

Ein cyf/Our ref: CAS-245419-D7N1
Eich cyf/Your ref: P/2023/0800

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 21 February 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: MATERION A GADWYD YN ÔL SY’N YMWNEUD Â CHANIATÂD CYNLLUNIO AMLINELLOL P/2020/0210, AR GYFER DATBLYGIAD DEFNYDD CYMYSG PRESWYL, BUSNES, DIWYDIANNOL, STORIO A DOSBARTHU A MANWERTHU (EDRYCHIAD, TIRLUNIO, CYNLLUN A GRADDFA) / RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION P/2020/0210, FOR A MIXED USE RESIDENTIAL, BUSINESS, INDUSTRIAL, STORAGE AND DISTRIBUTION AND RETAIL DEVELOPMENT (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE)

LLEOLIAD/LOCATION: Land At, Bangor Road, Johnstown, Wrexham, LL14 2SP

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the additional information on the above, which we received on 11 January 2024.

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 sites. If this information is not provided, we would object to this planning application. We also advise that further consideration is required regarding foul drainage. Further details are provided below.

Protected Sites

Johnstown Newt Sites Special Area of Conservation (SAC)

The application is located partially within the Johnstown Newt Sites SAC.

We have concerns that a significant effect from the proposed development on the SAC cannot be ruled out. We advise that further information is submitted to enable your Authority to adequately consider the potential impacts on the features of the SAC and in particular to enable your Authority to carry out a Habitats Regulations Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended).

This Reserved Matters application relates to the appearance, landscaping, layout and scale of the development. The proposed landscaping and layout could affect the delivery of the Great Crested Newt (GCN) compensation area to be implemented in line with the details set

out under Condition 20 of the Appeal Decision Notice (ref. H6955/A/15/3135730). However, the Landscape Management Plan (LMP) does not provide sufficient details regarding how it will relate to the GCN compensation area or affect it. It is also unclear whether there would be any encroachment of landscaped areas into the GCN compensation area. An overlay of the previously approved scheme and the current GCN compensation area proposals should therefore be submitted along with a habitat extent losses and gains table.

Section 2.7 of the LMP states that it should be read in conjunction with the Ecological Management Plan prepared to discharge Condition 20, but no Ecological Management Plan has been submitted as part of this Reserved Matters application. Therefore, we advise that the details set out under Condition 20 for the submission of an Ecological Management Plan and Ecological Method Statement should be submitted as part of this application.

The LMP does not take into consideration or provide clearly defined objectives for GCN as a feature of Johnstown Newt Sites SAC (or Stryt Las a'r Hafod Site of Special Scientific Interest). This information should be included in the LMP.

The revised landscaping proposals within Appendix A of the Landscape Management Plan (LMP) do not accord with the previously submitted Illustrative Masterplan (Revision L) within the Addendum to the Design and Access Statement: Dennis Ruabon, Hafod Tileries, Johnstown: Access Arrangements (March 2020). We advise that the Illustrative Masterplan Revision L should be used to inform the detailed design of the LMP.

Condition 7 of the Appeal Decision Notice (ref. H6955/A/15/3135730) sets out that an LMP should be submitted to the Local Planning Authority (LPA) and that it should include timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed plantings for all landscaped areas within the development.

We note that a phasing plan (Drawing reference: GL/BR/PHP/01, dated 02/11/2023) has been submitted and that the entire site clearance, construction of up to 300 houses with associated infrastructure and landscaping would be carried out in a single phase. However, there is no information regarding the timing of the implementation of the LMP. We therefore advise that further detail is submitted in relation to the timing of the LMP and phasing of the development to demonstrate that the GCN compensation area would be completed to the satisfaction of Condition 20 prior to any development commencing on site.

We advise that the LMP references the replacement of failed plantings for all landscaped areas within the development component, in accordance with Condition 7.

The proposals do not appropriately consider tenure of the ecology area, we therefore advise that the provisions of the submission concerning management responsibilities are incomplete. We advise that the ownership and occupancy of the ecology area should accord with the definition of a body that corresponds with the definition of "responsible" under Part 7 of the Environment Act 2021.

The LMP should also consider Condition 25 in respect of a biosecurity risk assessment and provides details on how diseases such as Chytrid and Invasive Non-Native Species would be prevented from being brought onto site during the construction phase.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), your authority must, before deciding to give consent for a project which

is likely to have a significant effect on Johnstown Newt Sites SAC, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC.

River Dee and Bala Lake Special Area of Conservation (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.

This application for the erection of up to 300 dwellings, mixed retail and business units proposes connection of foul water to the mains sewer. The information set out in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' should be submitted with the application.

Your Authority will need to take the above into account in your determination of whether the development is likely to have a significant effect on the River Dee and Bala Lake SAC. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

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

Stryt Las a'r Hafod Site 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.

Protected Species

Great Crested Newts (*Triturus cristatus*) have previously been recorded within 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 above in respect of 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*”.

No details have been submitted in respect of works to be carried out under the relevant European protected species licence which would be required due to the known GCN records within the application site and the close proximity to protected sites where GCN are a feature.

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.