



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-165369-V8H2
Eich cyf/Your ref: P/2021/0870

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28/09/2021

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: EXTENSION AND REFURBISHMENT OF EXISTING YSGOL YR HAFOD SCHOOL. CHANGE OF USE, EXTENSION AND REFURBISHMENT OF SCHOOL HOUSE RESIDENTIAL DWELLING - 4 BANGOR ROAD FROM C3A (DWELLING HOUSE) TO D1 (NON-RESIDENTIAL INSTITUTIONS). ASSOCIATED EXTERNAL WORKS, BOUNDARY TREATMENT AND HIGHWAYS IMPROVEMENTS

LLEOLIAD / LOCATION: JOHNSTOWN JUNIOR SCHOOL, BANGOR ROAD, JOHNSTOWN

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 06/09/2021.

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 species 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, a condition regarding protected species should be attached to any planning permission granted. Without the inclusion of this condition we would object to this planning application.

Protected Species

Bats

We note that the ecological report submitted in support of the above application (Extended Phase 1 habitat Survey Report: Ysgol y Hafod (Junior School), Johnstown, Wrexham. Atmos Consulting. No 26613 R4 Rev 1. September 2021) has identified that bats are 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)*'. However, we advise that the bat report has insufficient information to assess the need for avoidance / mitigation measures.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We advise that further information is required to assess the extent of adverse effects on the bats and any avoidance or mitigation measures required. This 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.

We note that Section 4.2.3 of the report states that further assessments in respects of bats are to be carried out and that a separate bat report is in preparation, which will contain the results of bat surveys and recommendations for appropriate mitigation during the works and thereafter. We advise that this report is submitted so that the development's impact on bats can be fully assessed.

In the meantime, we are unable to give you any assurance 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.

Great Crested Newt (GCN)

An ecological report has been submitted in support of the above application (Extended Phase 1 habitat Survey Report: Ysgol y Hafod (Junior School), Johnstown, Wrexham. Atmos Consulting. No 26613 R4 Rev 1. September 2021). We consider the submitted assessment to be satisfactory for the purpose of informing the public decision-making process in relation to GCN.

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.

We consider that this assessment must include:

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

Protected Sites

Johnstown Newt Sites Special Area of Conservation (SAC)

From the information provided, NRW consider that the proposals may affect the Johnstown Newt Sites SAC. The application is located within 95m of the SAC.

We have identified the following potential impact pathways to features of this site:

- Diseases (Chytrid fungus), and;
- Accidental killing, injuring or trapping of GCNs.

The above pathways may not result in an adverse effect if the following measures are adhered to/ implemented:

- Biosecurity Risk Assessment, and;
- Reasonable Avoidance Measures (RAMs)

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.

Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI)

We consider the proposals have the potential to impact upon the above SSSI. Providing the mitigation measures referenced above for the SAC are adequately addressed, we consider the features of the SSSI will also be adequately safeguarded.

Protected Sites and Foul Drainage

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 amount of phosphorus being discharged from the site. As such, we refer you to our [Planning Advice](#) and advise you to seek further information from the applicant. We note that information has already been submitted in respect of connecting to the Main Sewer. However, we advise you to seek further information as identified in the bullet point list given in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' of that advice.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a

significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

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,

Rhys Jones

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