

Ein cyf/Our ref: CAS-237142-K6F7
Eich cyf/Your ref: P/2023/0541

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 13 October 2023

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Adeiladu annedd / Erection of dwelling

LLEOLIAD/LOCATION: Gwern Y To, Shocklach Lane, Worthenbury, Wrexham, SY14 7AZ

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 27 September 2023.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted:

Condition 1: European Protected Species

We also advise that based on the information submitted to date the document identified below should be included in the approved plans and documents condition on the decision notice.

- **Approved Document:** Guarnaccio, J. (2023). Gwern-y-To Farm, Threapwood: Preliminary Ecological Appraisal. Dunelm Ecology

Without the inclusion of this condition and document we would object to this planning application.

European Protected Species

We note that the ecological report submitted in support of the above application (Guarnaccio, J. (2023). Gwern-y-To Farm, Threapwood: Preliminary Ecological Appraisal. Dunelm Ecology) has identified that Great Crested Newts (*Triturus cristatus*) have been found in the pond 20m from the application boundary. The pond is located within land under the same ownership as the proposed dwelling although is not included within the red line boundary.

Section 3.1.7 of the report confirms the presence of Great Crested Newts (GCN) through eDNA testing of the pond and bottle trapping/torching surveys.

However, due to GCN having been recorded in the pond located in the vicinity of the application site, we advise that the proposed working methods and details regarding compensation areas are not sufficient to 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. This species is protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

We therefore advise that the following conditions should be attached to any permission granted by your authority for the above application:

Condition 1: No development shall take place until a Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

- Build upon the principles outlined in Guarnaccio, J. (2023). Gwern-y-To Farm, Threapwood: Preliminary Ecological Appraisal. Dunelm Ecology (Unpublished)
- Submission of great crested newt/amphibian avoidance and mitigation measures. The details to include identified Reasonable Avoidance Measures (RAMS) such as barrier fencing; and measures to be carried that ensure working areas are clear of newts prior to the commencement of construction and related works
- Submission of details concerning amphibian retained and compensation areas including management plan that considers initial aftercare and long-term maintenance.
- Details of timing, phasing and duration of construction activities and conservation measures
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development
- Ecological Compliance Audit, including key performance indicators
- Persons responsible for implementing the works
- Biosecurity Risk Assessment that considers invasive non-native species and specific diseases (e.g. Chytrid)
- Surveillance and monitoring with data being uploaded to the Wales GCN Monitoring scheme.

The measures above shall be carried out in accordance with the approved details.

Justification: To ensure that an approved species Conservation Plan is implemented, which protects the species affected by the development.

Foul Drainage and 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 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.

However, recognising that the proposed development is a replacement dwelling following the demolition of the original residential dwelling as outlined in the submitted Planning Statement, we are satisfied that it 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.

Flood Risk

Our Flood Risk Map confirms the site includes a small area of Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 and /or 3 Rivers/ Sea / Recorded Flood Extents.

Given the location of flood risk shown to be affecting the application site (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks to these areas.

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

Rachael Burke

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.