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Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

22/08/2022

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 above, which we received on 02/08/2022.

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 sites. If this information is not provided, we would object to this planning application. We also advise that further consideration is needed regarding foul drainage. Details are provided below.

We also advise that based on the information submitted to date, conditions regarding protected sites and biosecurity 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 (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 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)

We have concerns that the proposed development, as submitted, will damage the features for which the Stryt Las a'r Hafod SSSI is of special interest. The application site is located within 500m of the SSSI boundary. This site supports a nationally important population of Great Crested Newt and an assemblage of amphibian species.

Paragraph 6.4.14 of Planning Policy Wales states development should be refused where there are adverse impacts on the features for which a site has been designated.

We therefore advise that the following condition should be attached to any permission granted by your authority for the above application:

Condition 1: No development or phase of development, including site clearance, shall commence until an amphibian Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement should include the following:

- the submission and implementation of amphibian Reasonable Avoidance Measures (RAMs) such as the erection of a one-way amphibian fence, prior to and throughout the duration of construction operations; and
- the clearance of amphibians from working areas.

Justification: To ensure that an approved amphibian Method Statement is implemented, which protects amphibians affected by the development.

Should you be minded to grant permission for the above planning application without attaching such conditions as described above to the permission, we ask that you notify us under the provisions contained in Section 28I of the Wildlife and Countryside Act 1981 (as amended).

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 2: 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

Please see our advice above relating to amphibians and GCN associated with the nearby protected sites. We note that there is no information about protected species with the application and, therefore, are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

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,

Tristan Williams

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