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Bangor,
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LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

10/06/2022

Dear Sir/Madam,

BWRIAD / PROPOSAL: ADEILADU 2 ANNEDD / ERECTION OF 2 DWELLINGS

LLEOLIAD / LOCATION: LAND ADJOINING, BRYN RHEDYN FARM, BRONWYLFA ROAD, LEGACY, WREXHAM, LL14 4HY

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 24th May 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 foul drainage and protected species. 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, a condition regarding biosecurity should be attached to any planning permission granted. Without the inclusion of this condition, we would object to this planning application.

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. 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 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 note that information has already been submitted in respect of confirming a connection the mains public sewer. However, we advise you to seek further information as identified in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' 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).

Protected Species

Bats

We note that the bat report submitted in support of the above application (Griffin, E, December 2021, Preliminary Ecological Appraisal and Preliminary Roost Assessment, Arbtech Consulting Ltd.) has identified that bats are using the application site. However, we advise that the bat report has insufficient information to assess the need for avoidance / mitigation measures. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

The bat report states that further survey in the form of three emergence surveys should be carried out due to the confirmed presence of a bat roost within the building proposed for demolition. We concur with this approach and would advise that bat activity surveys are required to determine the scope of any avoidance and mitigation measures that may be required. We would also advise that details of any proposed mitigation bat roost should be provided as part of the bat activity survey report in order for the suitability to be assessed.

This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

In the meantime, we are unable to give you any assurance that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Great Crested Newts

We note that the ecological report submitted in support of the above application (Griffin, E, December 2021, Preliminary Ecological Appraisal and Preliminary Roost Assessment, Arbtech Consulting Ltd) identifies some suitable amphibian terrestrial habitat within the application site.

However, the report does not acknowledge that Great Crested Newts (*Triturus cristatus*) have been recorded within the application site and local area. This species is protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). We therefore recommend that further survey in respect of Great Crested Newts (GCN) should be carried out to determine the presence or absence of this species within the application site.

We would also advise that details of any proposed GCN Reasonable Avoidance Measures scheme should be provided as part of the GCN report in order for the suitability to be assessed.

In the meantime, we are unable to give you any assurance that the proposal would not be 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.

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.

Condition: No development or phase of 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.

The Risk Assessment must include:

- (i) appropriate measures to control any INNS on site;
- (ii) measures or actions that aim to prevent INNS from being introduced to the site for the duration of the construction phase of the scheme.

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 control the spread and effective management of any invasive non-native species at the site.

Flood Risk

The planning application proposes highly vulnerable development of residential dwellings. The application site (part of the access visibility splay) falls partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15 (2004).

However, at this location the Flood Map for Planning (FMfP) is the best available information on flood risk. The FMfP identifies the application site to be in Flood Zone 1, meaning there is less than a 0.1% chance of flooding in a given year.

On this basis, we have no objection on flood risk grounds to the application as submitted.

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

Rachael Burke

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