

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

03/12/2020

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: ERECTION OF 12 APARTMENTS

LLEOLIAD / LOCATION: BONC WEN, RHOSLLANNERCHRUGOG

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 17/11/2020

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met and you attach the following condition to the permission, and you include the following document within the condition identifying approved plans and documents on the decision notice. Otherwise, we would object to this planning application.

Requirement 1: (Protected Sites - SAC): Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application.

Condition 1: (Biosecurity): The submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the Local Planning Authority (LPA).

Approved plans/documents:

- Ecological survey and assessment (Reference: Knight, T. (2020). Proposed Residential Development off Bonc Wen, Rhosllanerchrugog, Wrexham. Marches Ecology. Unpublished

Protected Sites

SACs

We have concerns that a significant effect from the proposed development on Johnstown Newt Sites Special Area of Conservation (SAC) cannot be ruled out. The application is

located within 150m SAC. This site supports a nationally important population of great crested newt (*Triturus cristatus*).

The following requirements need to be met before allowing the proposed development to proceed. We would object to the planning application if the requirements are not met.

Requirement 1: (Protected Sites – SAC): Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application.

- Without prejudice to your assessment, we consider that based on our understanding of the scheme, mitigation proposals may in this case be required for the purposes of addressing in combination indirect impacts on the SAC, particularly those associated with potential in combination increases in recreational pressures and disturbance/predation of wildlife within the SAC. We therefore advise that following this assessment that measures are proposed to offset possible impacts.
- We also require details of proposed reasonable amphibian avoidance measures.

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

SSSIs

The application site is located within 150m of the boundary of Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI). This site supports a nationally important population of great crested newt (*Triturus cristatus*), and an assemblage of amphibian species.

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

Protected Species

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

We note the submission of an ecological survey and assessment (Reference: Knight, T. (2020). Proposed Residential Development off Bonc Wen, Rhosllanerchrugog, Wrexham. Marches Ecology. Unpublished) in support of this application. We consider the survey and assessment to be satisfactory for the purposes of informing the public decision-making process.

- Great Crested Newts (GCN)

We note and concur with the comments in respect of great crested newts. However, as stated above we require further details with regards to reasonable avoidance measure owing to the proximity of the application site to the SAC/SSSI.

- Bats

We note and concur with the comments in respect of bats

We advise the implementation of recommendations listed in the ecological report. The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

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 following Condition

Condition 2: (Biosecurity): The submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

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

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 Permits/Exemptions.

The activity proposed in this planning application may require an environmental permit or exemption under The Environmental Permitting (England and Wales) Regulations 2016. An environmental permit or exemption must be in place before any waste activity takes place on site. Advice regarding permits and exemptions can be found at the following link:

<http://naturalresources.wales/permits-and-permissions/check-for-a-permit-licence-or-exemption/?lang=en>

Please contact Natural Resources Wales for advice regarding an Environment Permit application on 0300 065 3000.

Undertaking this proposed activity without the benefit of an Environmental Permit or exemption is an offence against Environmental Legislation and may result in enforcement action being taken against the operator.

Obtaining planning permission does not necessarily ensure you will be issued an environmental permit.

Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer: <http://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<http://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here: <https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

We recommend that a Site Waste Management Plan (SWMP) is drawn up prior to scheme's commencement in order to ensure full duty of care is complied with.

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