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07/01/2022

Dear Sir/Madam,

BWRIAD / PROPOSAL: DEFNYDDIO TIR FEL PWLLGOR PWLL PYSGOTA MASNACHOL, CODI BLOC TOILET A FFURFIO PARC CAR / USE OF LAND AS COMMERCIAL FISHING POOL, ERECTION OF TOILET BLOCK AND FORMATION OF CAR PARK (FURTHER INFORMATION)

LLEOLIAD / LOCATION: HOLT LODGE FARM, HUGMORE LANE, LLANYPWLL, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the additional information regarding the above, which we received on 14th December 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. Without the inclusion of these conditions we would object to this planning application.

Foul Drainage and Protected Sites

Phosphorous Sensitive SAC Freshwater Catchment

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 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 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 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 8th October 2021 confirms that the development site would drain to Five Fords wastewater treatment works, which has capacity to treat the additional wastewater and phosphorus from the proposed development within the existing discharge permit limits.

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

Protected Species

The application site has been subject to assessment in respect of great crested newt. The ecological submission (Holt Lodge, Amphibian Conservation Plan, Arbor Vitae 16/07/2021) confirms the presence of the species in the environs of the application site.

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. 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 (TAN5).

We consider the Amphibian Conservation Plan is unsatisfactory for the purposes of demonstrating the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN.

We note the submitted risk assessment within the Amphibian Conservation Plan and have the following comments in relation to its content:

- (a) Dispersal distances - More recent research highlights dispersal distances can be up to 1.5km (see Haubrock, P and Altrichter, (2016). Northern crested newt (*Triturus cristatus*) migration in a nature reserve: multiple incidents of breeding season displacements exceeding 1km. The Herpetological Bulletin 138, 31-33). Other factors that inform dispersal include terrestrial habitat suitability, connectivity and spatial locality together with size of population. In the case of Wrexham Industrial Estate and its environs, we consider the population to be of national importance. In these circumstances we advise that dispersal distances of 250m from natural ponds are used for the purposes of informing the planning decision making process in cases such as this. Secondly, earlier research has demonstrated that individual dispersal ranges per night can be up to 100m.
- (b) Connectivity - We do not consider that the minor road will constitute a barrier to dispersal.
- (c) Habitat Type - The habitats in the environs of the application site represent typical, though not necessarily optimal terrestrial habitat for the species.

In our view, construction of the proposal has the potential to adversely affect great crested newts at this site. We therefore consider that construction is subject to the provisions of a derogation licence issued by NRW. However, the proposed reasonable avoidance measures are unsuitable for the purposes of ensuring GCN are not killed, injured or disturbed during the construction of the proposed development.

We note the proposed amphibian conservation area and welcome the proposed construction of two ponds. However, the overall proposals are unsatisfactory for the following reasons:

- (a) Size of the conservation area;
- (b) Lack of detailed management plan;
- (c) Lack of monitoring plan. Methodology to accord with and results to be uploaded into the [Wales Great Crested Newt Monitoring Scheme](#), (Methodology shall include abundance counts and Habitat Suitability Index (HSI) assessments. Each water body shall be individually numbered on site);
- (d) Lack of appropriate detail in respect of tenure (we advise future tenure to be to the satisfaction of the LPA);
- (e) Long term resource provision (minimum 25 years);
- (f) Biosecurity during construction and operational phases of the scheme (see also below and consider wider risks);
- (g) Ecological Compliance Audit, including key performance indicators.

Condition 1: No development shall commence until a satisfactory Amphibian Conservation Plan is submitted to and approved in writing by the Local Planning Authority.

Justification: To ensure that an approved Amphibian Conservation Plan (Reasonable Avoidance Measures) is implemented, which protects any Great Crested Newt affected by the development.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, a revised ecology report that takes account of such changes would be needed. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation or compensation measures.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officers 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 2: 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 construction and operational phases 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.

Pollution Prevention

During the construction phase the applicant should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should

be stored in banded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and PPG 6 at the following link:
<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

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