



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-179022-H5F3
Eich cyf/Your ref: P/2020/0430

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
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LL572DW

Wrexham County Borough Council,
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19/01/2022

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: CAIS AMLINELLLOL (POB MATER WEDI'I GADW YN ÔL) AR
GYFER 6 ANNEDD / OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR 6
DWELLINGS**

**LLEOLIAD / LOCATION: WESTERDALE, HILL STREET, RHOSLLANERCHRUGOG,
WREXHAM**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about additional information regarding the above, which we received on 17/06/2021.

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. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding protected species and biosecurity 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 these conditions and documents we would object to this planning application.

Approved documents:

- **Ecological Impact Assessment at Westerdale, Gardden Road. Rhosllanerchrugog Wrexham LL14 2RN. Susan Worsfold. Version 4. (22/11/2020)**
- **Westerdale, Gardden Road, Rhosllanerchrugog, Wrexham, LL14 1LP Further Information Report. Tyrer Ecological Consultants January 2022**

Foul drainage and protected sites

We note the application site is within the catchment of the River Dee and Llyn Tegid 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 also issued [Interim Planning Advice](#), 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 26 May 2021 confirms that the development site would drain to Lavister waste water treatment works, which has an existing phosphate permit as part of its consent, and that the proposed flows can be accommodated.

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 Llyn Tegid SAC, please consult us on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Protected Species

Great Crested Newts (GCNs)

We note that a new ecological report has been submitted in support of the above application (Westerdale, Gardden Road, Rhosllanerchrugog, Wrexham, LL14 1LP, Further Information Report, Tyrer Ecological Consultants January 2022).

In our view the updated ecological report materially addresses the points we raised in our previous response dated 06/07/21 (CAS-155042-W8T6) in respect of:

- Direct and indirect impacts on Johnstown Newt Sites Special Area of Conservation (SAC).
- Amphibians as a feature of Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI).
- Great Crested Newt as a European protected species.

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

We consider the submitted information demonstrates that the proposals are not likely to be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts, provided any subsequent consent is subject to the provisions of both planning conditions and obligations.

We advise that the following condition is attached to any decision notice to ensure the long term site security for Great Crested Newts (GCN).

Condition 1: No development shall commence until a long term site management plan (for a duration of not less than 25 years) has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include, but not necessarily be limited to:

- defined aims and objectives;
- habitat management prescriptions; contingency measures if fish or invasive non-native species (INNS) are detected;
- proposals that are capable of being implemented in the event of failure to undertake or to appropriately implement identified or contingency actions;
- site liaison and wardening;
- licensing requirements for undertaking habitat management and surveillance;
- current and any proposed changes to tenure of the ecology area (long term tenure of the ecology area to accord with the definition of a "responsible" body under Part 7 of the Environment Act 2021);
- persons or bodies responsible for undertaking management and surveillance together with required skills and competencies;
- reporting requirements; and proposed dates for updating or revising the management plan

We also advise that the following planning obligations are implemented:

- a. Financial funding mechanism (defined commuted sum and/or requirement for *index linked* ground rent service charges to include ecological surveillance, management and wardening in perpetuity [*costed management plan is required to inform costings*];
- b. Tenure and any proposed changes to tenure shall be carried to the satisfaction of the LPA in consultation with NRW;
- c. Restrictions on the occupation of the 33% of the development until all identified long-term actions have been implemented to the satisfaction of the LPA.

Bats

We note that the ecological report submitted in support of the above application (*Ecological Impact Assessment at Westerdale, Gardden Road. Rhosllanerchrugog Wrexham LL14 2RN. Susan Worsfold. Version 4. 22/11/2020*) has identified that bats are present at the application site.

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 amended).

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 the ecological 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.

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 following Condition:

Condition 2: (Biosecurity): No development with the potential to impact on invasive species shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority.

We advise 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 construction and operational phases of the scheme.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site.

Protected Sites

Special Area of Conservation (SAC)

From the information provided, NRW consider that the proposals may affect the Johnstown Newt Sites SAC. The application is located within 160m of the SAC.

NRW have identified the following potential impact pathways to features of this site:

- Disturbance and/or loss or damage to GCN resting places.

The above pathways may not result in an adverse effect if the following measures are adhered to/ implemented:

- Developer adheres to Reasonable Avoidance measures as described in the submitted Ecological Assessment (*Westerdale, Gardden Road, Rhosllanerchrugog, Wrexham, LL14 1LP Further Information Report Tyrer Ecological Consultants January 2022*)

No assessment of likely significant effects under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

Sites of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the Stryt Las a'r Hafod SSSI. Providing the impact pathways referenced above for the Johnstown Newt Sites SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

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,

Rhys Jones

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