

Ein cyf/Our ref: CAS-234111-J6J7
Eich cyf/Your ref: P/2022/0151

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 10 August 2023

Annwyl Syr/Madam/Dear Sir/Madam,

**BWRIAD/PROPOSAL: Adeiladu adeilad cyfleuster arbenigol a gofal ychwanegol /
erection of specialist and extra care facility building**

**LLEOLIAD/LOCATION: Pendine Park Nursing Home, Summerhill Road, Stansty,
Wrexham, LL11 4YE**

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 31 July 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. 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 protected species should be attached to any planning permission granted and the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this condition and documents we would object to this planning application.

Approved Documents:

- Roe, R. (2023). Pendine park, Summerhill Road, Stansty: Ecological Mitigation and Management Plan. Kingdom Ecology.
- Khorramie, I, External Lighting / Exterior Scene - Thorlux Lighting, November 2022
- Roe, R., Ecological Mitigation and Management Plan, Kingdom Ecology, December 2020

Protected Sites

Special Area of Conservation (SAC)

On 20th July 2023, we provided advice to your Authority and the updated [Planning Advice](#) is also available on our website. Below is an extract from that advice which is of relevance to this planning application:

Where a wastewater treatment works permit has been reviewed against revised phosphorus targets and, in some cases, varied accordingly, new developments connecting to the associated public sewer should still be subject to a Habitats Regulations Assessment (HRA) by the Planning Authority. While the phosphorus impacts of new connections should be considered on a case-by-case basis, it is likely that a conclusion of no likely significant effect could be drawn in some cases in the context of water quality impacts where the following apply:

- the environmental permit for the associated wastewater treatment works has been reviewed against revised conservation objectives for water quality.
- there is capacity in place to accommodate the additional wastewater in compliance with revised permit limits.
- the sewer network and associated WwTW has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows.

For such development proposals, we advise the Planning Authority to seek the following information in support of a planning application:

- confirmation of how foul drainage will be managed
- scale plans showing the location of the nearest public sewer and proposed connection point

The Planning Authority should consult with the sewerage undertaker, as statutory consultee, on the potential for a development to connect to a public sewer, and receive a copy of their formal response confirming:

- there is capacity to treat additional wastewater from the proposed development within revised environmental permit limits, or
- the necessary treatment capacity to remain within revised environmental permit limits will be delivered within the agreed Asset Management Plan (AMP) and that when implemented the treatment capacity will ensure that additional wastewater generated in consequence of the proposed development will remain within the revised permit limits and
- that the sewer network and associated WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

The scope of a HRA may need to be wider than the scope of the permit review and consider other site characteristics, new information or changes in circumstances

Where appropriate, Planning Authorities are advised to condition timing of development to correspond with delivery of future improvements at wastewater treatment works scheduled under AMP. Grampian conditions may be used but, as development specific mitigation, should be considered on a case-by-case basis at Appropriate Assessment. Where future improvements or enhancements are required to enable a treatment works to meet reviewed permit limits, conclusions of no likely significant effect or no adverse effect on site integrity can only be made if those improvements within the AMP are certain at the time of the HRA.

We can confirm that a revised environmental permit for Five Fords Wastewater Treatment Works was issued by NRW on 28/07/2023.

It is now a matter for your Authority, as Competent Authority under The Conservation of Habitats and Species Regulations 2017, to take the above advice into account in their assessment of whether the development is likely to have an adverse effect on a Special Area of Conservation (SAC).

Site of Special Scientific Interest

We have considered the information submitted in support of the above application. Based on the information submitted, we consider that the proposed development is not likely to damage the features for which Gatewen Marsh SSSI is of special interest.

Protected Species

We note the following ecological reports submitted in support of the above application:

- Roe, R. (2023). Pendine park, Summerhill Road, Stansty: Ecological Mitigation and Management Plan. Kingdom Ecology.
- Khorramie, I, External Lighting / Exterior Scene - Thorlux Lighting, November 2022
- Roe, R., Ecological Mitigation and Management Plan, Kingdom Ecology, December 2020
- Roe, R., Updated Ecological Appraisal, Kingdom Ecology, October 2018
- Roe, R., Preliminary Ecological Appraisal, Kingdom Ecology, July 2015

The Ecological Mitigation and Management Plan states that there is low suitability for bat roosting opportunities amongst trees on site, however it acknowledges that the surrounding area presents opportunities for foraging and commuting bats. The report also confirms that no Great Crested Newts (*Triturus cristatus*) are present, but that suitable GCN habitats are present on site.

Whilst the mitigation and management proposals appear appropriate to the site and the development, we note that the protected species survey which this report refers to is dated 2018. Therefore, we advised in our response dated 14/03/23 (reference CAS-182723-V5C5) that a pre-commencement survey should be carried out and the results of this survey be included in an updated Ecological Mitigation and Management Plan.

An updated ecological report has now been submitted (Roe, R. (2023). Pendine park, Summerhill Road, Stansty: Ecological Mitigation and Management Plan. Kingdom Ecology) in support of the application. An updated ecology walkover survey and local environmental record centre data search has been carried out. However, no pre-commencement surveys in respect of Great Crested Newts or bats have been carried out.

We therefore advise that the following condition is attached to any planning permission granted for this proposal:

Condition: No development or phase of development, including site clearance, with the potential to impact on Great Crested Newts or bats, shall commence until a pre-construction species survey has been carried out for the development. If the survey confirms the presence of Great Crested Newts or bats the results of the survey together with updates to the proposed mitigation measures, if required, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

Justification: To ensure the potential presence of Great Crested Newt and bats is confirmed prior to construction and where necessary remedial measures are implemented for their protection.

In the meantime, we are unable to give you any assurance that the proposal 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.

Pollution Prevention

During the construction phase the applicant should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:
[Guidance for Pollution Prevention \(GPP\) documents | NetRegs](#)

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