



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-145287-K0H1
Eich cyf/Your ref: P/2021/0297

Maes Y Ffynnon,
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26/04/2021

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: CODI 6 APARTMENT / ERECTION OF 6 APARTMENTS

LLEOLIAD / LOCATION: LAND AT 83 AND 85, HEOL OFFA, JOHNSTOWN, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 07/04/2021.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met. Otherwise, we would object to this planning application.

Requirement 1 (Protected Sites): Further information is submitted to carry out a Habitats Regulations Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of the planning application.

Protected Species

Great Crested Newts

We note that the ecology report submitted in support of the above application (Knight, T (2020) Proposed Development, Heol Offa, Johnstown. Marches Ecology) identified that Great Crested Newts (*Triturus cristatus*) are present within 350m of the application site. From the information submitted, we consider that the proposed development represents a lower risk for Great Crested Newts (GCN). GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

In respect of great crested newts as a European protected species and when considering direct impacts, 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 any GCN or their breeding sites and resting places at this site, provided the avoidance measures described in the ecological report are implemented. Please consult us again if any further information shows that this is no longer a lower risk case.

Bats

We consider the submitted assessment in respect of the bats to be satisfactory for the purpose of informing the public decision-making process.

We concur with the recommendations in respect of bats

Protected Sites

Special Area of Conservation

We have concerns that a significant effect from the proposed development on the Johnstown Newt Sites Special Area of Conservation (SAC) cannot be ruled out. The application site is located within 300m of the boundary of Johnstown Newt Sites Special Area of Conservation (SAC). This site supports a nationally important population of Great Crested Newt (*Triturus cristatus*).

The following requirement needs to be met before allowing the proposed development to proceed. We would object to the planning application if the requirement is not met.

Requirement 1 (Protected Sites): Further information is submitted to carry out a Habitats Regulations Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application.

Without prejudice to the Local Planning Authority's assessment, we consider that the proposal is not likely to cause a direct impact on the conservation objectives of this European Site. However, based on our understanding of the location and nature of the scheme together with the proximity of greenspace, we consider that mitigation proposals will in this case be required for the purposes of addressing indirect impacts on the SAC, including those associated with potential in-combination increases in recreational pressures within the SAC.

We therefore advise that the applicant should submit an amended ecological submission that considers the provisions of the Local Planning Authority's Great Crested Newt Supplementary Planning Guidance (see:

http://old.wrexham.gov.uk/assets/pdfs/planning/consultations/draft_spg35.pdf)

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

The application site is located within 800m of the boundary of Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI). This site supports a nationally important population of great crested newt (*Triturus cristatus*), and an assemblage of amphibian species.

Based on the information submitted, we do not consider the proposal will cause a direct impact on the SSSI.

Phosphate Sensitive Special Area of Conservation

We note the application site is within the catchment of the River Dee & 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 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 due to the increase in number of dwellings. As such, we refer you to our [Interim Planning Advice](#) and confirm that provided this guidance is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we 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).

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