



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-145247-X3P5
Eich cyf/Your ref: P/2021/0276

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30/04/2021

Annwyl Syr/Madam / Dear Sir/Madam,

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

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

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 08/04/21.

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

Requirement 1 (Protected Species): We advise that further ecological survey is required to assess the extent of adverse effects on Great Crested Newts and any avoidance or mitigation measures required.

Protected Species

Great Crested Newt (GCN)

We note that the ecological report submitted in support of the above application (Prestwood, W. (2021). Land at Holt Lodge, Holt, Wrexham. Arbor Vitae. Unpublished) has identified that Great Crested Newts are not present at the application site. From the information submitted, we consider that the proposed development is likely to represent a higher risk for Great Crested Newts. Great Crested Newts and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

Although the ecological report has been submitted, we advise that there is insufficient information to assess potential effects on Great Crested Newts, and how any effects will be avoided or mitigated.

In terms of context, Wrexham Industrial Estate and its environs support a nationally important population of great crested newt.

The report states that there are no GCN breeding ponds within 250m, but our records show a pond at 98m and three at ~225m; GCNs have been observed at both locations.

In our view the ecology survey and assessment have not been satisfactorily carried out. No field surveys have been completed, for example.

The report fails to recognise the use of improved grassland by GCN. This habitat type is considered to represent the most abundant habitat type for the species in parts of lowland Wrexham. Indeed, component parts of GCN SACs include this type of grassland.

Requirement 1: (Protected Species): We advise that further ecological survey is required to assess the extent of adverse effects on Great Crested Newts and any avoidance or mitigation measures 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.

Dependant on the findings of the further ecological survey, there may be additional requirements for details of Reasonable Avoidance Measures, Mitigation/Compensation measures and a Scheme Management Plan to ensure that Great Crested Newts are protected from the impacts of the development during construction, and once it is operational for the duration of the proposed use.

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.

Protected Sites

Phosphorous Sensitive SAC Freshwater Catchment

We refer to your consultation dated 8th April 2021. 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 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 method of discharging foul drainage has not been identified in relation to the proposed toilet block. The development has the potential to increase the volume or concentration of wastewater and associated phosphate levels being discharged from the site. 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).

Foul water drainage

There is no information on the proposed method of foul water disposal from the proposed development. We note the site is located within a sewered area and would expect any foul water flows from the development to connect to mains sewer in line with [Welsh Government Circular 008/2018](#). NRW are unlikely to issue a permit for private sewage systems disposals to ground or surface water where it is considered reasonable to connect to mains sewer.

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.

Advice for the Developer

Abstraction Requirements

You are advised that an abstraction licence will be required if you abstract more than 20m³ a day to fill the fishing pool. No abstraction should take place above this limit unless a licence has been acquired from NRW. For further guidance please refer to our water abstraction and impoundment licences guidance on our [website](#).

Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded 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/>

Environmental Management

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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