

Ein cyf/Our ref: CAS-267595-X2J2  
Eich cyf/Your ref: P/2023/0186

Wrexham County Borough Council  
The Guildhall  
Wrexham  
LL11 1AY

Date: 20 November 2024

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 31 October 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, a condition regarding protected species 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.**

**Approved document: Stirling, P., 23/10/24, Amphibian Conservation Plan, Abor Vitae Environment Ltd**

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

**We also advise that 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).

We note the submission of the Amphibian Conservation Plan (Stirling, P., 23/10/24, Amphibian Conservation Plan, Arbor Vitae Environment Ltd) in response to our previous advice that a site-wide GCN Conservation Plan should be submitted. The submitted plan addresses a number of our concerns. However, there is still insufficient information regarding the long-term management, tenure and funding in relation to the wildlife pond and hibernacula.

We consider the submitted proposals could demonstrate that they are not likely to be detrimental to the maintenance of the favourable conservation status of GCN, provided any subsequent consent is subject to the provisions of a planning condition and planning obligation as noted below.

Condition 1: No development including site clearance, shall commence until a long-term Ecological Management Plan (EMP) for the provision, management and maintenance of the ecological features at the site has been submitted to and approved by the Local Planning Authority. The Plan should build upon the principles outlined in the Ecological Impact Assessment and the Amphibian Conservation Plan and include, but not necessarily be limited to:

- defined aims and objectives in respect of GCN (including defined key performance indicators for long-term monitoring)
- details of habitats to be retained, created or enhanced, both in written form and shown on appropriate drawings, including planting plans.
- details of short and long-term habitat management prescriptions to both achieve and maintain the desired condition
- details of monitoring methodologies and reporting of surveillance results through the online Wales GCN Monitoring Scheme
- details of scheduling and timings of activities
- contingency measures if fish and/or invasive non-native species (INNS) are detected
- persons or bodies responsible for undertaking management and surveillance together with required skills and competencies
- site liaison and wardening
- licensing requirements [for management surveillance and other defined activities]

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

Planning Obligation: A Planning Obligation Section 106 Agreement (as opposed to a Unilateral Undertaking) 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 occupation of the [number dwelling / unit]
- Tenure and any proposed changes to tenure shall be carried to the satisfaction of the LPA in consultation with NRW. This to be completed before the occupation of the construction and occupation of the 34<sup>th</sup> dwelling

### 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 and 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.

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.