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Wrexham County Borough Council,
The Guildhall,
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LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

06/10/2021

Dear Sir/Madam,

BWRIAD / PROPOSAL: ADEILADU DAU O YSTAFELLOEDD DOSBARTH DEULAWR SYMUDOL WEDI’U LLUNIO O FLAEN LLAW GYDA GRISIAU YN Y CANOL A GWAITH ALLANOL CYSYLLTIEDIG, ER MWYN DARPARU WYTH O YSTAFELLOEDD DOSBARTH AR GYFER YR YSGOL FAWR TRA BYDD GWAITH ADEILADU’N MYND RHAGDDO YN YR YSGOL IAU (YSGOL YR HAFOD LL14 2SW) / ERECTION OF TWO NO. TWO STOREY PRE-FABRICATED MOBILE CLASSROOMS WITH CENTRAL STAIR CORE AND ASSOCIATED EXTERNAL WORKS, TO PROVIDE EIGHT TEACHING CLASSROOMS FOR THE MAIN SCHOOL SITE FOR THE DURATION OF CONTRUCTION WORKS ON THE JUNIOR SITE (YSGOL YR HAFOD LL14 2SW)

LLEOLIAD / LOCATION: JOHNSTOWN INFANTS SCHOOL, MELYD AVENUE, JOHNSTOWN, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 8th September 2021.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

**Condition 1: Protected Sites
Condition 2: Biosecurity**

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 these conditions and document we would object to this planning application.

Protected Sites

Site of Special Scientific Interest

The application site is located within 200m of the Stryt Las a'r Hafod 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. We therefore recommend that planning permission should only be granted if an appropriate planning condition is included to avoid damage to the special interest features of the SSSI.

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.

This site supports a nationally important population of Great Crested Newt (*Triturus cristatus*), and an assemblage of amphibian species. We consider the amphibian assemblage to be most likely affected by the proposals. Owing to the proximity of the application site to the SSSI, we therefore advise that any subsequent consent is subject to the imposition of a condition requiring the implementation of amphibian/Great Crested Newt mitigation and avoidance measures to the satisfaction of the Local Planning Authority. Based on the information submitted, we consider that the proposed scheme will, subject to the inclusion of a condition as advised below, avoid damaging the features for which the Stryt Las a'r Hafod SSSI is of special interest.

Condition 1: No development shall take place until an Amphibian Reasonable Avoidance Measures scheme has been submitted to and approved in writing by the Local Planning Authority. The Reasonable Avoidance Measures (RAMs) shall include, but not necessarily be limited to:

- further details and associated plans concerning amphibian avoidance and mitigation measures including, but not limited to, one-way amphibian fence design and locations (prior to and throughout the duration of any work).

The Reasonable Avoidance Measures scheme shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Amphibian Reasonable Avoidance Measures scheme is implemented, which protects the amphibian assemblage affected by the development.

Should you be minded to grant permission for the above planning application without attaching the condition 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.

The applicant should be aware that in the event of a Great Crested Newt being found on site during the work, all works should stop and NRW contacted for further advice. Operations may only recommence after an appropriate licence has been issued by NRW and any conditions complied with.

Special Area of Conservation

The application site is located within 200m of the Johnstown Newt Sites Special Area of Conservation (SAC). This site supports a nationally important population of Great Crested Newt (*Triturus cristatus*).

Providing the condition referenced above for the SSSI is adequately addressed, NRW consider the features of the SAC will also be adequately safeguarded.

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 Natural Resources Wales (NRW) for consideration.

Should you conclude that the proposed development is likely to have a significant effect on the SAC, 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.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal and that the amphibian Chytrid fungus has been recorded at Johnstown. 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.

Condition 2: No development or phase of development, with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority.

The Risk Assessment must include:

- (i) appropriate measures to control any INNS on site;
- (ii) measures or actions that aim to prevent INNS from being introduced to the site for the duration of construction and operational phases of the scheme.

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 control the spread and effective management of any invasive non-native species at the site.

Protected Species

Great Crested Newts

We note the ecological report submitted in support of the above application. (Extended Phase 1 Habitat Survey Report: Ysgol y Hafod (Infant Site) Johnstown, Wrexham. Atmos Consulting. No 26613 R3 Rev 1. September 2021). 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.

Great Crested Newt (*Triturus cristatus*) have previously been recorded in ponds located in the vicinity of 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 and suggested condition above in respect of Great Crested Newts.

Bats

We note that the ecological report submitted in support of the above application (Extended Phase 1 Habitat Survey Report: Ysgol y Hafod (Infant Site) Johnstown, Wrexham. Atmos Consulting. No 26613 R3 Rev 1. September 2021) has identified that bats are not 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 bat 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.

Foul Drainage and Protected Sites

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.

However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

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

Environmental Management

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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