

Ein cyf/Our ref: CAS-243252-X3X3
Eich cyf/Your ref: P/2023/0752

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 13 December 2023

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Gosod cebl foltedd uchel wedi'i gladdu / Installation of buried high voltage cable

LLEOLIAD/LOCATION: Land North Of Maelor Works, Access Roads To Maelor Gasworks, Cross Lanes, Wrexham, LL13 0UW

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 24 November 2023.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching conditions relating to protected species and biosecurity to any planning permission granted. We also advise that based on the information submitted to date, the document identified below should be included in the approved plans and documents condition on the decision notice.

- **Proposed Cable Route Cefn Park and Wrexham Pw. Ecological Appraisal. Ective Ecology, 20/06/2023.**

Protected Species

Great Crested Newts

We note that the report submitted in support of the above application (Proposed Cable Route Cefn Park and Wrexham Pw. Ecological Appraisal. Ective Ecology, 20/06/2023) has identified that semi-natural habitat within the route corridor has the potential to support Great Crested Newts (GCN) and recommends a scheme of Reasonable Avoidance Measures (RAMs) to minimise the potential impacts to GCN during installation works.

GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). 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 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 advise that the proposed development is likely to harm or disturb GCNs or their breeding sites and resting places at this site. Therefore, we advise that the below condition should be attached to any planning permission for this scheme to ensure appropriate avoidance and mitigation measures. Provided those measures are implemented, we do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Condition 1: No development shall take place until a Great Crested Newt Reasonable Avoidance Measures scheme has been submitted to and approved in writing by the Local Planning Authority. The Reasonable Avoidance Measures scheme shall include, but not necessarily be limited to:

- Build upon the principles outlined in the ecological report (above).
- Details and associated plans concerning GCN reasonable avoidance and mitigation measures including, but not limited to, one-way amphibian fence design and locations (prior to and throughout the duration of any work).
- Measures to be taken to prevent or reduce accidental capture or killing of GCNs during the construction phase.
- Ecological Compliance Audit.
- Works to be carried out under the appropriate licence issued by NRW under the provisions of Regulation 55 (2) of the Conservation of Habitats and Species Regulations 2017 (as amended) if works cause death injury or disturbance to protected species and or cause damage or destruction to their breeding sites and resting places.

The Reasonable Avoidance Measures scheme shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Great Crested Newt Reasonable Avoidance Measures scheme is implemented, which protects the Great Crested Newts affected by the development.

Bats

We note that the ecological report submitted in support of the above application (Proposed Cable Route Cefn Park and Wrexham Pw. Ecological Appraisal. Etive Ecology, 20/06/2023) has identified that the mature broadleaved trees within the arable land to the east of the substation offer a number of potential roosting features for bats.

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*”.

We advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site. Therefore, we advise that the below condition should be attached to any planning permission for this scheme to ensure appropriate avoidance and mitigation measures. Provided those measures are implemented, we do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Condition 2: No development shall take place until a bat Reasonable Avoidance Measures scheme has been submitted to and approved in writing by the Local Planning Authority. The Reasonable Avoidance Measures scheme shall include, but not necessarily be limited to:

- Build upon the principles outlined in the ecological report (above).
- Details and associated plans concerning bat reasonable avoidance and mitigation measures (prior to and throughout the duration of any work).
- Details and timings for climbed endoscope inspections and/or activity surveys.
- Ecological Compliance Audit.
- Works to be carried out under the appropriate licence issued by NRW under the provisions of Regulation 55 (2) of the Conservation of Habitats and Species Regulations 2017 (as amended) if works cause death injury or disturbance to protected species and or cause damage or destruction to their breeding sites and resting places.

Justification: To ensure that an approved Bat Reasonable Avoidance Measures scheme is implemented, which protects the bats affected by the development.

We advise that the ecological report must be included in the ‘approved list of plans / documents’ condition within the decision notice should consent for the project be granted.

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.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases.

We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include:

- i) appropriate measures to control any INNS on site; and
- ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

Flood Risk

Our Flood Risk Map confirms the application site lies partially within Zone C2 of the Development Advice Maps (DAM) as contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 (Rivers).

Given the 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.

To ensure that there is no impact on the flood regime we advise that there should be no ground raising or deposition of material within any flood zones.

We refer the applicant to our [website](#) for further advice and guidance.

We wish to advise the applicant that the afon Clywedog is a designated main river and any works in, over, under or certain activities within 8m of the river may require a permit. Further details are available at [Natural Resources Wales / Flood risk activity permits](#).

Protected Sites

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.

However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

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,

Rhys Jones

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.