Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-285039-C7N1
Eich cyf/Your ref: P/2025/0471

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 01 August 2025

Dear Jenni Perkins,

BWRIAD/PROPOSAL: TRAWSNEWID ADEILADAU AMAETHYDDOL I 1 ANNEDD, ADEILADU GAREJ A TIRLUNIO / CONVERSION OF AGRICULTURAL BUILDINGS TO 1 DWELLING, ERECTION OF GARAGE AND LANDSCAPING

LLEOLIAD/LOCATION: LOWER RACKERY, DARK LANE, BURTON, ROSSETT, WREXHAM, LL12 0AG

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the further information in support of the above, which we received on 23 July 2025.

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, you should seek further information from the applicant regarding protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding protected species should be attached to any planning permission granted. Without the inclusion of this condition we would object to this planning application.

Protected Sites

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In line with our *Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation* (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note from the information submitted that the development has the potential to increase the amount of nutrients being discharged from the site. As such, we refer you to our Advice and advise you to seek further information from the applicant. We note that information has already been submitted in respect of confirming that a new treatment plant is to be installed in respect of foul drainage. However, we advise you to seek further information as identified

in the section titled *'What does this mean for development proposals involving private sewage treatment systems'* of that Advice.

We note within section 2.1.2 of the Drainage Statement, Flood Flow, 17th April 2024 (Issue 04) that "*Percolation tests have not been carried out at the development site. From online soil data using the BGS website it states Till, Devensian - Diamicton superficial deposits. In view of the low permeability of the soils indicated at the site, soak-a-ways are not considered a viable option for the proposed development*."

Section 2.2 of the report states "*The disc filter will be specified for the removal of phosphates as part of the treatment process*." However, we do not consider this to be a reliable method of removing all nutrients from the discharge. We also refer you to the section "Can phosphorus reduction technology be used in private sewage treatment systems?" within our Advice.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine. We therefore advise you 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.

Protected Species

Great Crested Newts (GCN)

We have reviewed the following information which has been submitted in support of the application:

- Lower Rackery Farm, Statement of Reasonable Avoidance Measures for Great Crested Newt, Richard Roe, 11/06/2025

Our records indicate that GCN have been record in the vicinity of the application site.

GCN and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981. Where GCN are present and a development proposal is likely to contravene the legal protection, they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
ii. There is no satisfactory alternative; and,
iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

To avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note

5 into account when considering development proposals where a European Protected Species is present.

We note that the submitted Statement of Reasonable Avoidance Measures (RAMs) includes measures relating to site clearance, storage of materials and excavations. However, no information regarding measures to prevent GCN from accessing the site during the construction phase has been submitted in support of this application.
We therefore advise that further information is required to manage the potential impacts of the scheme. However, we would be content for this further information to be provided via a suitably worded condition.

We therefore advise the following condition in respect of GCN is included on any permission granted.

Condition: No development or phase of development, including site clearance, shall commence until a Great Crested Newt (GCN) plan of reasonable avoidance measures has been submitted to and approved in writing by the Local Planning Authority. The plan of reasonable avoidance measures should include, but not necessarily be limited to, the submission of details and plans concerning GCN reasonable avoidance and mitigation measures including:

- build upon the principles of the Statement of Reasonable Avoidance Measures for Great Crested Newt, Richard Roe, 11/06/2025
- fence design, construction and maintenance (the erection of a one-way amphibian fence, prior to and throughout the duration of construction operations)
- proposals for the clearance of individuals from working areas,
- details of timing, phasing and delivery of reasonable avoidance measures

The plan of reasonable avoidance measures shall be carried out in accordance with the approved details.

Justification: To ensure that GCN are protected by the development.

Bats

We have reviewed the following information submitted in support of the above application:

- Lower Rackery Farm Barns, Bat Scoping Assessment, 23/02/2024, Richard Roe (Kingdom Ecology Ltd) for Mulberry Tree Management Consultancy Ltd
- Lower Rackery Farm Barns, Further Bat Dusk Survey, 10/06/2025, Richard Roe (Kingdom Ecology Ltd) for Mulberry Tree Management Consultancy Ltd

The Further Bat Dusk Survey has identified that bats are present at the application site. From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three tests set out in the Regulations (please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to

“demonstration of no detriment to the maintenance of the favourable conservation status of European protected species”.

As this is a lower risk case for bats, 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. We recommend that you discuss the need to secure any avoidance or mitigation measures in relation to bats with your internal ecological advisor. We advise that the works are carried out under licence. We refer you to the Chief Planning Officer’s letter dated 1 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.

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

Historic Landfill

According to our records the proposed development site is located near to land that is, or has been, used for the deposition of waste material. We would therefore advise you to consult with your Authority's Environmental Health and Building Control Departments, as they may hold detailed records, and may wish to make appropriate recommendations in respect of landfill gas investigation/remedial work. The developers should be made aware of the existence of the landfill site(s) so that they can decide whether or not to make their own investigations into the presence of landfill gas. It should also be noted that Waste Management Paper 27 states "It has been found that many sites which have taken only supposedly 'inert' waste have produced gas".

Other Matters

The advice in this letter relates to matters which are included on our consultation topics list. We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

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,

Gareth Thomas
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Cyfoeth Naturiol Cymru/Natural Resources Wales
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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.