



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Adeilad y Goron
Parc Cathays
Caerdydd
CF10 3NQ

Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Ffôn/tel: 03034445940
Ffacs/fax:
e-bost/e-mail: wales@pins.gsi.gov.uk

Natural Resources
Wales

Eich Cyf/Your
Ref:

Ein Cyf / Our
Ref: APP/H6955/A/185/3200230

Dyddiad / Date: 8th May 2018

Dear Sir/Madam,

I am writing to inform you that we have received the above appeal against the decision of Wrexham County Borough Council to refuse planning permission. I enclose a copy of the appeal form, decision notice and site location plan.

Please complete the attached questionnaire by 22nd May 2018.

Please note that all appeal documents are available online. These can be found by using the Appeals Casework Portal to aid you in your assessment. Please use the link below and enter the 7 digit case reference number as shown above.

<https://acp.planninginspectorate.gov.uk/>

Please Note:

Any observations made in relation to this appeal, which will be copied by the Inspectorate to the appeal parties, could result in a request being made for your attendance at any public local inquiry that is held into the appeal.

Any comments you make which refer to the information already in published form should be given the appropriate source references or, you should provide a copy of the documents.

Yours faithfully

Sophie Godfrey

Case Officer
Planning Inspectorate

QUESTIONNAIRE

REFERENCE NUMBER: APP/H6955/A/185/3200230

APPEAL BY: Mr A Cottle

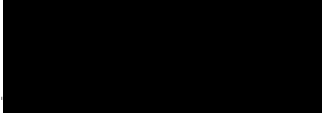
SITE AT: 57 Bryn Glas, Rhosllanerchrugog, Wrexham, LL14 2EA

PLEASE TICK (☐) THE APPROPRIATE BOXES BELOW.

1.Are any protected species likely to be affected by the proposals?

	X
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If Yes would you please provide an Assessment of the site by 22.05.18, in a form suitable for publication to the appeal parties invariably as typed documents and not minutes.

Signed ..  Date: 11/05/2018

Name: RUTH PRICHARD (in BLOCK letters)

By email only: planning_admin@wrexham.gov.uk

03/10/2017

Er sylw / For the attention of: Matthew Phillips

Annwyl / Dear Mr Phillips,

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990

**BWRIAD / PROPOSAL: DEMOLITION OF EXISTING PROPERTY AND
REDEVELOPMENT FOR FROM 5 NO. NEW DWELLINGS AND ACCESS**

LLEOLIAD / LOCATION: NANTCOL, 57 BRYN GLAS, RHOSLLANERCHRUGOG

Thank you for consulting Natural Resources Wales (NRW) on the updated proposals for the development above, which were received on the 14th of September 2017. This letter supersedes our previous response dated 26 July 2017.

We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirements are met and you attach the conditions to the planning permission.

Summary of Requirements:

Requirement 1 - That a test of likely significant effects under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) is completed, with any necessary mitigation measures included as conditions within any permission.

Requirement 2 – Additional information about how extensive any engineering works are likely to be within the flood risk area and an indication of how much flood plain volume could be lost due to any engineering works.

Summary of Conditions:

Condition 1 –Prior to commencement, the applicant shall submit a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 2 is no longer required due to updated plans as explained in detail below.

Condition 3 - There should be no raising of ground levels/erection of any structures within 4m of the ordinary watercourse without prior written agreement from the Local Planning Authority.

Protected Sites

The application site is located within 600m of Johnstown Newt Sites Special Area of Conservation (SAC) and Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI). This site support a nationally important population of great crested newt (*Triturus cristatus*).

We advise that the proposal may have implications for the SAC, SPA or Ramsar sites listed above and you should carry out a test of likely significant effects under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

The applicant has submitted an ecological survey and assessment (Reference: Anon. (2016). 57 Bryn Glas, Rhosllanerchrugrug, Wrexham, LI14 2EA. Tyrer Ecological Consultants. Unpublished.

The ecological submission includes surveys and refers to statutory sites. It does not consider cumulative or in-combination direct and indirect impacts on statutory sites.

Requirement 1 - That a test of likely significant effects under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) is completed, with any necessary mitigation measures included as conditions within any permission.

Without prejudice to your assessment, we consider that the above submitted proposal, when considered in combination with other plans and projects in the environs of Johnstown, is likely to have a significant effect on the Deeside and Buckley Newt Sites SAC. Wrexham County Borough Council, as required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010, must therefore make an appropriate assessment before deciding to approve the proposal, which is likely to have a significant effect on a European site in Great Britain.

We consider that mitigation proposals are likely to be required for the purposes of addressing direct and indirect impacts on the SAC, including those associated with potential in-combination increases in recreational pressures and disturbance/predation of wildlife. Planning conditions or obligations can be used to address the impacts of these identified effects.

We remind you that, as a competent authority for the purposes of the 2010 Regulations, your Authority must not normally agree to any plan or project unless you are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a SAC, SPA or Ramsar site.

By satisfying the requirements regarding the SACs, as indicated above, it is likely the requirements for the SSSIs will also be met.

Flood Risk

Following our response dated 26 July 2017, we received updated drawings by the applicant. Drawing C063/014 revision E shows that all residential development is to be located outside of the areas of the site that are considered to be at flood risk. Whilst it is clearly of benefit to steer the new development away from the potential flood risk area, we note from the latest drawings that a relatively small section of the proposed access road will be located within the flood risk area. It is the developer's intention to raise site levels in this area by over 2 metres. In order to facilitate this, it is likely that the developer will need to construct retaining walls or carry out additional engineering operations to support the proposed road. However, the applicant does not appear to provide any information about this. It is possible that further engineering operations will be required within the flood risk area to facilitate the raised road.

Natural Resources Wales is concerned that the proposal to raise the access road, and any associated engineering works in the flood risk area, could result in the displacement of flood waters and adversely affect flood risk elsewhere. This would be contrary to TAN15: Development & Flood Risk. Unfortunately, this had not been assessed in the Applicant's Flood Consequences Assessment, and we have therefore added the following requirement:

Requirement 2 –additional information about how extensive any engineering works are likely to be within the flood risk area and an indication of how much flood plain volume could be lost due to any engineering works.

We request that prior to the determination of the planning application, the applicant be required to provide further information about how extensive any engineering works on the proposed access roads within the flood risk area are likely to be. We also request an indication of how much flood plain volume could be lost as a result of any engineering works. If this loss is extensive, then we may require an updated Flood Consequence Assessment.

It may be possible for other areas of the site to be used to provide compensatory storage, or the design of the access road to be amended to reduce impacts within the flood plain and we wish to assess whether this will be the case.

We also note that all proposed Finished Floor Levels of the properties are to be set significantly above the minimum flood level recommended in the Applicant's Flood Consequences Assessment. **On the basis that this plan will form part of any planning approval, we no longer consider it necessary to impose Condition 2 as specified in our previous letter dated 26 July 2017.**

Condition 3: There should be no raising of ground levels/erection of any structures within 4m of the ordinary watercourse without prior written agreement from the Local Planning Authority.

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 permission includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 1 – Prior to commencement, the applicant shall submit 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

Please do not hesitate to contact us if we can be of any further assistance to you or if you wish clarification on the above.

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours sincerely,

Holly Tomlinson

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales