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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

20/02/2023

Dear Sir/Madam,

PROPOSAL: DEMOLITION OF EXISTING DWELLING AND ERECTION OF 3 DWELLINGS

LOCATION: 11 HILL STREET, RHOSLLANERCHRUGOG

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the additional information for the above, which we received on 17th January 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, you should seek further information from the applicant regarding foul drainage and protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

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

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

Protected Sites

Special Area of Conservation (SAC)

Johnstown Newt Sites SAC

We have concerns that a significant effect from the proposed development on the Johnstown Newt Sites SAC cannot be ruled out. The application is located within approximately 500m of the SAC (Wrexham Council Local Planning Guidance in relation to Great Crested Newt shows the location to be within a SAC buffer). This site supports a nationally important population of Great Crested Newt (*Triturus cristatus*).

We have reviewed the ecological report (Worsfold, S. (2022). Ecological Impact Assessment: 11 Hill Street, Rhosllanerchrugog, Wrexham, LL14 1LN. EnviroSolutio Ltd) and note that within Section 6 it is stated that *'the proposal will not have any significant impact on any designated sites due to the small scale of the development and distance from the sites'*.

We do not concur with this statement and advise that further information is submitted to carry out a Habitats Regulations Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of the planning application. The HRA should demonstrate that there will be no adverse effect on site integrity.

Without prejudice to your assessment, we consider that mitigation proposals are likely to be required for the purposes of addressing indirect impacts on the SAC, including those associated with potential in-combination increases in recreational pressures. We advise that planning conditions or obligations could be used to address these indirect impacts by requirement for the submission of an off-site conservation scheme or commuted sum. Local supplementary planning guidance may also assist in approaches to evidence consideration of this issue.

Should you also conclude that the proposed development is likely to have a significant effect on the SAC, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

River Dee and Bala Lake SAC

We note the application site is within the catchment of the River Dee and Bala Lake 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](#) (July 2022), 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.

Site of Special Scientific Interest (SSSI)

The application site is located adjacent within 500m of the boundary of Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI).

This site supports a nationally important population of Great Crested Newt (*Triturus cristatus*), and an assemblage of amphibian species. From the additional information provided on 17th January 2023, we consider that the proposal is not likely to harm features for which the Buckley Claypits and Commons SSSI is of special interest.

We have reviewed the submitted ecological report (Worsfold, S. (2022). Ecological Impact Assessment: 11 Hill Street, Rhosllanerchrugog, Wrexham, LL14 1LN. EnviroSolutio Ltd) and concur with the information presented. However, we note that the method statement specifically refers to Great Crested Newt rather than the amphibian assemblage.

However, as it is the amphibian assemblage that is the feature of the site we advise that the report and method statement are updated to specifically reference the amphibian assemblage in addition to Great Crested Newts.

Should you be minded to grant permission for the above planning application without including the document described above within the approved documents condition attached to the permission, we ask that you notify us under the provisions contained in Section 281 of the Wildlife and Countryside Act 1981 (as amended).

The applicant should be aware that in the event of a Great Crested Newt being found on site during the work, all works should stop. Operations may only recommence after an appropriate licence has been issued by NRW.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include (i) appropriate measures to control any INNS on site; and (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of development and restoration.

Condition: No development, including site clearance, shall commence until a Biosecurity Risk Assessment and Method Statement that considers invasive non-native species and specific diseases (e.g., Chytrid) has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to prevent the introduction

of and where present control, removal or for the long-term management of invasive species both during construction and operation. The risk assessment shall consider landscaping and other related plans. 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 prevent or control the spread and effective management of any invasive non-native species and listed diseases at the site.

Protected Species

Great Crested Newts (*Triturus cristatus*) have been recorded within the vicinity of the application site. This species is protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Please refer to our Protected Sites advice and suggested condition/ request for further information above in respect of amphibians, including Great Crested Newts.

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*”.

NRW would refer the Local Authority to the Chief Planning Officer’s letter dated 1 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

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.

Yours faithfully,

Rachael Burke

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales