

Ein cyf/Our Ref: CAS-257013-Q4M8
Eich cyf/Your Ref: P/2024/0288

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

Dyddiad/Date: 06 June 2024

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD/PROPOSAL: RHYDDHAU AMOD 7 (ECOLEG), 9 (CYNLLUN CADWRAETH), 10 (DATGANIAD O DDULLIAU ADEILADU), 11 (HALOGIAD) A 14 (DATGANIAD O DDULLIAU COEDYDDIAETH) O APÊL I BENDERFYNIAD APP/H6955/A/20/3258703 (P/2019/0835) / DISCHARGE OF CONDITIONS 7 (ECOLOGY), 9 (CONSERVATION PLAN), 10 (CONSTRUCTION METHOD STATEMENT), 11 (CONTAMINATION) AND 14 (ARBORICULTURAL METHOD STATEMENT) OF APPEAL DECISION APP/H6955/A/20/3258703 (P/2019/0835)

LLEOLIAD/LOCATION: LAND AT TUPA, PENLEY HALL DRIVE, PENLEY, WREXHAM, LL13 0LU

Thank you for consulting Cyfoeth Naturiol Cymru (CNC) / Natural Resources Wales (NRW) about the above, which we received on 28/05/2024.

We have no objection to the discharge of condition 7 or 9 and have no comment on the remaining conditions.

Condition 9

Further to our response dated 16 May 2024 (CAS-254997-Q1Y5) we note submission of an updated Conservation Plan (Roe, R., 2024, Land at Tupa, Penley Hall Drive, Penley, Wrexham, Amended Conservation Plan, Kingdom Ecology). We consider the submission to be satisfactory for the purposes of discharging condition 9.

Condition 7

We note submission of a report for the purposes of discharging Condition 7 (reference (Roe, R. (2024). Land at Tupa, Penley Hall Drive, Penley, Wrexham Planning Condition 7- Great Crested Newt RAMS, Kingdom Ecology (Unpublished report No KE24/305/01). We consider the report to be satisfactory and have no objection to the discharge of this condition.

Protected Sites and Foul Drainage

We advise that your Authority be mindful of the High Court's recent judgment in regard to the Fry case (C G Fry & Son Ltd v SSHCLG [2023] EWHC 1622). We understand the implication of the Fry judgement is that where there is an application for a discharge of condition, it will need to be ascertained whether there is a need for a Habitats Regulations Assessment (HRA) in respect of the wider development, even if the conditions being discharged do not affect the principle of the development. We suggest you seek your own expert advice on this matter, to properly inform your determination of the application as submitted. Should you decide that an HRA is required, we would refer you to our Advice to Planning Authorities on our website: [Natural Resources Wales / Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation.](#)

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

Pauline Gallagher Brown

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

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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.