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Wrexham County Borough Council,
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Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

08/07/2022

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: OUTLINE APPLICATION FOR ERECTION OF 3 DWELLINGS
(ALL MATTERS RESERVED)**

**LLEOLIAD / LOCATION: LAND NORTH OF THE ELMS, DARLAND LANE, ROSSETT,
WREXHAM, LL12 0BA**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 08/06/2022.

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 flood risk 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 the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this document we would object to this planning application.

Arbor Vitae, May 2021. Preliminary Ecological Appraisal; Darland Croft

Flood Risk

The planning application proposes highly vulnerable development (residential). Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the FMfP identifies the application site to be at risk of flooding and falls partially into Flood Zone 2 and 3 Rivers. Please refer to our [website](#) for further information.

We refer you to Section 6 of TAN15 and the Chief Planning Officer [letter](#) from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development and emergency services should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The

justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development or emergency services in Zone C2.

In the first instance, your Authority should make a planning policy decision on the application. Therefore, unless we receive written confirmation from your Authority that you believe there are overriding reasons to consider granting planning permission, despite the site's location within Zone C2, we do not intend to comment on the risks and consequences of and we would advise that your Authority should refuse the planning application on planning policy grounds.

The decision as to whether a development should be considered contrary to TAN15 policy is entirely a matter for your Authority. However, if you provide overriding reasons and require our advice, we advise you there is no flood consequences assessment (FCA) supporting the planning application and this will be required to assess compliance with test iv (in paragraph 6.2). We will then provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15.

If the FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we would **object** to the application.

Please inform us, in accordance with advice in paragraph 11.7 of TAN15, if you are minded to grant permission for the above application contrary to our advice and allow sufficient time for further representations to be made before any consent is granted.

Protected Sites – Foul Drainage

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 phosphate levels for all river SACs across Wales. As part of this package, we issued a [Planning Position Statement](#), in which we advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We have also issued [Planning Advice](#) (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that the development has the potential to increase the volume or concentration of wastewater and associated phosphate levels being discharged from the site via mains sewer connection. However, we note that a submitted email from Welsh Water dated 10/06/2022 confirms that the development site would drain to Lavister wastewater treatment works, which has capacity to treat the additional wastewater and phosphorus from the proposed development within the existing discharge permit limits.

As per our [Planning Advice](#), development connecting to an existing public wastewater treatment works that has the capacity and associated phosphorus stripping facility to accommodate additional wastewater is unlikely to increase phosphorus inputs to a SAC

beyond what has already been assessed and permitted by NRW. However, your authority, should examine the appropriate assessments carried out in respect of the extant environmental permit(s), along with any new information or changes in circumstances, to ensure that adverse effect on site integrity can be ruled out. Should you need to obtain a copy of the relevant appropriate assessment, please contact us.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

Should your Authority conclude that the proposal is likely to have a significant effect on the River Dee and Bala Lake SAC, please consult us on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Protected Species

We note that the ecological report submitted in support of the above application (Arbor Vitae, May 2021) has identified that the site provides a small area of terrestrial foraging opportunity for Great Crested Newt (GCN). We note that for the previous application onsite (P/2021/0487) a more recent report was submitted (June 2021) where eDNA surveys had been completed and the presence of breeding GCN confirmed in a pond approximately 100m from the proposals. Great Crested Newts are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

Due to the proximity of the site to a confirmed pond supporting breeding GCN, we would advise that in our view, the overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places during construction and operational phases. We therefore advise that implementation is subject to regulation under the provisions of a derogation licence.

Condition: No development or phase of development, including site clearance shall commence until a great crested newt (amphibian) conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include:

- Build upon the principles outlined in Arbor Vitae, May and June 2021.
- Submission of great crested newt/amphibian avoidance and mitigation measures. The details to include identified Reasonable Avoidance Measures (RAMS) such as barrier fencing;
- 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
- Details of measures to prevent or reduce incidental capture or killing

- Submission of details concerning the installation and maintenance of any drainage / surface water management systems demonstrating that the system will be amphibian friendly (does not include gully pots etc.).

The great crested newt (amphibian) conservation plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved great crested newt (amphibian) conservation plan is implemented, which protects Great Crested Newts 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 its natural range.

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.

Please consult us again if the plans are changed in ways that may harm or disturb the Great Crested Newts or their breeding sites and resting places at this 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.

Yn gywir / Yours faithfully

Garmon Lewis

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