Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-289173-Q9S9
Eich cyf/Your ref: P/2024/1695

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 10 October 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: ADEILADU LLWYBR TROED/LLWYBR BEICIAU A PHONT / CONSTRUCTION OF FOOTPATH/CYCLEWAY AND BRIDGE

LLEOLIAD/LOCATION: LAND AT NATIONAL TRUST AND SOUTH OF, WREXHAM ROAD, RHOSTYLLEN, WREXHAM, LL14 4DH

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the additional information for the above, which we received on 25 September 2025.

We 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, conditions regarding protected species should be attached to any planning permission granted. Without the inclusion of these conditions we would object to this planning application.

Protected Species

We have reviewed the following documents submitted in support of the application:

- Preliminary Ecological Appraisal (PEA) by United Environmental Services Ltd., dated 13 October 2022
- Preliminary Ecological Survey, Rhostyllen footpath / cycleway and bridge route, Wrexham, Hodnett, T. (2025), Ecological Design Consultant
- Ground Level Tree Assessment - Bats, Rhostyllen footpath / cycleway and bridge route, Wrexham, Hodnett, T. (2025), Ecological Design Consultant
- Aerial Tree Assessment - Bats, Rhostyllen footpath / cycleway and bridge route, Wrexham, Hodnett, T. (2025), Ecological Design Consultant

- Otter Presence Report, Rhostyllen footpath / cycleway and bridge route, Wrexham, Hodnett, T. (2025), Ecological Design Consultant

Otters

Section 6.6 of the Otter Presence Report states that no evidence of holts were found but that "commuting, foraging and feeding behaviour are occurring within the survey area" with Figure 3 confirming locations of otter spraint found within the survey area. Section 7 of the report provides recommendations for safe working methods to be employed. Whilst we concur with the measures included, we advise that the following additional measure should be included in an amended report:

- No working shall take place within 30m of the Glanyrafon Brook one hour before dusk and one hour after dawn.

Great Crested Newt (GCN)

We note that section 7.1 of the Preliminary Ecological Survey (2025) states there are no records of GCN within 1km of the application site, however, our records indicate several GCN records within 700m of the application.

Therefore, we consider that GCN are material to 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 consider that the Preliminary Ecological Appraisal (2022) provides an adequate basis upon which to consider the potential impacts of the scheme on GCN and inform the decision-making process. However, we advise that further information is required to manage the potential impacts of the scheme on GCN.

The PEA (2022) recommends: "*reasonable avoidance measures (RAMs) to be implemented during the construction phase of the development*" in respect of GCN.

The reasonable avoidance measures outlined in the PEA (2022) should be updated to include a prior commencement search of working areas as well as mechanisms to evidence compliance. However, we would be content for this further information to be provided via a suitably worded condition.

We would therefore advise the Local Planning Authority to include the following condition in respect of GCN on any planning permission granted.

Condition 1: No development or phase of development, including site clearance, shall commence until an updated 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 shall be carried out in accordance with the approved details.

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

Bats

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 consider that both the Ground Level and Aerial Tree Assessment reports provide an adequate basis upon which to consider the potential impacts of the scheme on this species and inform the decision-making process.

Section 7.1 of the Aerial Tree Assessment – Bats report, states that one tree (reference 0511) has been identified as needing further survey in relation to bats, we concur with this assessment.

Section 6.4 of the Preliminary Ecological Survey (2025) states that "The woodland perimeters and woodland blocks offer greater cover and potential for foraging bats". Therefore, we advise that further information is required to manage the potential impacts to foraging bats, from the scheme in respect of lighting. However, we would be content for this further information to be provided via a suitably worded condition.

We advise the following conditions in respect of bats are included on any permission granted:

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.

Condition 3: Prior to installation a Lighting Plan has been submitted to and approved in writing by the Local Planning Authority. This Lighting Plan shall consider existing and proposed lighting together with any spillage originating from internal light sources including:

- Details of lighting to be used during and post construction;
- Plans illustrating the location and type of lighting;
- Plans illustrating projected or retained bat emergence points; together with retained or proposed features planned to be functionally used by bats for foraging/dispersal purposes;
- Provisions of the scheme shall accord with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/23: Bats and Artificial Lighting at Night.

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

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

Terrestrial Ornithology

We note that the PEA identified evidence of kingfisher (*Alcedo atthis*) within the application site. Kingfishers are listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended); the birds, their nests, eggs and young are fully protected at all times throughout the UK. It is also an offence to intentionally or recklessly disturb kingfishers at an active nest site with eggs or young or before eggs are laid, or to disturb the dependent young.

We are satisfied that the ecological survey has been carried out to an acceptable standard. The PEA states: "*works to be conducted outside of the nesting bird season. If not possible, a pre-commencement targeted nesting bird check is required to determine whether the tunnels are being used by nesting kingfisher. If kingfisher are observed to be nesting and the works are likely to disturb the nest, then the works will not commence until it has been confirmed by the project ecologist that the chicks have fledged. Any external lighting installed should be designed to avoid overspill onto the existing tunnel locations. Kingfisher nest boxes can also be installed along the brook to enhance the nesting opportunities on site"*.

Therefore, we would advise your Authority that the mitigation proposed within the PEA should be secured against any planning permission granted, and adhered to in order to avoid adverse impacts on kingfishers.

Flood Risk

The planning application proposes less vulnerable development (bridge and footpath / cycleway works). The Flood Map for Planning identifies the application site to be at risk of flooding and falls partially within Flood Zone 2 and 3 (Rivers).

Given the scale and nature of the proposed development (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks.

We are not aware of any Natural Resources Wales main river interests at the application site and the supporting information indicates that there would not be any fluvial flood risk to third parties as a result of the proposals.

There should be no ground raising or channel alterations under the existing railway bridge. The proposed crossing should be of an open span design, as currently proposed, with no culverts.

In areas at risk of flooding, we recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development.

We refer you to our website for further advice and guidance.

Lead Local Flood Authority

We advise that the bridge crossing should be approved by Wrexham County Borough Council (WCBC), as the Lead Local Flood Authority (LLFA) responsible for determination of consent under the Land Drainage Act.

WCBC drainage department in their capacity as LLFA may also be able to advise on any local problems in relation to surface water disposal and any associated flood risk.

Works Likely to Affect a Watercourse

We note that the proposed new route would be largely sited away from the Glanyrafon Brook. We advise that this principle should be adhered to within the final design as the watercourse shows signs of significant meandering and lateral movement across the valley floor. It should be ensured that the watercourse would not be constrained by the proposals (which could result in damage to the environment and bridge structure itself). We advise that liaison with the LLFA to agree an appropriate distance from the watercourse would be prudent.

Although the design of the bridge is yet to be agreed, a clear span (potentially with a single pier located outside of the watercourse channel) is depicted in the submitted plans - Drawing 22094/104/2 Rev E 05/01/2024. We would have no objection to this design, in principle, regarding impacts on the watercourse. The bridge structure and its approach abutments should provide an adequate clear span to allow the river channel to continue naturally migrating laterally (and convey flood flows) without hindrance or intervention.

Pollution Prevention

During the construction phase, precautions should be taken 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 Guidance for Pollution Prevention (GPP) 5: Works and maintenance in or near water, and GPP 6: Working on construction and demolition sites, which are available on the NetRegs website.

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.

However, recognising the specific nature of the application submitted, we are satisfied that there is unlikely to be a source of additional nutrients and/or a pathway for impacts. As such, in our opinion, it would be reasonable for the your Authority to screen out this proposal as not likely to have a significant effect on the River Dee and Bala Lake SAC in relation to nutrient inputs.

Ancient Woodland

The application site is partially within Ancient Semi Natural Woodland. Please refer to our Advice to planning authorities considering proposals affecting ancient woodland (published 26 Nov 2021) for further information Natural Resources Wales / Advice to planning authorities considering proposals affecting ancient woodland.

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 about 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

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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.