Ein cyf/Our ref: CAS-282555-G6K6
Eich cyf/Your ref: P/2025/0454

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 27 June 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: RHYDDHAU AMOD 9 (BIOAMRYWIAETH) CANIATÂD CYNLLUNIO P/2018/0673 / DISCHARGE OF CONDITION 9 (BIO SECURITY) OF PLANNING PERMISSION P/2018/0673

LLEOLIAD/LOCATION: LAND NORTH OF, HOLT ROAD, WREXHAM, LL13 9EH

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 12 June 2025.

We have no comment to make on the discharge of condition 9.

Condition 9 (Biosecurity)

We note that no protected species or protected sites are in the vicinity of the application site and therefore have no comments to make in relation to the discharge of condition 9: biosecurity Risk Assessment. We advise that you liaises with your Authority's ecologist regarding this application.

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. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note this is an application to discharge condition 9 of from planning permission P/2018/0673. As such, even though the development proposed was judged to be acceptable in principle when the original permission was granted, that decision predates the publication of our river SAC Advice. We therefore advise that you will need to consider the

implications of this as part of your determination of this application. For further information, please refer to our Advice.

We also advise that your Authority considers the Court of Appeal's recent judgment in *C G Fry & Son Ltd v SSHCLG* [2024] EWCA Civ 730). The implication of the Fry judgement is that where there is an application relating to an implementing decision under a planning permission, a Habitat Regulations Assessment (HRA) may need to be carried out in respect of the project. We suggest you seek your own expert advice on this matter, to properly inform your determination of the application as submitted.

Ultimately, it is for your Authority to consider to what extent the above is a material consideration in the context of the current application. If you determine that NRW's Advice is a material consideration to this application, then you will need to consider the Habitats Regulations and screen the proposal accordingly.

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.

Yn gywir / Yours faithfully,

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

E-bost/E-mail: northplanning@cyfoethnaturiolcymru.gov.uk

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.