

Ein cyf/Our Ref: CAS-244056-Y2S0
Eich cyf/Your Ref: P/2023/0823

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

Dyddiad/Date: 19 December 2023

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD/PROPOSAL: ADELADU ANNEDD / ERECTION OF DWELLING

LLEOLIAD/LOCATION: HILLCROFT WREXHAM ROAD PENTRE BYCHAN WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru (CNC) / Natural Resources Wales (NRW) about the above, which we received on 04/12/2023.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, further consideration is required regarding foul drainage. Further details are provided below.

We also advise the documents identified below are included in the approved plans and documents condition on the decision notice:

- Worsfold, S. 2021, 27th January 2021, Ecological Appraisal and Impact Assessment at Land Adjacent to Hillcroft, LL14 4DT
- Worsfold, S. 2023, 6th October 2023, Ecological Impact Assessment Update at Land Adjacent to Hillcroft, LL14 4DT

Please note, without the inclusion of these documents we would object to this planning application. Further details are provided below.

Protected Sites

- Foul Drainage

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

This application for the erection of a dwelling proposes connection of foul water to the mains sewer. We note the consultation response letter from DC/WW dated 05/12/2023. If your Authority deems the proposal would increase the volume of foul discharge from the site, we advise that further confirmation is sought from DC/WW with regards to the bullet points set out in the section 'What this means for development proposals involving connection to public wastewater treatment works?' of our [Planning Advice: Natural Resources Wales / Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation](#).

Your Authority will need 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. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

- *Special Area of Conservation (SAC)*

The Johnstown Newt Sites Special Area of Conservation (SAC) and underpinning Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI) is located within 670m of the application site.

We have concerns that harm from the proposed development on the SAC cannot be ruled out. The application site is located within the defined buffer zone of the Johnstown Newt Sites SAC (as per Appendix A of local planning guidance note 'Great Crested Newt Mitigation Requirements – Johnstown Newt Sites SAC and the Wider Countryside').

To secure appropriate mitigation measures, we advise that the documents listed below should be included in the approved plans and documents condition of the decision notice. Provided the Reasonable Avoidances Measures set out in those documents are implemented as prescribed, we consider that the proposed development would not adversely affect the integrity of the SAC site.

- Worsfold, S. 2021, 27th January 2021, Ecological Appraisal and Impact Assessment at Land Adjacent to Hillcroft, LL14 4DT
- Worsfold, S. 2023, 6th October 2023, Ecological Impact Assessment Update at Land Adjacent to Hillcroft, LL14 4DT

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), your authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC site, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time

as the you specify. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC site.

- Site of Special Scientific Interest (SSSI)

The application is located within 670m from the Stryt Las a'r Hafod (SSSI). The SSSI is of particular interest for the population of the great crested newt.

NRW consider the proposals have the potential to impact upon the Stryt Las a'r Hafod SSSI. Providing the concerns referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded

Protected Species

We note the submission of an ecology report (Worsfold, S. 2021, 27th January 2021, Ecological Appraisal and Impact Assessment at Land Adjacent to Hillcroft, LL14 4DT,) and a further updated report (Worsfold, S. 2023, 6th October 2023, Ecological Impact Assessment Update at Land Adjacent to Hillcroft, LL14 4DT).

Great Crested Newts (GCN)

Great Crested Newt (*Triturus cristatus*) is protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

As outlined in the Protected Sites section above, the site lies within the buffer zone for Johnstown Newt Site SAC and as confirmed in the report dated 27th January 2021, is suitable for foraging and commuting GCN.

We advise that the proposed development is not likely to harm or disturb GCN or their breeding sites and resting places at this site, provided the avoidance measures described in section 6 of the ecological report (dated 27th January 2021) are implemented.

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

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

Pauline Gallagher Brown

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

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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.