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LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

26/01/2021

Dear Sir/Madam,

PROPOSAL: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 10 DWELLINGS

LOCATION: LAND OFF HIGH STREET, JOHNSTOWN LL14 2BA

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 6th January 2021.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application.

Condition 1: European Protected Species (Great Crested Newt): No development shall take place until a Reasonable Avoidance Measures scheme for Great Crested Newt is submitted to and approved to the satisfaction of the LPA and implemented as agreed.

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

European Protected Species

We note that the bat report submitted in support of the above application (Worsfold, S. 2020, Ecological Appraisal and Impact Assessment at the Buildings at Ruabon Road, Johnstown, Wrexham. Susan Worsfold. Unpublished) has identified that no bats are present at the application site. We therefore have no comment to make on bats. However, we note that Great Crested Newt (GCN) has 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.

We advise that the proposed development is not likely to harm or disturb GCN or their breeding sites and resting places at this site, provided the conditions below will be attached to any planning permission for this scheme:

Condition 1: European Protected Species (GCN): No development shall take place until a Reasonable Avoidance Measures scheme for GCN is submitted to and approved to the satisfaction of the LPA and implemented as agreed.

Appropriate Reasonable Avoidance Measures (RAMs) will entail the implementation of mitigation measures, such as the erection of a one-way amphibian fence, prior to and throughout the duration of construction operations and the following:

- Details of protective measures to be taken to minimise the impacts on GCN
- Details of initial aftercare and long-term maintenance
- Actions to be taken in the event that previously unidentified GCN features are found
- Details of measures to prevent or reduce incidental capture or killing of GCN

Justification: A Reasonable Avoidance Measures scheme for GCN should be submitted to ensure necessary management measures are agreed prior to any phase of development and implemented for the protection of GCN.

Provided these avoidance measures are implemented, we consider that the proposed 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:

Please consult us again if the plans are changed in ways that may harm or disturb GCNs or their breeding sites and resting places at this site.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and its proximity to the water body at Stryt Las (SSSI), which was one of the original three sites in Wales where Chytrid fungus was found. Taking the above into consideration the biosecurity issues for this site concern invasive non-native species (INNS) noted above 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 phase of development, including site clearance, with the potential to impact on invasive species, shall commence until a site wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. 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 sites

From the information provided, NRW consider that the proposals may affect the Johnstown Newt Sites Special Area of Conservation (SAC). The application is located within 85 metres of the SAC. NRW have identified the following potential impact pathways to features of this site:

- Increases in recreational pressures and the associated disturbance of great crested newts. This may include, for example, loss of habitat as a consequence of the proposal.

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

- Wrexham County Borough Council Great Crested Newt Supplementary Planning Guidance (SPG 35):
http://old.wrexham.gov.uk/assets/pdfs/planning/consultations/draft_spg35.pdf

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 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

NRW consider the proposals also have the potential to impact upon the Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI). Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

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

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"*.

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-andreplacement-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.

Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and PPG 6 at the following link: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/>

If you have any queries on the above, please do not hesitate to contact us.

Yours faithfully,

Ruth Prichard

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