

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

12/05/2023

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: 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 / Natural Resources Wales about the above, which we received on 12/04/2023.

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 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, a condition regarding protected species (GCN) 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.

Document: Arbor Vitae (December 2022) Ecological Impact Assessment; Land At Overton-On-Dee.

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). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (July 2022), under the Habitats Regulations, Planning Authorities must consider the phosphorus 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.

This application for the erection of 45 dwellings proposes connection of foul water to the mains sewer. The information set out in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' has been submitted with the application.

Your Authority will need 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. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

We note the submission of a report titled Phosphate Budget for a Proposed Development (ASAS, June 2023). Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

Protected Species

Great Crested Newt (GCN)

The submitted ecological report (Arbor Vitae, December 2022) advises that 2 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 issues in respect of GCN. With regards to the limitations, 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 at a favourable conservation status in its natural range.

Condition - No development, including site clearance, shall commence until site wide GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include:

- Build upon the principles outlined in ecological report (Arbor Vitae, December 2022).
- A plan showing areas and extent of habitat to be lost, retained and re-created. Details shall include location, access 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 the long term;
- 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 event previously unidentified species are found
- Ecological Compliance Audit, including key performance indicators
- 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 bat report submitted in support of the above application (Arbor Vitae, Decemner 2022. Preliminary Ecological Appraisal) 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.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017. 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".

The report advises that the mature oak tree on the site will be surveyed for bats if felling is required. We concur with this assessment. The report also advises that a condition in relation to lighting is also required. We note the proposed mitigation (section 6.2) details the lighting requirements, which are satisfactory.

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.

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

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.

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