

Ein cyf/Our ref: AS-258989-V7R6
Eich cyf/Your ref: P/2024/0190

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 04 July 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Amrywio amod 1 caniatd cynllunio P/2018/0888 i ymestyn terfyn amser ar gyfer cychwyn datblygiad / Variation of condition 1 of planning permission P/2018/0888 to extend time limit for commencement of development

LLEOLIAD/LOCATION: Broad Oak Farm, Llyndir Lane, Burton, Wrexham, LL12 0AU

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about further information regarding the above, which we received on 25 June 2024.

We have no objection to the proposed development as submitted and provide the following advice.

Protected Sites – Foul Drainage application to vary condition 1 of planning permission P/2018/0888.

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 a section 73 application to vary condition 1 of planning permission P/2018/0888. 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 be mindful of the High Court's recent judgment in regard to the Fry case (*C G Fry & Son Ltd v SSHCLG* [2023] EWHC 1622). We understand the

implication of the Fry judgement is that where there is an application relating to a condition, it will need to be ascertained whether there is need for a Habitat Regulations Assessment (HRA) in respect of the wider development, even if the conditions in question do not affect the principle of the development. 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 s73 application, then you will need to consider the Habitats Regulations and screen the proposal accordingly.

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

Rhys Jones

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.