

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

17/06/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: ESTYNIAD DEULAWR I OCHR YR EIDDO AC ESTYNIAD UNLLAWR I OCHR A CHEFN YR EIDDO / TWO STOREY SIDE EXTENSION PLUS A SINGLE STOREY SIDE AND REAR EXTENSION

LLEOLIAD / LOCATION: CARTREF, BEDWELL ROAD, CROSS LANES LL13 0TS

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 06/15/2022.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching a condition regarding Protected Species to any planning permission granted and the document identified below should be included in the approved plans and documents condition on the decision notice:

Arbtech, Bat Emergence and Re-entry Surveys Cartref, Bedwell Road, Cross Lanes, Wrexham LL13 0TS, 02/06/2022

Please note, without the inclusion of this condition and document we would object to this planning application.

Protected Species

Great Crested Newts

Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN 5).

The applicant has submitted additional information regarding GCN (Arbtech, Great Crested Newt Mitigation Plan, Cartref, Bedwell Road, Cross Lanes, Wrexham LL13 0TS, 31/01/2022).

Our previous response to the application (CAS-168722-G0K2 29/10/2022) was based on the information detailed in the PEA submitted in support of the application (Arbtech, Preliminary Ecological appraisal and Preliminary Roost Assessment Survey: Cartref, Bedwell Road, Cross lane, Wrexham, LL13 0TS, October 2021) which states on page 4 that works would be restricted to the existing building and hardstanding. We understand that this will not be the case as excavations away from the hardstanding and the existing building will be required in order for appropriate drainage infrastructure to be installed to serve the property. We have also been included in email correspondence between your authority (including your internal ecological advisor, Emma Broad) and the applicant in early 2022. Emma, who has local knowledge of the GCN populations highlighted that due to the status of local populations of GCN in the immediate vicinity, her recommendation would be that all works be carried out under licence.

Therefore, in light of the above information, 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. We therefore advise that implementation is subject to regulation under the provisions of a derogation licence.

We consider the latest mitigation plan contains a number of appropriate measures which will safeguard GCN onsite and that these can be built on and further measures can be delivered via a suitably worded condition.

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 ecological report: Arbtech, Great Crested Newt Mitigation Plan, Cartref, Bedwell Road, Cross Lanes, Wrexham LL13 0TS, 31/01/2022.
- Submission of additional great crested newt/amphibian avoidance and mitigation measures. The details to include identified Reasonable Avoidance Measures (RAMS) such as barrier fencing;
- Submission of details concerning retained and compensation areas including management plan that considers initial aftercare and maintenance
- Details of timing, phasing and duration of construction activities and conservation measures and aftercare
- 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 risk assessment
- Details of measures to prevent or reduce incidental capture or killing

The Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved GCN Conservation Plan is implemented, which protects GCN affected by the development.

Providing these measures are appropriately secured and implemented, we consider that the 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.

We would draw your attention to the letter from the Welsh Government to Chief Planning Officer's 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.

Bats

We have reviewed the latest bat report submitted in support of the above application (Arbtech, Bat Emergence and Re-entry Surveys Cartref, Bedwell Road, Cross Lanes, Wrexham LL13 0TS, 02/06/2022). From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document '*Natural Resources Wales Approach to Bats and Planning (2015)*'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

As this is a lower risk case for bats, we consider that the 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.

Furthermore, we advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided the avoidance measures described in section 4.2 of the bat report are implemented.

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Please consult us again if any further information shows that this is no longer a lower risk case.

Protected Sites and 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 phosphorus 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 (or phosphorus) 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.

However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

The Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met.

Paragraph 2.10 of Circular 008/2018 states that before a planning application is made, the applicant should discuss with NRW the proposed sewage disposal arrangements for the development. The information submitted in support of the application does not confirm whether the Applicant has carried out any pre-application consultation with NRW's permitting service in relation to an application for an Environmental Permit or exemption. We therefore advise that if the applicant has not undertaken consultation with our Permitting Team, they should do so at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the environmental permitting requirements. The Applicant should note that a grant of planning permission does not guarantee a Permit or exemption will be granted. Notwithstanding a grant of planning permission, a proposal may be deemed to be unacceptable (e.g. because the permitting application process identifies an unacceptable environmental risk or because there is a feasible connection to mains sewer which we note in this instance is nearby).

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

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

Tomos Hughes

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