined key performance indicators for long term monitoring indicators)
 - details of short and long-term habitat management prescriptions to both achieve and maintain the desired condition
 - details of monitoring methodologies for species
 - details of scheduling and timings of activities
 - contingency measures if fish or invasive non-native species (INNS) are detected
 - current and any proposed changes to the freehold tenure of the compensation area (tenure of the ecology and heritage area to be approved by the Local Planning Authority)
 - persons or bodies responsible for undertaking management and surveillance together with required skills and competencies
 - site liaison and wardening
 - licensing requirements
 - biosecurity measures which consider invasive non-native species and specific diseases (e.g., Chytrid) to prevent the introduction of and where present control, removal or for the long-term management of invasive species both during construction and operation.
 - details of reporting, review and update of the plan (informed by monitoring) at specific intervals as agreed
- The submission of detailed measures including plans designed to prevent the accidental capture/killing of GCN during operational phases of the scheme (including the installation and maintenance of an amphibian-friendly surface water management system that does not include gully pots (or other similar features)).
- Details of timing, phasing and duration of construction activities and conservation measures.
- Post-construction monitoring and record dissemination for a period of not less than 25 years. Methodology shall include annual GCN abundance counts and Habitat Suitability Index (HSI) assessments. All ponds (including SuDS water bodies) to be added to the

Wales GCN Monitoring Scheme, with individuals/bodies being identified as being responsible for monitoring and reporting works.

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

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

Condition 2 : No 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 and associated Method Statement shall be carried out in accordance with the approved details

Reason: 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.

Planning Obligation: A Planning Obligation Section 106 Agreement (will be required. We advise that in respect of any such agreement, provisions relating to ecology include

- defined commuted sum and/or requirement for index linked ground rent service charges to include ecological management, surveillance and wardening in perpetuity (a costed management plan will be required to inform costings)
- identification of relevant land to be subject to the planning obligation and be managed for biodiversity
- delivery of management
- regular liaison meetings
- management plan review, at minimum 5 years
- transfer freehold ownership of the defined Ecology Area to a body that accords with the definition of “responsible” under Part 7 of the Environment Act 2021 [e.g., an appropriate body that is approved by the Local Planning Authority] before the construction and occupation of the 70th dwelling
- Tenure and any proposed changes to tenure shall be carried to the satisfaction of the LPA in consultation with NRW

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.

Yn gywir / Yours faithfully,

Garmon Lewis

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales