

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

22/12/2022

Dear Sir/Madam,

BWRIAD / PROPOSAL: APPLICATION FOR OUTLINE PLANNING PERMISSION (WITH SOME MATTERS RESERVED) TO ERECT A SINGLE DWELLING FOR AN AGRICULTURAL WORKER

LLEOLIAD / LOCATION: BLACK ROCK FARM, SESSWICK WAY, CROSS LANES, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 04/11/2022.

We 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 protected species, and protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Species

In our response of CAS-192837-W4Z7, we advised that the applicant submit a revised great crested newt conservation plan.

We therefore note the provision of the following document:

- 'Proposed Dwelling Black Rock Farm, Cross Lanes, Wrexham GCN Mitigation Strategy' dated 2/11/22, by Etive Ecology

- Siting of the dwelling

We note from the conservation plan that no activities will be permitted within 5m of the GCN pond. Whilst we welcome this, we advise that the dwelling is sited significantly further away from the pond at the far side of the red line boundary. We therefore advise your Authority seek confirmation from the applicant of its siting.

- The Conservation Plan

Whilst the applicant will most likely need to build upon the detail at the time of the EPS licence application, we consider the conservation plan to be an adequate for informing the decision-making process. The applicant should note however to support a licence application, a fuller method statement will need to be prepared, which builds upon the principles in the conservation plan.

In terms of compensation, we note that an equivalent area of land to that to be permanently lost will be provided and incorporated into the adjacent areas of existing habitat already under management for GCN and within the same ownership and that the lease agreement between the applicant and the current managing agents will be updated following planning approval to ensure its management.

We therefore consider that providing the building can be satisfactorily sited remote from the adjacent pond, the development is not likely to be detrimental to the maintenance of the favourable conservation status of the GCN populations provided that any subsequent consent is subject to the imposition of planning conditions / obligations (such as a Section 106 Agreement or a unilateral undertaking) to ensure the management of the compensation area for great crested newt. The conservation plan must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 01 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.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect the GCN on this site, you would need a revised ecology report that takes account of such changes. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation or compensation measures.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

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](#) (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.

We note from the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site. As such, we refer you to our [Planning Advice](#) and advise you to seek further information from the applicant. We advise you to seek further information as identified in the bullet point list given in the section titled 'What does this mean for development proposals involving private sewage treatment systems' of that advice.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

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

Siôn M. Williams

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales