

Ein cyf/Our ref: CAS-264654-P3V3
Eich cyf/Your ref: P/2023/0186

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 02 October 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Codi 45 annedd, mynediad cysylltiedig, tirlunio ac isadeiledd ategol / erection of 45 dwellings, associated access, landscaping and supporting infrastructure

LLEOLIAD/LOCATION: Land Off, St Marys Avenue, Overton, Wrexham, LL13 0ES

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the additional information for the above, which we received on 17 September 2024.

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, 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 granted. Without the inclusion of these conditions we would object to this planning application.

We also have concerns regarding foul drainage. To overcome these concerns, further consideration is required regarding foul drainage. Further details are provided below.

Protected Species

Great Crested Newt (GCN)

The updated ecological report (Stirling, P., September 2024, Ecological Impact Assessment, Arbor Vitae Environment Ltd) advises that two of the ponds within 500m of the site were not accessible and limited / no surveys of the other ponds in the area were undertaken. Consequently, we consider there to be uncertainty in respect of the presence of GCN within the application site.

We have been informed by the LPA Ecologist via email dated 18/09/24 that until approximately 3-4 years ago there was a pond within the application site and that this appears to have been infilled. We note that the updated report does not consider the implications of the recent pond loss on the favourable conservation status of GCN nor that the surrounding area is noted as an Important Area for Ponds in Wales (A preliminary assessment of Important Areas for Ponds (IAPs), April 2007, Pond Conservation & Countryside Council for Wales).

In consideration of the above, we would therefore advise that a precautionary conservation scheme, is submitted to your authority for the purposes of demonstrating no detriment to the maintenance of the favourable conservation status of the species concerned in its natural range.

Condition 1: No development, including site clearance, shall commence until a site-wide 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 ecological report (Stirling, P., September 2024, Ecological Impact Assessment, Arbor Vitae Environment Ltd) and include:

- A plan showing the areas and extent of habitat to be lost, retained and re-created. Details shall include location, access, terrestrial and aquatic habitat provision and be of an appropriate scale
- Details of protective measures to be taken to minimise the impacts
- Management plan for retained or created habitats including aims, management prescriptions, tenure and long-term funding mechanisms [the latter two could be included as component provisions of an appropriate planning obligation];
- Details of SuDS water feature management in the event of GCN being recorded
- 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
- Actions to be taken in the event that previously unidentified species are found
- Persons responsible for implementing the works
- Details of measures to prevent or reduce incidental capture or killing

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

Bats

We note that the ecological report submitted in support of the above application (Stirling, P., September 2024, Ecological Impact Assessment, Arbor Vitae Environment Ltd) has identified that bats are likely to be present at the application site (foraging and commuting). From the information submitted, we consider that the proposed development is likely to represent 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). 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”.

Section 5.2 of the updated report refers to drawing “1522-sit-P01 rev P”. We note that a lighting strategy has also been submitted (reference: SHD1284-SHD-HLG-MARY-DR-EO-Lighting Layout-R0, S38 Street Lighting Design, dated 06/12/23). There are several areas of overlap between the Isolux contours on the lighting strategy and areas denoted as being within the dark corridor on drawing “1522-sit-P01 rev P”. Section 7 of the ecological report also states that a Wildlife Sensitive Lighting Plan will be designed for the site. However, it is not clear whether this refers to drawing “SHD1284-SHD-HLG-MARY-DR-EO-Lighting Layout-R0” or if a separate document is to be submitted. The drawing only refers to streetlighting, so does not include potential light spill from the houses closest to the proposed dark corridor. We therefore advise that drawing “SHD1284-SHD-HLG-MARY-DR-EO-Lighting Layout-R0” should be reviewed and amended proposals submitted to demonstrate no encroachment of light spill from streetlighting and dwellings into the proposed dark corridor, and clarification provided on whether this drawing constitutes the Wildlife Sensitive Lighting Plan.

Section 5.2 of the report also states that “All hedgerow and trees will be retained at the site, except for a Maple, identified as T7”. However, Section 7 of the report refers to the potential removal of the mature oak (T8) in the north-eastern area of the site but the submitted Arboricultural Impact Assessment & Method Statement (reference: 23/AIA/WXM/316, Revision A, Tree Solutions August 2024) states that no works are proposed to the mature oak (T8). Section 7 of the report states that the mature oak tree on the site will be surveyed for bats if felling is required. We concur with this assessment and advise that this is secured through a suitably worded condition:

Condition 2: No tree felling with the potential to impact on bats, shall commence until a pre-construction bat survey has been carried out. If the survey confirms the presence of bats, the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

Justification: To ensure the potential presence of bats is confirmed prior to felling of trees and where necessary remedial measures are implemented for their protection.

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. However, we advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site and, therefore, we advise that all avoidance and mitigation measures described in the bat report must be undertaken.

Please consult us again if any further information shows that this is no longer a lower risk case.

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.

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.

This application for the erection of 45 dwellings 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,

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.