Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-281755-B1G2
Eich cyf/Your ref: P/2025/0427

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 16 June 2025

Dear Sir/Madam,

PROPOSAL: OUTLINE APPLICATION FOR ERECTION OF UP TO 900 DWELLINGS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED)

LOCATION: LAND AT ERLAS PARK, CEFN ROAD, WREXHAM, LL13 9TT

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 30 May 2025.

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 protected species, ornithology, and protected sites / 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, conditions regarding protected species and a Construction Environmental Management Plan should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.

Protected Species

We note that no further ecological information appears to have been submitted since our response to the statutory pre-application consultation (dated 02 May 2024, ref. CAS-253025-Z8M6). Our previous advice therefore remains valid, as follows.

<u>Great Crested Newts (GCN)</u>

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

- Ecological Assessment; Cefn Park, Wrexham; 8 February 2022; Tyler Grange; TG Report No. 13539_R02a_DM_NC

- Ecological Impact Assessment; 27 March 2024; Tyler Grange; TG Report No. 13539_R05b_EG)
- GCN Survey Plan; February 2024; Tyler Grange

The information has identified that 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 at this site. 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 only.

As advised in our pre-application consultation response, we consider that the submission is insufficient for the purposes of demonstrating that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of GCN. We therefore maintain our advice that additional information should be submitted, as explained below.

The surveys confirmed GCN presence in the on-site pond (Pond 6) and three ponds (Ponds 3, 4 and 5) to the north of the site. Detailed survey results for GCN are presented in Appendix 3 and shown on Plan 13539/P. We also hold records of GCN in Ponds 2, 4 and 5. The surveys were undertaken on one occasion between 17 - 18 May 2021. In our view, this date is too late to reliably assess GCN abundance at the site. The GCN survey data is therefore considered to be inadequate for the purposes of assessing GCN population size.

There is no consideration of current conservation status (CCS) or favourable conservation status (FCS) of GCN. The site layout could create barriers between one sub-population and others at Erlas House, but there is no reference to the importance of the GCN population in the environs or potential GCN habitat loss.

No dedicated GCN conservation area is proposed. We advise that a component of the overall development area should include a dedicated amphibian conservation area, including water body creation as a component measure to demonstrate no detriment to the maintenance of the FCS of the GCN population. Any SuDS management is likely to be materially informed in the future by EPS licensing requirements. We advise that

approximately 50% of the 'Indicative proposed SuDS' zone as shown on the Strategic Master Plan (Tetra Tech Manchester; dated March 2024; ref: B024030) is designed and specifically managed for dedicated GCN conservation purposes.

We advise that the scope of any proposed GCN Management Plan should include:

- defined aims and objectives (including targets that can be used as key performance indicators for monitoring purposes);
- habitat management prescriptions for aquatic and terrestrial habitats;
- appropriate GCN reasonable avoidance measures;
- contingency prescriptions if fish and/or invasive non-native species (INNS) are detected;
- site liaison, wardening, incident reporting and response arrangements;
- detail of the skills and competencies required by those undertaking the works or activities including whether they require European Protected Species licenses for the activities proposed;
- financial resource provision;
- contingency measures that are capable of being implemented in the event of failure to undertake or appropriately implement / correct management or surveillance prescriptions including any required actions arising from unforeseen situations;
- current and proposed changes to tenure of the ecology area (freehold tenure of the ecology area to be approved by the discharging Authority in consultation with Natural Resources Wales) to ensure appropriate control over the land is established and the effective targeted delivery of long-term actions; and
- provision for periodic review of the Management Plan.

No apparent consideration has been given to the incidental capture or killing of GCN in roadside gully-pots. We advise that further consideration is given to the construction of amphibian-friendly surface water management systems that do not include gully-pots, particularly in respect of all roads within 250m of a pond where GCN has been recorded and between Pond 6 and Ponds 2-7.

We also advise that further information should be submitted with the planning application to address the following GCN monitoring components:

- Post-construction monitoring and record dissemination for a period of not less than 25 years. All ponds to be added to the Wales Great Crested Newt Monitoring Scheme, (see https://www.cofnod.org.uk/LinkInfo?ID=7
- Post-construction monitoring plan. Monitoring plan to include:
    - methodology: The Wales Great Crested Newt Monitoring Scheme shall be used with surveys being carried out on an [annual] basis;
    - duration: Not less than 25 years;
    - surveys shall include abundance counts and habitat quality assessments using Habitat Suitability Index (HSI) scores;
    - identification of individuals/bodies being responsible for monitoring and reporting survey results; and
    - each water body [within an identified and dedicated GCN conservation area and within separate SUDS Ponds] shall be individually numbered on site.

We therefore advise that a revised report/mitigation plan is submitted to address the above matters prior to determination, to inform the decision-making process. The submission must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of GCN at a favourable conservation status in its natural range.

Planning Obligation

We also suggest that any future consent is subject to a planning obligation (Section 106 Agreement/Unilateral Undertaking). We would welcome the following provisions in respect of protected species:

- defined commuted sum and/or requirement for index linked ground rent service charges to include ecological surveillance, management and wardening in perpetuity [*costed management plan is required to inform costings];*
- [Annual / biennial] liaison meetings;
- production of annual newsletter reporting on ecological works;
- tenure and any proposed changes to tenure shall be carried out to the satisfaction of the LPA in consultation with NRW (to be materially informed and to accord with the definition of a "responsible" body under Part 7 of the Environment Act 2021); and
- restrictions on the occupation of the Second Phase of the development until all identified long-term actions including changes to tenure of ecology areas have been implemented to the satisfaction of the LPA.

Bats

We note that the Ecology Appendix (7.10: Bat Survey) accompanying the Ecological Assessment (undated) submitted in support of the application has identified that bats are present at the application site (lesser horseshoe and noctule). We maintain our pre-application advice that insufficient information has been submitted to assess the need for avoidance / mitigation measures in relation to bats.

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*".

The Ecological Assessment states: "*The wider site offers roosting potential for bats within the trees and in the buildings associated with the rugby club. Further surveys will be needed to assess the potential of these habitats and possible further once a plan showing loss is generated*." The Bat Results Plan (February 2024; Tyler Grange) also refers to surveys to be completed in the 2024 season (to be added to the ES Addendum) and the Ecological Impact Assessment (dated 27 March 2024; Tyler Grange; TG Report No. 13539_R05b_EG) confirms: "*Some ongoing survey / ecological assessment work is being undertaken in the spring of 2024*". We concur with this approach.

However, this information has not been submitted with the planning application. We therefore advise that the above information should be submitted to enable the extent of adverse effects on bats and any avoidance or mitigation measures required, to be assessed. 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.

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 populations of bat species concerned at a favourable conservation status in their natural range.

Ornithology

We maintain our pre-application advice that further detail should be provided in Section 3.36 of the Ecological Impact Assessment in relation to the results of the desk top survey to determine which general and species-specific bird surveys are required. Section 3.36 states that "*some habitat does exist for nesting Hobby Falco subbuteo*." However, hobby is not considered further within the report. Likewise, the site contains habitat to support breeding/foraging barn owls (*Tyto alba*), but no assessment appears to have been undertaken for this species.

Hobby and barn owl are listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended); the birds, their nests, eggs and young are fully protected at all times throughout the UK. It is also an offence to intentionally or recklessly disturb them at an active nest site with eggs or young or before eggs are laid, or to disturb the dependent young.

We therefore maintain our pre-application advice that the planning application should consider the potential for barn owl and hobby to be nesting on the site and include appropriate avoidance/mitigation measures, if applicable.

We note that additional bird surveys are to be undertaken in 2024; the results of these surveys have not been included in the planning application so we are unable to comment further on them.

Section 4.34 of the Ecological Impact Assessment states: "*Development within the additional arable fields within the site in later phases would ultimately remove habitat which is known to support breeding lapwing*". However, the recommendations made in Section 4.34 are generic enhancement measures to enable the scheme to deliver net benefit for biodiversity. We do not consider that the implementation of these alone would represent adequate mitigation/compensation for the loss of three pairs of breeding lapwing: a Section 7 species of Principal Importance under the Environment (Wales) Act, 2016.

Our pre-application advice to the applicant to consider securing and/or managing suitable areas of land for breeding lapwing or, for example, commuted sums to organisations towards lapwing conservation in the region is therefore maintained and we advise that further information is submitted regarding this.

Construction Environmental Management Plan (CEMP)

Given the scale and nature of the proposals, we would advise you to include the following condition on any planning permission granted for the proposals.

Condition: No development or phase of development, including site clearance, shall commence until a site-wide or phased Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas,

appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures. The Biosecurity Risk Assessment / Method Statement should consider invasive non-native species and specific diseases (e.g., Chytrid). 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.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development or phase of development or specified activity and implemented for the protection of the environment during construction.

Protected Sites – Foul Drainage

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 (SAC). 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.

We note the applicants have submitted a Phosphate Mitigation Strategy Assessment For Harworth Estates Property Group dated 30 January 2025; Hydrock (ref: 17232HYD-XX-XX-RP-C-5001).

Our current focus for reducing nutrient losses from land is on compliance with the Control of Agricultural Pollution Regulations. The general principle is that reductions in phosphorus losses delivered by statutory regulatory requirements should contribute to SAC restoration and not be used to deliver river 'headroom' for use as development mitigation. The Dee Nutrient Management Board is however looking at other land use mitigation options that will be published through their developing Nutrient Management Plan.

More widely, we are reviewing our planning advice following an evaluation of our recent Review of Permits, release of our 2024 water quality Compliance Assessment and consideration of associated issues raised. In recognition of the potential constraints associated with new connections to Five Fords and other Wastewater Treatment Works in the lower Dee, we are seeking, in collaboration with Planning Authorities and Dŵr Cymru Welsh Water, to undertake a strategic Habitats Regulations Assessment that would aid decision making for planning proposals in the area. While this will not provide an immediate solution, the aim is it will enable a more informed and efficient decision-making process for the medium and long term. We will inform the local planning authority once the review is completed and our planning advice has been updated.

Ancient Woodland

Part of the eastern area of the site is designated as Ancient Semi Natural Woodland. Please refer to our 'Advice to planning authorities considering proposals affecting ancient woodland' (published 26 Nov 2021) for further information: Natural Resources Wales / Advice to planning authorities considering proposals affecting ancient woodland.

Green Infrastructure

We note that a Green Infrastructure Study has been carried out in the vicinity of the proposed development. Further consideration of how the proposed development may affect the outcomes of this study is therefore advised. The Local Authority should provide further advice on this matter.

Further information is available on our website: Natural Resources Wales / Green Infrastructure Assessments: A guide to key Natural Resources Wales' datasets and how to use them as part of a Green Infrastructure Assessment.

Other Matters

The advice in this letter relates to matters which are included on our consultation topics list. We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

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,

Tristan Williams

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.