

MEMORANDUM

From:	Chief Officer, Environment & Technical	To:	Chief Officer Economy & Planning
		FAO::	Matthew Phillips
Our Ref:	ET/DC/MZ/P/2019/0005 Rev 1	Your Ref:	P/2019/0005
Date:	15/05/2024		

**TOWN AND COUNTRY PLANNING ACT 1990
OUTLINE APPLICATION FOR THE CONSTRUCTION OF UPTO 600 DWELLINGS, WITH
ASSOCIATED LANDSCAPING, PUBLIC OPEN SPACE AND ON-SITE INFRASTRUCTURE,
WITH ALL MATTERS RESERVED EXCEPT FROM THE NORTHERN SITE ACCESS**

LAND SOUTH OF HOLT ROAD, WREXHAM

I refer to your consultation dated 18/04/2024 in respect of the above appeal.

The LHA has reviewed the updated Transportation Assessment Addendum which details updated traffic surveys and counts that have been undertaken at the following junctions in the study area:

- The Greyhound Roundabout
- The A534 / A5156 Roundabout (site access junction)
- The A534 / Industrial Estate Roundabout
- The A5156 / Borrass Park Road Junction

The surveys were undertaken in October 2023 and no assessments were taken at the Gresford Interchange or the Holt Rd/Holt Street/ Tesco Roundabout.

The submitted survey data shown within figures 2.1 and 2.2 demonstrate that all but one of the total flows recorded remained around the same level or witnessed a slight reduction. However, the total flows at the site access junction actually increased in 2023 increasing from 3267 to 3332 in the PM peak, an increase of 65 trips.

For the most part, the straight on movements between the strategic network of the A483 and the Industrial Estate seem to have remained around the same level or witnessed a slight reduction (excepting one detailed below), however many of the turning movements have increased in volume to a certain extent. There has been a slight change at the site access junction in relation to the operation of the Euro Garages site which has seen increases in vehicles accessing and egressing the site, which are mainly likely to be pass by trips on the network for fuel or food.

At the Greyhound Roundabout there have been several minor increases in trips, the most significant of these seeing an increase from Dean Rd to Cefn Rd of 206 to 247 in the AM peak hour and the return movement in the PM peak hour increasing from 219 to 265.

At the Borrass Park Road roundabout there have been some increases in turning movements, the most significant A5156 southbound turning right onto Borrass Park Road (124 to 156), Borrass Park

Road turning left northbound onto the A5156 (200 to 230) in the AM peak and the A5156 southbound straight on from 803 to 861 in the PM Peak.

At the Borrás Hall Lane roundabout the changes in the AM and PM peaks were very minor.

In light of the fact that the largest difference in flows is 65 trips, it is considered that the updated traffic flow survey data is relatively similar to the previously submitted traffic flow data and can be seen as generally comparable.

It is the LHA's view that the previously submitted comments as set out by Claudia Currie on the 24th April 2020 are therefore still representative for the appeal.

A handwritten signature in black ink, appearing to be 'J. Currie', written in a cursive style.

Chief Officer, Environment & Technical

Ein cyf/Our ref: CAS-250933-Y7X1
Eich cyf/Your ref: P/2021/0436

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 25 March 2024

Dear Sir/Madam,

PROPOSAL: OUTLINE APPLICATION FOR THE CONSTRUCTION OF UP TO 600 DWELLINGS, WITH ASSOCIATED LANDSCAPING, PUBLIC OPEN SPACE AND ON-SITE INFRASTRUCTURE, WITH ALL MATTERS RESERVED EXCEPT FOR THE NORTHERN SITE ACCESS

LOCATION: LAND SOUTH OF HOLT ROAD, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) with additional information about the above, which we received on 07 March 2024.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, further consideration is required regarding foul drainage. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding protected species, biosecurity and land contamination should be attached to any planning permission granted and 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.

Approved document: Ecological Impact Assessment (dated 17 January 2024; Tyler Grange; TG Report No. 10581_R05b_ECG)

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. In line with our [Planning Advice](#) (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within

SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note from the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site. We note the letter from Dŵr Cymru Welsh Water (DCWW) dated 22 August 2023. If your Authority deems that the proposal would increase the volume of foul discharge from the site, we advise that further confirmation is sought from DCWW for this particular application with regards to the bullet points set out in section 8 'What this means for development proposals involving connection to public wastewater treatment works?' of our Planning Advice: [Natural Resources Wales / Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation.](#)

Your Authority will need to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

Protected Species

We note the Ecological Impact Assessment (dated 17 January 2024; Tyler Grange; TG Report No. 10581_R05b_ECG) submitted in support of the application has identified that Great Crested Newts (GCN) are present in the vicinity of the application site, and numerous onsite trees have potential to support roosting bats.

Bats / GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats / GCN are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three tests set out in the Regulations (please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to "*demonstration of no detriment to the maintenance of the favourable conservation status of European protected species*".

We consider the Ecological Impact Assessment submitted in support of the application to be satisfactory in respect of bats and GCN. However, please see our detailed comments below.

We advise the proposed development is not likely to harm or disturb GCN or their breeding sites and resting places at this site, provided the avoidance and conservation measures described in the Ecological Impact Assessment are implemented.

The Ecological Impact Assessment refers to a "*Post-development Management and Mechanism for Delivery of the Great Crested Newt Strategy*" which would include a management plan and securing mitigation/compensation measures. Section 3.29 of the Ecological Impact Assessment concludes that "*suitably worded planning conditions would secure the design and detail*" of these measures. We therefore advise the following species

Management and Monitoring Plan conditions be placed on any planning permission granted for this application.

Condition 1: The submission of a long-term site management plan to the satisfaction of the LPA in consultation with NRW. Provisions of the plan to include, but not necessarily be limited to:

- defined aims and objectives for each identified ecological feature (including targets that can be used as key performance indicators for monitoring purposes);
- plans illustrating the locations of ecology areas;
- tenure and proposed tenure changes of ecology areas;
- financial resource provision;
- habitat management prescriptions;
- contingency measures if fish or invasive non-native species (INNS) are detected,
- proposals that are capable of being implemented in the event of failure to undertake or to appropriately implement identified or contingency actions;
- site liaison and wardening;
- licensing requirements for undertaking habitat management and surveillance;
- persons or bodies responsible for commissioning and undertaking management and surveillance;
- detail of the skills and competencies required by those undertaking the works or activities including whether they require European Protected Species licenses for the activities proposed;
- reporting requirements; and
- proposed dates for updating or revising the management plan.

Condition 2: The submission of a post-construction surveillance and monitoring plan to the satisfaction of the LPA in consultation with NRW. Provisions of the plan shall include:

- confirmation of key performance indicators for each ecological feature;
- surveillance and monitoring methodology for each ecological feature;
- a duration of no less than 25 years for the operational phase of the development; and
- identification of individuals/bodies being responsible for monitoring and reporting survey results.

In respect of GCN, the methodology shall accord with, and the results reported through the Wales GCN Monitoring Scheme. Surveys shall be undertaken annually and include:

- abundance counts and habitat quality assessments using Habitat Suitability Index (HSI) techniques; and
- each water body to be individually numbered on site.

The Ecological Impact Assessment must also be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

We also advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved construction phase ecological compliance audit (ECA) scheme to the satisfaction of the Local Planning Authority.

The purpose of the ECA is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works during construction, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPIs) that are to be used for the purposes of assessing and evidencing compliant implementation of the proposals.

Section 106 Agreement

With regard to securing appropriate GCN compensation areas, we advise that any subsequent planning permission for this application is subject to a planning obligation (Section 106 Agreement/Unilateral Undertaking) that includes the following provisions:

- defined commuted sum and/or requirement for *index linked* ground rent service charges to include ecological surveillance, management and wardening in perpetuity (costed management plan is required to inform costings);
- annual / biennial liaison meetings;
- management plan review; and
- tenure and any proposed changes to tenure of ecology areas shall be carried out to the satisfaction of the LPA in consultation with NRW. This to be materially informed by the future tenure according with the definition of a “responsible” body under Part 7 of the Environment Act 2021.

Restrictions on the occupation of the remaining “25%” of the development until all identified long-term actions have been implemented to the satisfaction of the LPA.

We note that the Ecological Impact Assessment submitted in support of the application has identified that *“Numerous onsite trees (detailed in Table 2.3) were assessed as having Low to High suitability to support roosting bats respectively. However, all of these are being retained as part of proposals, with the root protection area of tree being suitably buffered from development.”*

Section 3.45. of the Ecological Impact Assessment states: *“A lighting plan should be produced and woodland edges, retained hedgerows as well as any created habitats should avoid being lit”*. The below condition should therefore be attached to any planning permission for this scheme to ensure appropriate avoidance and mitigation measures are implemented. Provided those measures are implemented, we do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Condition 3: Prior to commencement of development, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall consider existing and proposed lighting together with any spillage originating from internal locations. Details shall include:

- an assessment of lighting in respect of wildlife interests of the site, notably bats;
- details of the siting and type of external lighting and internal light spillage during and post development. This shall include plans illustrating the location and type of lighting together with isolux drawings;
- details to demonstrate that light spillage will not affect wildlife sensitive areas. This shall include plans illustrating projected or retained bat emergence points; together with retained or proposed features planned to be functionally used by bats for foraging/dispersal purposes;
- measures to monitor light spillage once development is operational (post-construction light monitoring);
- ecological compliance audit for external lighting key performance indicators;
- the scheme shall accord with the provisions of the Institution of Lighting Guidance Note 08/23: Bats and Artificial Lighting at Night; and
- lighting shall accord entirely with the details so approved for the duration of the construction and operation of the development.

Justification: To protect the wildlife and the ecological interests of the site, including protected species.

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 1 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

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 planning consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the Local Planning Authority. We consider that this assessment should 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 construction and operational phases of the scheme.

Condition 4: No development, including site clearance, shall commence until a Biosecurity Risk Assessment, and Method Statement that considers invasive non-native species and specific diseases (e.g., Chytrid) has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to prevent the introduction of and where present control, removal or for the long-term management of invasive species both during construction and operation. The risk assessment shall consider landscaping and other related plans. 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 prevent or control the spread and effective management of any invasive non-native species and listed diseases at the site.

Land Contamination

We have reviewed the Ground Investigation Report (Betts Geo; November 2018) and Contaminated Land Report (Geophysical Survey Report of Holt Road, Wrexham; Magnitude Surveys Ref: MSSJ464; May 2019).

Whilst the Ground Investigation Report is limited in terms of site coverage there appears to be no strong indication of contamination on site (it is primarily greenfield). However, as there is an adjacent historic landfill site (Land of West Lane) there is potential for adjacent tipping to have occurred in the past. We therefore advise that the following condition should be placed on any planning permission granted for this application.

Condition 5: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained

written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Justification: Given the site (and neighbouring) history it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

Flood Risk

The site lies entirely within Zone A as defined by the Development Advice Map (DAM) referred to within TAN15: Development and Flood Risk. Our Flood Risk map confirms that the site lies outside the extreme flood outline (0.1% annual probability event). We do not hold any records of flooding at the site. We therefore have no further comments regarding flood risk.

However, we recommend that your Authority consults the Lead Local Flood Authority (LLFA) (in this case Wrexham County Borough Council) in order for them to provide advice from a local flood risk perspective, both in relation to the potential flood risk posed by the drainage ditch (including the potential impact of culvert blockage) and surface water flood risk.

Pollution Prevention

All works at the site must be carried out in accordance with Pollution Prevention Guidelines 6: Working at construction and demolition sites, which is available on the [NetRegs website](#).

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permissible 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.

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.

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

Yours faithfully,

Tristan Williams

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

E-bost/E-mail: northplanning@cyfoethnaturiolcymru.gov.uk

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.

Matthew Phillips

From: Jake MacMillan <Jake.MacMillan@dwrcymru.com>
Sent: 07 May 2024 10:19
To: Matthew Phillips
Subject: RE: P/2021/0436 - Land South of Holt Road (PLA0057120)

Hi Matthew,

I have received feedback from our network operatives. We have recently had an extensive assessment completed on this network and the high level output is that of under capacity which is causing significant flooding. We need to be aware of potential further issues should this development communicate flows with the network which is already suffering HO, therefore we wouldn't be able to offer the same connection point and a hydraulic modelling assessment would be required in order to examine the impact of the development upon the performance of the existing network.

I trust the above makes sense, however please let me know if I can provide anything further.

Best regards,



Jake MacMillan

Development Planning Officer | Developer Services
Dŵr Cymru Welsh Water



T: 0800 917 2652 | E: 45xxx | M: +442922784445



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From: Jake MacMillan
Sent: Thursday, May 2, 2024 10:42 AM
To: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>
Subject: RE: P/2021/0436 - Land South of Holt Road (PLA0057120)

Hi Matthew,

Apologies for the delayed response, I am trying to obtain feedback from our operational colleagues as I know there is further understanding of this network which may change our position on this. I have chased our operatives and will let you know when I hear back.

Best regards,



Jake MacMillan

Development Planning Officer | Developer Services
Dŵr Cymru Welsh Water



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From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>
Sent: Monday, April 29, 2024 3:23 PM

Matthew Phillips

From: Jake MacMillan <Jake.MacMillan@dwrcymru.com>
Sent: 30 May 2024 11:36
To: Matthew Phillips; Sion Jones
Subject: RE: P/2019/0005 and P/2021/0436 - Holt Road Application and Appeal

Hi Matthew,

Thank you for the below, I can confirm that there is capacity at Five Fords to accommodate the foul water flows within the limits of the existing permits. I can also confirm that a HMA is required to assess network capacity and that this, together with any scheme of mitigation, could be required by condition. We would only agree to discharge the condition if the HMA (and any scheme of mitigation) demonstrate the sewer network would have capacity to accommodate the foul water flows without leading to an increase in the environmental impact of storm overflows.

Best regards,



Jake MacMillan

Development Planning Officer | Developer Services
Dŵr Cymru Welsh Water



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From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>
Sent: Tuesday, May 28, 2024 10:56 AM
To: Jake MacMillan <Jake.MacMillan@dwrcymru.com>; Sion Jones <Sion.Jones@dwrcymru.com>
Subject: P/2019/0005 and P/2021/0436 - Holt Road Application and Appeal

***** External Mail *****

Hi both,

Further to our meeting regarding the above last week, please could I have a formal response that covers the following:

- Confirmation that there is capacity at Five Fords to accommodate foul water flows from the development within the limits of the existing permit for the WwTW;
- That there is hydraulic capacity at Five Fords to accommodate the foul water flows from the development without leading to an increase in the environmental impact of storm overflows;
- That a HMA is needed to assess network capacity and that this, together with any scheme of mitigation, could be required by condition.
- Confirmation that Welsh Water would only agree to the discharge of the condition if the HMA (and any scheme of mitigation) demonstrate the sewer network would have capacity to accommodate the foul water flows without leading to an increase in the environmental impact of storm overflows.

Regards

Matthew Phillips

Pennaeth Gwasanaeth, Cynllunio, Rheoli Datblygu/Head of Service, Planning Development Management
Economi a Chynllunio/Economy and Planning



01978 298780

Cyngor Bwrdeistref Sirol Wrexham, Neuadd y Dref, Wrexham, LL11 1AY

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

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Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.

Ewch i weld - mi fedrwch chi dalu, rhoi gwybod, gwneud cais, dweud eich dweud, a dod o hyd i wybodaeth ar-lein yn www.wreccsam.gov.uk. Arbedwch bapur - meddyliwch cyn argraffu!

Mae'r neges e-bost hon ac unrhyw atodiadau wedi eu bwriadu ar gyfer yr unigolyn neu'r sefydliad y'i cyfeirir atynt yn unig. Am yr amodau llawn ynglŷn â chynnwys a defnyddio'r neges e-bost hon, ac unrhyw atodiadau, cyfeiriwch at www.wreccsam.gov.uk/top_navigation/disclaimersw.htm

We welcome correspondence in Welsh. We will respond to any correspondence in Welsh and this will not lead to any delay.

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Llywodraeth Cymru
Welsh Government

Development Control
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Eich cyf / Your ref P/2021/0436

Ein cyf / Our ref 24/NM-6405

18 April 2024

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)
ORDER 2012:**

Land South of Holt Road Wrexham

**UP TO 600 DWELLINGS, WITH ASSOCIATED LANDSCAPING, PUBLIC OPEN
SPACE AND ON-SITE INFRASTRUCTURE, WITH ALL MATTERS RESERVED
EXCEPT FOR THE NORTHERN SITE ACCESS**

I refer to your consultation of 07/03/2024 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road does not issue a direction in respect of this application.

If you have any further queries, please forward to the following Welsh Government Mailbox
NorthandMidWalesDevelopmentControlMailbox@gov.wales

Yours faithfully

Helen Lewis



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE

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