

Ein cyf/Our ref: CAS-239650-V8G5
Eich cyf/Your ref: P/2022/0178

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 19 October 2023

Dear Sharon Holman,

BWRIAD/PROPOSAL: Cais amlinellol ar gyfer codl annedd (cadw pob mater) / Outline application for erection of dwelling (all matters reserved)

LLEOLIAD/LOCATION: Land Adjacent to Lynwood, High Street, Johnstown, Wrexham, LL14 2SN

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the revised Method Statement in relation to Amphibians, Tyrer Ecological Consultants, November 2022 above, which we received on 06 October 2023.

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 foul drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

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. Without the inclusion of this document, we would object to this planning application.

Approved Document - Method Statement in relation to Amphibians, Tyrer Ecological Consultants, November 2022

Protected Sites

Special Area of Conservation (SAC)

River Dee and Bala Lake 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](#) (July 2022), 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 a dwelling proposes connection of foul water to the mains sewer.

However, no recent information has been provided to confirm whether DCWW can accept the foul flows from the proposed development. We refer you to our Planning Advice and the information set out in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works'.

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 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.

Johnstown Newt Sites SAC

From the information provided, NRW consider that the proposals may affect the Johnstown Newt Sites SAC. The application is located within 73m of the SAC. This site supports a nationally important population of Great Crested Newt (*Triturus cristatus*).

We previously advised that the proposal is not likely to cause a direct impact on the conservation objectives of this SAC. However, based on our understanding of the location and nature of the scheme, together with the proximity of greenspace, we considered that proposals may in this case be required for the purposes of addressing indirect in-combination impacts on the SAC, particularly those associated with potential in-combination increases in recreational and other pressures within the SAC. We therefore advised that measures (e.g. provision of a commuted sum) were proposed to offset such possible impacts. We advised that the scheme design was informed by the provisions of Wrexham County Borough Council's GCN Local Planning Guidance.

We have reviewed the updated ecological submission (Method Statement in relation to Amphibians, Tyrer Ecological Consultants, November 2022) and advise that the commuted sum has been amended to a suitable amount. We therefore advise that the updated document identified should be included in the approved plans and documents condition on the decision notice. It will be for your Authority to decide whether the commuted sum should be secured through a section 106 agreement, or an alternative mechanism.

No assessment of likely significant effect 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.

Site of Special Scientific Interest (SSSI)

We have concerns that the proposed development, as submitted, will damage the features for which the Stryt Las a'r Hafod SSSI is of special interest. The application site is located within 73m of the SSSI boundary. This site supports a nationally important population of Great Crested Newt and an assemblage of amphibian species. We advise that the application site could support these species. Results of surveys of roadside gully pots highlights the likely presence of these species in this part of Johnstown.

Paragraph 6.4.14 of Planning Policy Wales states development should be refused where there are adverse impacts on the features for which a site has been designated.

We have considered the updated ecological submission (Method Statement in relation to Amphibians, Tyrer Ecological Consultants, November 2022) submitted in support of the above application. Based on the information submitted, we consider that the proposed scheme will, subject to the inclusion of the measures detailed in Section 2.0 of the Method Statement in relation to Amphibians, avoid damaging the features for which the Stryt Las a'r Hafod SSSI is of special interest.

The Method Statement in relation to Amphibians must therefore be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Should you be minded to grant permission for the above planning application without including the document identified above in the approved plans and documents condition on the decision notice, we ask that you notify us under the provisions contained in Section 281 of the Wildlife and Countryside Act 1981 (as amended).

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 have considered the ecological submission (Method Statement in relation to Amphibians, Tyrer Ecological Consultants, November 2022) submitted in support of the above application. We consider the Biosecurity measures detailed in section 3 to be satisfactory. The Method Statement in relation to Amphibians (Section 3 – Biosecurity) must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Protected Species

Please see our advice above relating to amphibians and GCN associated with the nearby protected sites. We note that there is no other information about protected species with the application and, therefore, are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 1 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.

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 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".

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.

Yours faithfully,

Gareth Thomas

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.