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LL572DW

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

10/03/2022

Dear Sir/Madam,

PROPOSAL: OUTLINE APPLICATION FOR ERECTION OF DWELLING (ALL MATTERS RESERVED)

LOCATION: LAND ADJACENT TO LYNWOOD, HIGH STREET, JOHNSTOWN, WREXHAM, LL14 2SN

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 24/02/2022.

We 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 and 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, conditions regarding protected sites and biosecurity should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.

Protected Sites

Special Area of Conservation (SAC)

Johnstown Newt Sites SAC

We have concerns that a significant effect from the proposed development on the Johnstown Newt Sites Special Area of Conservation (SAC) is likely. The application is located within 73m of the SAC. This site supports a nationally important population of Great Crested Newt (*Triturus cristatus*).

We advise that further information is submitted to carry out a Habitats Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of the planning application. The HRA should demonstrate that there will be no adverse effect on site integrity.

Without prejudice to your assessment, we consider 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 consider 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 advise that measures (e.g. provision of a commuted sum) are proposed to offset such possible impacts. We advise that the scheme design is informed by the provisions of Wrexham County Borough Council's GCN Local Planning Guidance.

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

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. 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 (or phosphorus) 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 have also issued [Planning Advice](#) (May 2021) 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 letter from Welsh Water dated 03/03/2022 (ref: PLA0063850) confirms: "Five Fords WwTW [wastewater treatment works] has a phosphate permit. This matter will need to be considered further by the local planning authority."

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. Should you need to obtain a copy of the relevant appropriate assessment, please contact us.

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 Bala Lake SAC, please consult us on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

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.

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 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. We therefore advise that the following condition should be attached to any permission granted by your authority for the above application:

Condition 1: No development or phase of development, including site clearance, shall commence until an amphibian Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement should include the following:

- the submission and implementation of amphibian Reasonable Avoidance Measures (RAMs) such as the erection of a one-way amphibian fence, prior to and throughout the duration of construction operations; and
- the clearance of individuals from working areas.

Justification: To ensure that an approved amphibian Method Statement is implemented, which protects amphibians affected by the development.

Should you be minded to grant permission for the above planning application without attaching such conditions as described above to the permission, 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 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 development and restoration.

Condition 2: No development, including site clearance, shall commence until a Biosecurity Risk Assessment and Method Statement that considers invasive non-native species and specific diseases (e.g. Chytrid) has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to prevent the introduction of and where present control, removal or for the long-term management of invasive species both during construction and operation. The risk assessment shall consider landscaping and other related plans. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to prevent or control the spread and effective management of any invasive non-native species and listed diseases at the site.

Protected Species

Please see our advice above relating to amphibians and GCN associated with the nearby protected sites. We note that there is no 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 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".

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,

Tristan Williams

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales