Ein cyf/Our ref: CAS-294161-V6C4
Eich cyf/Your ref: P/2025/0536

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 17 December 2025

Annwyl / Dear Mr Thomas,

BWRIAD/PROPOSAL: Change of Use of Land to a 4 Pitch Family Gypsy and Traveller Site

LLEOLIAD/LOCATION: Land North Of Croesfoel Court, Wrexham Road, Rhostyllen, Wrexham, LL14 4DR

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 27 November 2025.

We continue to 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 further consideration is required regarding foul drainage. Further details are provided below.

Protected Sites – River Dee Special Area of Conservation (SAC)

We note the application site is within the catchment of the River Dee 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.

The proposed development could potentially lead to an increase of phosphorus load from the receiving wastewater treatment works into the River Dee and Bala Lake Special Area of Conservation. The majority of the River Dee catchment in Wales is currently failing to meet water quality targets for phosphorus. The nutrient impacts of new connections need to be considered on a case-by-case basis within the Habitats Regulations Assessment process. Whilst NRW permitting service has completed a Review of Water Company Discharge Permits we are currently undertaking further data analysis for the River Dee following a number of enquiries and questions from stakeholders and several ongoing Appeals. We will be able to provide further advice to your Authority once we have concluded the review.

Protected Species

We have reviewed the Preliminary Ecological Appraisal (Land to the North of Croesfoel Court, reference PR-25-0327, dated November 2025, Tyrer Ecological Consultants Ltd) submitted in support of this application and note that section 4.6 states “During the diurnal assessment, it became apparent that the site had been cleared in its entirety, which limits the scope of the ecological assessment. As the report is intended to support a retrospective application, the works have already been completed or are in progress”.

Furthermore, a number of limitations are highlighted in section 4 relating to the survey taking place outside of the optimal time of year for preliminary ecological appraisals, UK Habitats Surveys, active bat season and outside of the bird breeding season.

Great Crested Newt (GCN)

Our records indicate that GCN are material to the application site with multiple records within 700m of the site.

The proposal has the potential to kill, injure, disturb GCN, or damage or destroy their breeding sites and resting places at this 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. Please note, for the purposes of providing advice at the planning application stage, our comments are limited to compliance with the third test only.

We consider that the current submission is insufficient for the purposes of demonstrating that the proposal has not been detrimental to the maintenance of the favourable conservation status of GCN.

Section 7.18 of the report states “The results of the desk and field study suggest that the presence of GCN within the application, or impacts from the development, are highly unlikely due to the absence of suitable on-site habitats and lack of connectivity between the site and potential suitable habitat further afield. No further recommendations apply”. We do not agree with this assessment or conclusion of no further measures. We are aware

of multiple GCN records in the vicinity of the site and following a review of aerial images of the habitat on site prior to the site clearance, we consider that potential impacts on GCN cannot be ruled out.

We therefore advise that the following points are addressed in an updated report:

- Revised conclusions to include recognition of potential impacts on GCN and;
- Details regarding precaution conservation measures in relation to GCN

We advise that a revised report is submitted to address the above matters prior to determination, to inform the decision-making process. The submission must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Bats

We have concerns about the above proposal and advise that further information is submitted in support of the application in respect of bats, as European Protected Species.

Section 4 of the Preliminary Ecological Appraisal highlights survey limitations based on the time of year it was carried out, which includes being outside of the active bat season. Whilst it is noted that no structures were removed as part of the site clearance it is acknowledged in section 6.3.3 of the report that "the site would likely hold moderate value for bats," and includes reference to providing connectivity for commuting to nearby riparian and woodland habitats in addition to the "good foraging habitat" that appears to have been present prior to the site clearance works.

We note that section 7.10 of the Preliminary Ecological Appraisal states "to mitigate for the loss of what previously appears to have been a Moderate value foraging and commuting resource, the development scheme should consider enhancement for bats as part of its biodiversity goals, in accordance with local and national planning policy". Section 7.11 recommends that a lighting plan is developed to avoid potential impacts on 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".

Based on the information submitted to date, we are unable to advise your Authority that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

We therefore advise that a lighting plan is submitted prior to determination to inform the decision-making process as detailed below:

- 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.

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 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.