

Ein cyf/Our ref: CAS-248166-V1M4
Eich cyf/Your ref: P/2023/0640

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 23 February 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: CHANGE OF USE OF FROM AGRICULTURE TO ECOLOGICAL AREA AND CREATION OF PONDS AND PITCHES

LLEOLIAD/LOCATION: LAND OFF BRYN LANE WREXHAM INDUSTRIAL ESTATE WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the additional information regarding the above, which we received on 31 January 2024.

We continue to have no objection to the application as submitted, and advise that the documents identified below are included in the approved plans and documents condition on the decision notice:

- Document 1: Amended Landscape Strategy A3 (Undated) (Unauthored) uploaded to portal 30th January, 2024.
- Document 2: United Environmental Services Ltd, March 2023. Great Crested Newt Presence / Absence Survey & Population Size Class Assessment. Ref UES03448/09
- Document 3: United Environmental Services Ltd, July 2023. Great Crested Newt Method Statement & Pond Specification. Ref UES03448/31 V2

We also advise that based on the information submitted to date, a condition regarding protected species should be attached to any planning permission granted.

Protected Species

We have considered the content of the Chief Officer, Economy and Planning addendum report (undated) and concur with its conclusions.

Great Crested Newts and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where Great Crested Newts 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”.

We concur with the conclusions and recommendations of the submitted plans and documents and advise that these should be included in the ‘approved list of plans / documents’ condition within the decision notice should consent for the project be granted.

For any area used for ecological mitigation or compensation purposes, we suggest the LPA considers that the freehold tenure of the land should be transferred to a body that accords with the definition of a “responsible” body under Part 7 of the Environment Act 2021.

Furthermore, considering the nature of the proposals, the below condition should be attached to any planning permission for this scheme to ensure that the proposed development is not likely to be detrimental to the maintenance of the population of Great Crested Newt at a favourable conservation status in its natural range.

Condition 1: Biosecurity - No development, including site clearance, with the potential to impact on invasive species e.g., chytrid, shall commence until a site wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site.

We wish to advise the Applicant that the amphibian survey data results should be uploaded into the Wales GCN Monitoring Scheme.

Protected Sites

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 of January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our Planning Advice (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments.

However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

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

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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.