

Ein cyf/Our ref: CAS-243780-W5P8
Eich cyf/Your ref: P/2023/0781

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 08 December 2023

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: CAIS AMLINELLOL AR GYFER 2 RANDY (CADW YMDDANGOSIAD, TIRLUNIO, GOSODIAD A GRADDFA) / OUTLINE APPLICATION FOR 2 NO. APARTMENTS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED)

LLEOLIAD/LOCATION: LAND ON WEST SIDE OF 21 HIGH STREET JOHNSTOWN WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 29 November 2023.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted:

Condition: Protected Sites

Please note, without the inclusion of this condition we would object to this planning application. Further details are provided below.

Protected Sites

Site of Special Scientific Interest (SSSI)

The application site is located within 150m of the boundary of Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI).

We have concerns that the proposed development, as submitted, will damage the features for which the Stryt Las a'r Hafod SSSI is of special interest. We therefore recommend that planning permission should only be granted if an appropriate planning condition is included to avoid damage to the special interest features of the SSSI.

Paragraph 6.4.14 of Planning Policy Wales states development should be refused where there are adverse impacts on the features for which a site has been designated.

This site supports a nationally important population of Great Crested Newt (*Triturus cristatus*), and an assemblage of amphibian species. Owing to the proximity of the application site to the SSSI, we therefore advise that any subsequent consent is subject to the imposition of a condition requiring the implementation of amphibian (including Great Crested Newt) mitigation and avoidance measures to the satisfaction of the Local Planning Authority. On the basis of the information submitted, we consider that the proposed scheme will, subject to the inclusion of conditions as advised below, avoid damaging the features for which the Stryt Las a'r Hafod SSSI is of special interest.

We therefore advise that the following condition should be attached to any permission granted by your authority for the above application:

Condition: No development shall take place until a Reasonable Avoidance Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Reasonable Avoidance Method Statement shall include, but not necessarily be limited to:

- Details and associated plans concerning amphibian reasonable avoidance and mitigation measures.
- Measures to be taken to prevent or reduce accidental capture or killing of amphibians.

The measures above shall be carried out in accordance with the approved details.

Justification: To ensure that an approved species Reasonable Avoidance Method Statement is implemented, which protects the species affected by the development.

Should you be minded to grant permission for the above planning application without attaching the condition as described above to the permission, we ask that you notify us under the provisions contained in Section 28I of the Wildlife and Countryside Act 1981 (as amended).

Special Area of Conservation (SAC)

- *Johnstown Newt Sites SAC*

The application site is located within 150m of the boundary of the Johnstown Newt Sites SAC. Providing the advice referenced above for the SSSI is adequately addressed, NRW consider the features of the SAC will also be adequately safeguarded.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) has been undertaken by your authority or it has not been forwarded to Natural Resources Wales (NRW) for consideration. Should you conclude that the proposed development is likely to have a significant effect on the Johnstown Newt Sites SAC, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the Johnstown Newt Sites SAC.

- *River Dee and Bala Lake SAC*

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 phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus 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 phosphorus being discharged from the site. As such, we refer you to our Planning Advice and advise you to seek further information from the applicant. We note that information has already been submitted in respect of confirming a connection to the public mains sewer. However, we advise you to seek further information as identified in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' of that advice.

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).

Protected Species

Great Crested Newts (*Triturus cristatus*) have previously been recorded in the vicinity of the application site. This species is protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Please refer to our Protected Sites advice and suggested condition above in respect of amphibians, including Great Crested Newts.

Where Great Crested Newts 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*".

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

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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.