

Ein cyf/Our ref: CAS-284749-M7B5
Eich cyf/Your ref: P/2023/0186

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 06 August 2025

Dear Sir/Madam,

BWRIAD/PROPOSAL: Codi 46 annedd, mynediad cysylltiedig, tirlunio ac isadeiledd ategol / erection of 46 dwellings, associated access, landscaping and supporting infrastructure

LLEOLIAD/LOCATION: Land Off, St Marys Avenue, Overton, Wrexham, LL13 0ES

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the additional information for the above, which we received on 17 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 species. 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 and the document identified below should be included in the approved plans and documents condition on the decision notice.

Approved document: Stirling, P., 23/10/24, Amphibian Conservation Plan, Arbor Vitae Environment Ltd

Without the inclusion of this condition and document we would object to this planning application.

We also advise that further consideration is required regarding foul drainage. Further details are provided below.

Protected Species

Great Crested Newt (GCN)

The updated ecological report (Stirling, P., September 2024, Ecological Impact Assessment, Arbor Vitae Environment Ltd) advises that two of the ponds within 500m of the site were not accessible and limited / no surveys of the other ponds in the area were undertaken. Consequently, we consider there to be uncertainty in respect of the presence of GCN within the application site.

We have been informed by the LPA Ecologist via email dated 18/09/24 that until approximately 3-4 years ago there was a pond within the application site and that this appears to have been infilled. We note that the updated report does not consider the implications of the recent pond loss on the favourable conservation status of GCN nor that the surrounding area is noted as an Important Area for Ponds in Wales (A preliminary assessment of Important Areas for Ponds (IAPs), April 2007, Pond Conservation & Countryside Council for Wales).

We note the submission of the Amphibian Conservation Plan (Stirling, P., 23/10/24, Amphibian Conservation Plan, Arbor Vitae Environment Ltd) in response to our previous advice that a site-wide GCN Conservation Plan should be submitted. The submitted plan addresses a number of our concerns. However, there is still insufficient information regarding the long-term management, tenure and funding in relation to the wildlife pond and hibernacula.

We consider the submitted proposals could demonstrate that they are not likely to be detrimental to the maintenance of the favourable conservation status of GCN, provided any subsequent consent is subject to the provisions of a planning condition and planning obligation as noted below.

Condition 1: No development including site clearance, shall commence until a long-term Ecological Management Plan (EMP) for the provision, management and maintenance of the ecological features at the site has been submitted to and approved by the Local Planning Authority. The Plan should build upon the principles outlined in the Ecological Impact Assessment and the Amphibian Conservation Plan and include, but not necessarily be limited to:

- defined aims and objectives in respect of GCN (including defined key performance indicators for long-term monitoring)
- details of habitats to be retained, created or enhanced, both in written form and shown on appropriate drawings, including planting plans.
- details of short and long-term habitat management prescriptions to both achieve and maintain the desired condition
- details of monitoring methodologies and reporting of surveillance results through the online Wales GCN Monitoring Scheme
- details of scheduling and timings of activities
- contingency measures if fish and/or invasive non-native species (INNS) are detected
- persons or bodies responsible for undertaking management and surveillance together with required skills and competencies
- site liaison and wardening
- licensing requirements [for management surveillance and other defined activities]
- biosecurity measures which consider invasive non-native species and specific diseases (e.g. Chytrid) to prevent the introduction of and where present control,

removal or for the long-term management of invasive species both during construction and operation.

- details of reporting, review and update of the plan (informed by monitoring) at specific intervals as agreed

The Ecological Management Plan shall be carried out in accordance with the approved details.

Planning Obligation: A Planning Obligation Section 106 Agreement (as opposed to a Unilateral Undertaking) will be required. We advise that in respect of any such agreement, provisions relating to ecology include:

- defined commuted sum and/or requirement for index-linked ground rent service charges to include ecological management, surveillance and wardening in perpetuity (a costed management plan will be required to inform costings)
- identification of relevant land to be subject to the planning obligation and be managed for biodiversity
- delivery of management
- regular liaison meetings
- management plan review, at minimum 5 years
- transfer freehold ownership of the defined Ecology Area to a body that accords with the definition of “responsible” under Part 7 of the Environment Act 2021 [e.g., an appropriate body that is approved by the Local Planning Authority] before occupation of the [number dwelling / unit]
- Tenure and any proposed changes to tenure shall be carried to the satisfaction of the LPA in consultation with NRW. This to be completed before the occupation of the construction and occupation of the 34th dwelling

Bats

We note that the ecological report submitted in support of the above application (Stirling, P., September 2024, Ecological Impact Assessment, Arbor Vitae Environment Ltd) has identified that bats are likely to be present at the application site (foraging and commuting). From the information submitted, we consider that the proposed development is likely to represent 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”.

We note the submission of the ‘Wildlife Sensitive Lighting Plan’ (Land off St Marys Avenue, Arbor Vitae, undated) that provides specifications for internal lighting and confirms no exterior lighting on certain houses. The submitted report refers to the scheme being compliant with “ILP GN08” and then later references the “Bat Conservation Trust (2018) Bats and artificial lighting in the UK. Bats and the Built Environment series, Guidance Note 08/18. Institution of Lighting Professionals.”. However, this guidance note has been

superseded by “Bats and Artificial Lighting at Night Guidance Note 08/23, Bat Conservation Trust & Institute of Lighting Professionals” (GN08/23) therefore we advise that the submitted Wildlife Sensitive Lighting Plan and design drawings are updated to comply with and refer to GN08/23.

The Submitted Plan (Site Planning Layout, reference 1522-slt-P01 revision T, dated 08/06/2025) has been annotated to show the addition of a timber fence to the rear of the properties along the northern boundary of the site. However, this plan does not show the extents of the proposed dark corridor.

We therefore advise that an updated drawing to show the intended dark corridor, updated fencing proposals and lighting plan to include light spill from internal and external sources (including streetlighting) is submitted as part an updated Wildlife Sensitive Lighting Plan.

Section 5.2 of the ecological report also states that “*All hedgerow and trees will be retained at the site, except for a Maple, identified as T7*”. However, Section 7 of the report refers to the potential removal of the mature oak (T8) in the north-eastern area of the site but the submitted Arboricultural Impact Assessment & Method Statement (reference: 23/AIA/WXM/316, Revision A, Tree Solutions August 2024) states that no works are proposed to the mature oak (T8). Section 7 of the report states that the mature oak tree on the site will be surveyed for bats if felling is required. We concur with this assessment and advise that this is secured through a suitably worded condition:

Condition 2: No tree felling with the potential to impact on bats, shall commence until a pre-construction bat survey has been carried out. If the survey confirms the presence of bats, the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

Justification: To ensure the potential presence of bats is confirmed prior to felling of trees and where necessary remedial measures are implemented for their protection.

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. However, we advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site and, therefore, we advise that all avoidance and mitigation measures described in the bat report must be undertaken.

Please consult us again if any further information shows that this is no longer a lower risk case.

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 and Foul Drainage

The proposed development could potentially lead to an increase of phosphorus load from the receiving wastewater treatment works into the River Dee and Bala Lake Special Area of Conservation. The majority of the River Dee catchment in Wales is currently failing to meet

water quality targets for phosphorus. The nutrient impacts of new connections need to be considered on a case-by-case basis within the Habitats Regulations Assessment process. Whilst NRW permitting service has completed a Review of Water Company Discharge Permits we are currently undertaking further data analysis for the River Dee following a number of enquiries and questions from stakeholders and several ongoing Appeals. We will be able to provide further advice to your Authority once we have concluded the review.

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.

Yours faithfully,

Rachael Burke

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
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.