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06/07/2021

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: CAIS AMLINELLLOL (POB MATER WEDI'I GADW YN ÔL) AR
GYFER 6 ANNEDD / OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR 6
DWELLINGS**

**LLEOLIAD / LOCATION: WESTERDALE, HILL STREET, RHOSLLANERCHRUGOG,
WREXHAM**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about additional information regarding the above, which we received on 17/06/2021..

We continue to have concerns with the proposed development as submitted. We recommend you should only grant planning permission if you include the following document within the condition identifying approved plans and documents on the decision notice:

- Ecological Impact Assessment at Westerdale, Gardden Road. Rhosllanerchrugog Wrexham LL14 2RN. Susan Worsfold. Version 4. (22/11/2020)

Protected Species

Great Crested Newts (GCNs)

We note that the ecological report submitted in support of the above application (*Ecological Impact Assessment at Westerdale, Gardden Road. Rhosllanerchrugog Wrexham LL14 2RN. Susan Worsfold. Version 4. 22/11/2020*) has identified that GCNs are present at the application site. 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. Furthermore, we advise that the proposed development is not likely to harm or disturb the GCNs or their breeding sites and resting places at this site, provided the avoidance measures described in the ecological report are implemented.

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted. Please consult us again if any further information shows that this is no longer a lower risk case

Bats

We note that the ecological report submitted in support of the above application (*Ecological Impact Assessment at Westerdale, Gardden Road. Rhosllanerchrugog Wrexham LL14 2RN. Susan Worsfold. Version 4. 22/11/2020*) has identified that bats are present at the application site.

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). 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. Furthermore, we advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided the avoidance measures described in the ecological report are implemented.

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted. Please consult us again if any further information shows that this is no longer a lower risk case.

Protected Sites

Johnstown Newt Sites Special Area of Conservation (SAC)

From the information provided, NRW consider that the proposals may affect the above SAC. The application is located within 160m of the SAC. NRW have identified the following potential impact pathways to features of this site:

- Disturbance and/or loss or damage to GCN resting places.

The above pathways may not result in an adverse effect if the following measures are adhered to/ implemented:

- Developer adheres to Reasonable Avoidance measures as described in the submitted Ecological Assessment (*Ecological Impact Assessment at Westerdale, Garden Road. Rhosllanerchrugog Wrexham LL14 2RN. Susan Worsfold. Version 4. 22/11/2020*)

No assessment of likely significant effects 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 NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the European site, 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 SAC.

River Dee and Llyn Tegid SAC

We note the application site is within the catchment of the River Dee and Llyn Tegid Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphate levels for all river SACs across Wales. As part of this package, we issued a [Planning Position Statement](#), in which we advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We also issued [Interim Planning Advice](#), which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that the development has the potential to increase the volume or concentration of wastewater and associated phosphate levels being discharged from the site via mains sewer connection. However, we note that a submitted email from Welsh Water dated 26 May 2021 confirms that the development site would drain to Lavister waste water treatment works, which has an existing phosphate permit as part of its consent, and that the proposed flows can be accommodated.

As per our [Planning Advice](#), development connecting to an existing public wastewater treatment works that has the capacity and associated phosphorus stripping facility to accommodate additional wastewater is unlikely to increase phosphorus inputs to a SAC beyond what has already been assessed and permitted by NRW. However, your authority, should examine the appropriate assessments carried out in respect of the extant environmental permit(s), along with any new information or changes in circumstances, to ensure that adverse effect on site integrity can be ruled out.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

Should your Authority conclude that the proposal is likely to have a significant effect on the River Dee and Llyn Tegid SAC, please consult us on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Sites of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the Stryt Las a'r Hafod SSSI. Providing the impact pathways referenced above for the Johnstown Newt Sites SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

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.

Advice for the Developer

Landfill

According to our records the proposed development site is located near to land that is, or has been, used for the deposition of waste material. We would therefore advise you to consult with the local authority's Environmental Health and Building Control Departments, as they may hold detailed records, and may wish to make appropriate recommendations in respect of landfill gas investigation/remedial work. The developers should be made aware of the existence of the landfill site(s) so that they can decide whether or not to make their own investigations into the presence of landfill gas. It should also be noted that Waste Management Paper 27 states "It has been found that many sites which have taken only supposedly 'inert' waste have produced gas".

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