**In pursuance of its powers under the Acts an Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application**

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

**Applicant** Mr Andrew Davies

**Reference** P/2024/1695

**Decision Date** 02/12/2026

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## Town and Country Planning Act, 1990

### Location of Application

LAND AT NATIONAL TRUST AND SOUTH OF, WREXHAM ROAD, RHOSTYLLEN, WREXHAM, LL14 4DH

### Description of Application

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CONSTRUCTION OF FOOTPATH/CYCLEWAY AND BRIDGE

In reaching this decision the Council has had regard to the following relevant policies: -

### Development Plan Policies:

Policy GDP1 - Development Objectives.
Policy EC4 - Hedgerows, trees and woodland
Policy EC6 - Biodiversity Conservation
Policy CLF6 - Informal Recreation
Policy T9 - Walking, cycling and horse riding routes

| Revision | Date | Description of Decision |
|---|---|---|
| 0 | 02/12/2026 | Planning permission issued |

### Particulars of decision : GRANTED subject to the following:-

### Condition(s)

1. The development hereby permitted shall be commenced before the expiry of two years from the date of this permission.

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2. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):

Tree Constraints Report – Report Ref: 238/R/W102 Rev P02 dated 31.01.2023
Arboricultural Impact Assessment and Method Statement Report Ref: 238/R/W300 Rev P04 dated Sept 2025.
Landscape Mitigation Plan Report Ref: 238/R/500 Rev P02 dated August 2024
Cycleway and Footpath Landscape Zone - Drawing Number 238/L/100 Rev P04 dated 04/12/2025 - Sheet 1 of 6.
Cycleway and Footpath Landscape Zone - Drawing Number 238/L/101 Rev P03 dated 04/12/2025 - Sheet 2 of 6.
Cycleway and Footpath Landscape Zone - Drawing Number 238/L/102 Rev P03 dated 04/12/2025 – Sheet 3 of 6
Cycleway and Footpath Landscape Zone - Drawing Number 238/L/103 Rev P03 dated 04/12/2025 – Sheet 4 of 6
Cycleway and Footpath Landscape Zone - Drawing Number 238/L/104 Rev P04 dated 04/12/2025 – Sheet 5 of 6
Cycleway and Footpath Landscape Zone - Drawing Number 238/L/105 Rev P03 dated 04/12/2025 – Sheet 6 of 6
Cycleway and Footpath Landscape Zone - Drawing Number 238/L/106 Rev P02 dated 28/08/2024
Cycleway and Footpath Landscape Zone - Drawing Number 238/L/107 Rev P02 dated 28/08/2024
Cycleway and Footpath Landscape Zone - Drawing Number 238/L/108 Rev P02 dated 28/08/2024
Cycleway and Footpath Landscape Zone - Drawing Number 238/L/109 Rev P02 dated 28/08/2024
Preliminary Ecological Appraisal Survey dated May 2025 V2 dated 30.06.25 – Ecological Design Consultant – Rhostyllen Footpath / Cycleway and Bridge Route
Otter Presence Survey dated May 2025 V2 dated 30.10.25 – Ecological Design Consultant – Rhostyllen Footpath / Cycleway and Bridge Route
Reasonable Avoidance Measures (RAMs) for Great Crested Newt (GCN) Potential Presence (undated) – Ecological Design Consultant – Rhostyllen Footpath / Cycleway and Bridge Route

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Ground Level Tree Assessment – Bats dated May 2025 V2 23.07.2025 – Ecological Design Consultants – Rhostyllen Footpath / Cycleway and Bridge Route
Aerial Tree Assessment - Bats dated September 2025 V1 22.09.2025 – Ecological Design Consultants – Rhostyllen Footpath / Cycleway and Bridge Route
Supplementary Investigations at Wrexham Road, Rhostyllen – National Trust Woodland dated 09.10.2025 - REFA
Green Infrastructure Statement – Planning Application (P/2024/1695) for Proposed Footpath / Cycleway and Bridge Works on National Trust Land, Rhostyllen (undated)

3. The land contamination remedial works detailed in the REFA letter report dated 09 October 2025 (ref: SCB/22094/04/A) 'Supplementary Investigations at Wrexham Road, Rhostyllen – National Trust Woodland' shall be implemented. The site shall not be occupied/used until a Validation Report has been completed and submitted to and approved in writing by the Local Planning Authority prior to first use of the development on site.

4. No tree felling with the potential to impact on bats, shall commence until a pre-construction bat survey has been carried out. If the survey confirms the presence of bats, the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

5. Prior to the first use of the development hereby permitted the measures to deliver net benefit for biodiversity (NBB) as set out in the landscape mitigation plan report ref: 238/R/500 dated August 2024 and supporting information shall been implemented in full. The measures shall thereafter be maintained for the lifetime of the development.

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6. The landscaping scheme as set out in detail in support of the application shall be fully implemented prior to the first use of the development, with the exception of soft landscaping which shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first use. Any trees, hedgerows or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7. The development hereby permitted shall not be bought into use until a scheme of pedestrian safety signage has been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The signage shall thereafter be retained in accordance with the approved scheme.

**Reason(s)**

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. To comply with Section 71ZA(2) of the Town and Country Planning Act, 1990.

3. In order to ensure protection from potential land contamination and to comply with Policy GDP1 of the Wrexham Unitary Development Plan.

4. To ensure the potential presence of bats is confirmed prior to felling of trees and where necessary remedial measures are implemented for their protection and to comply with Policy EC2 of the Wrexham Unitary Development Plan.

5. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12.

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6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1, PS11, EC4, EC5 and EC6 of the Wrexham Unitary Development Plan.

7. In order to ensure satisfactory consideration to pedestrian safety and to comply with Policy GDP1 of the Wrexham Unitary Development Plan.

**Note(s) to applicant**

The Applicant is advised that under the dust from construction and / or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated, and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

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In the interests of maintaining highway safety, and to avoid obstruction of the public highway (in contravention of the Highways Act), The Applicant is advised to coordinate with the highway authority at highwayroadworks@wrexham.gov.uk in advance of commencement of the development/works with respect to: 1. Skip, scaffolding, hoarding or A frame/signage (Permit required for these items, if on the public highway); 2. Use of a parking space for a set down/delivery area; 3. Record a dilapidation survey of the adjacent carriageway prior to commencement (to avoid being ask to repair damage by the Applicant whilst carrying out their works); 4. If any lane closure or obstruction of the highway is required for a crane or similar; 5. Protection against dust and debris blowing onto the public highway 6. Construction traffic parking locally avoiding nuisance to others; 7. If the Applicant's scope of work includes new apparatus in the highway, such as new mains services then a Section 50 licence will be required. Insurances and demonstration of competency to carry out works in the public highway will be required. 8. Lowering of kerbs or minor pavement alterations require Section 184 agreement. Insurances and demonstration of competency to carry out works in the public highway will be required. 9. A section 278 agreement works agreement is required for more significant alterations to the existing highway 10. Any temporary works affecting traffic lights, [pedestrian/cycle road crossings, or bus stops require pre-planning and permits; 11. For applications with a private driveway (either existing or proposed) connecting onto the public highway, the following conditions of approval apply: • No surface water from the applicants site should be allowed to drain onto the public highway, • The first 5m* minimum (for residential property) should be hard paved, avoiding gravel or loose chippings form spreading. • No gate should be built in a location where it would result in a car obstructing the highway whilst being unlocked, and it should not swing out and over a pavement or any other part of the highway. *The hard paved length and set back if required is subject to the applicants proposed vehicular length The applicants should allow a minimum of 4 weeks' notice for any of the above standard requirements, and 6-8 weeks for lane closures & road closures (lead times may change without notice subject to workload and complexity). Any works involving Trunk roads should be coordinated separately and directly with the North & Mid Wales trunk Road Agency. For larger sites with a significant impact upon the highway, a Construction Traffic Management Plan will be required.

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Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:
- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

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The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. As of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. In the event this proposed development amounts to a total impermeable area of 100sqm or more, approval of Sustainable Drainage Systems (SuDS) features will be required in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It would therefore be recommended that the developer engage in consultation with Wrexham County Borough Council as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation

The proposed development is close to an Intermediate Gas Main. The granting of planning permission does not authorise any works to this infrastructure. Advice should also be sought from the asset owner prior to any engineering works taking place in the vicinity of it

**Ian Jones**

Prif Swyddog Dros Dro Yr Economi a Chynllunio
Interim Chief Officer Economy and Planning

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Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
Planning and building control | Wrexham County Borough Council