

Ein cyf/Our ref: CAS-237728-Y5B6
Eich cyf/Your ref: P/2019/0923

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 28 September 2023

Annwyl Syr/Madam/Dear Sir/Madam,

**BWRIAD/PROPOSAL: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
AND DETAILED MEANS OF ACCESS WITH ALL OTHER MATTERS RESERVED**

LLEOLIAD/LOCATION: Land Either Side Of, Chain Road, Stansty, Wrexham.

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the additional information regarding the above, which we received on 20 September 2023.

We continue to 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 that based on the information submitted to date, conditions regarding protected species and land contamination should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.

Protected Sites

Special Area of Conservation

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 proposes connection of foul water to the mains sewer. The information set out in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' has been submitted with the application.

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.

Protected Species

Great Crested Newts (GCN)

Bats

We note that the updated ecological report (Stansty Chain Road Wrexham, North Wales Updated Ecological Assessment. TEP. September, 2023) submitted in support of the above application has identified that bats and GCN are present at the application site. GCN and bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). We advise that the proposed development is not likely to harm or disturb bats/GCN or their breeding sites and resting places at this site, provided the condition below is attached to any planning permission for this scheme:

Condition 1: No development shall commence until a site-wide species Conservation Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan should include:

- The submission of details and plans concerning GCN reasonable avoidance and mitigation measures including fence construction and maintenance; details of timing, phasing and duration of construction activities and conservation measures; a timetable for implementation demonstrating that works are aligned with the proposed phasing of the development; and persons responsible for implementing the works.
- A lighting scheme to be compliant with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK.
- Details of measures to protect trees with potential to support bats.
- A Biosecurity Risk Assessment, to include measures to control, remove or for the long-term management of invasive species both during construction and operation.

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

Provided these measures are implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range:

Please consult us again if the plans are changed in ways that may harm or disturb bats/GCN or their breeding sites and resting places at this site.

Land Contamination

To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks we advise the following condition is attached to any planning permission.

Condition 2 (Unsuspected contamination): If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

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.