



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-162828-R2D2
Eich cyf/Your ref: P/2021/0758

Maes Y Ffynnon,
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03/09/2021

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: DYMCHWEL ASED RHESTREDIG GRADD 2 A DIFROD TAN A CHODI 4 ANNEDD AR WAHAN / DEMOLITION OF FIRE DAMAGED GRADE 2 LISTED ASSET AND THE ERECTION OF 4 DETACHED DWELLINGS.

LLEOLIAD / LOCATION: THE DYMOCK ARMS A539 PENLEY WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 06/08/2021.

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 and European protected species. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Sites

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.

This application for the erection of 4 detached dwellings proposes connection of foul water to the mains sewer. As such, we refer you to our [Planning Advice](#), in particular the bullet point list given in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works', which specifies the information that

should be provided to support applications which propose connections to public wastewater treatment works.

With regards to the third bullet point, we note from the information available on your Authority's website that Welsh Water in their consultation response dated 26/08/2021 have confirmed that Penley Wastewater Treatment Works does not have capacity to treat additional phosphorus.

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).

European Protected Species

- Bats

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

We note that the bat report submitted in support of the above application (Millington, R. (2021). The Dymock Arms, Penley: Preliminary Roost Assessment. Elite Ecology Limited. Unpublished.) has identified that the site is of "high bat roosting potential for both summer and winter roosts". We advise that the bat report has insufficient information to assess the need for avoidance / mitigation measures.

We advise that we concur with the recommendations of submitted bat report that further information, in the form of further activity surveys, is submitted in order to assess the extent of adverse effects on the bats and any avoidance or mitigation measures that may be required. 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.

- Great Crested Newts (GCN)

GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

GCN have previously been recorded in ponds located in the vicinity of the application site. We advise that a further assessment is sought from the applicant to assess the extent of adverse effects on any GCN found to be present and should detail any avoidance or mitigation measures required.

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.

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

Siôn M. Williams

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales