

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

29/12/2021

Dear Sir/Madam,

PROPOSAL: ERECTION OF DWELLING

LOCATION: HILLCROFT, WREXHAM ROAD, PENTRE BYCHAN, WREXHAM, LL14 4DT

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 13/12/2021.

We 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, a condition regarding biosecurity should be attached to any planning permission granted and the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this condition and document we would object to this planning application.

Approved document: Worsfold, S. (2021). Ecological Appraisal and Impact Assessment at land Adjacent to Hillcroft, Wrexham Road, Pentre Bychan, Wrexham. Susan Worsfold. (Unpublished Report Reference HIL270121)

Foul Drainage and Protected Sites

We note the application site is within the catchment of the 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 letter from Welsh Water dated 14/12/2021 (ref: PLA0062167) states: *"We can advise that Five Fords WwTW does have a phosphate permit. This matter will need to be considered further by the local planning authority."* 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 Sites

Special Area of Conservation (SAC)

The application is located within the defined buffer zone of the Johnstown Newt Sites SAC. This site supports a nationally important population of Great Crested Newt (*Triturus cristatus*).

The proposal may have implications for the SAC listed above and you should carry out a test of likely significant effects under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

We advise that further information is submitted to carry out a Habitats Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of the planning application. The HRA should demonstrate that there will be no adverse effect on site integrity.

Without prejudice to your assessment, we consider that the proposal is not likely to cause a direct impact on the conservation objectives of this Emerald (European) Site. However, based on our understanding of the location, we consider that proposals may in this case be required for the purposes of addressing in-combination indirect impacts on the SAC, particularly those associated with potential in combination increases in recreational pressures within the SAC. We therefore advise following this assessment that measures

(e.g. provision of a commuted sum via a unilateral undertaking) are proposed to offset possible impacts.

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Site of Special Scientific Interest (SSSI)

We have concerns that the proposed development, as submitted, will damage the features for which the Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI) is of special interest. This site supports a nationally important population of Great Crested Newt and an assemblage of amphibian species.

Paragraph 6.4.14 of Planning Policy Wales states development should be refused where there are adverse impacts on the features for which a site has been designated.

We have reviewed the following submission:

- Worsfold, S. (2021). Ecological Appraisal and Impact Assessment at land Adjacent to Hillcroft, Wrexham Road, Pentre Bychan, Wrexham. Susan Worsfold. (Unpublished Report Reference HIL270121)

On the basis of the information submitted, we consider that the proposed scheme will, subject to the inclusion of the reasonable avoidance measures for amphibians on page 7, avoid damaging the features for which the Stryt Las a'r Hafod SSSI is of special interest.

The Ecological Appraisal and Impact Assessment must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Should you be minded to grant permission for the above planning application without including the document as described above to the permission, we ask that you notify us under the provisions contained in Section 281 of the Wildlife and Countryside Act 1981 (as amended).

Protected Species

Great Crested Newt

Please see above in relation to amphibians.

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 Local Planning Authority.

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 shall include measures to control, remove or for the long-term management of invasive species both during construction and operation.

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.

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.

Yours faithfully,

Tristan Williams

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