Report of the Chief Officer Economy and Planning

Application Reference
P/2024/1695

Applicant
Mr Andrew Davies

Agent

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

Description of Development
ADEILADU LLWYBR TROED/LLWYBR BEICIAU A PHONT / CONSTRUCTION OF FOOTPATH/CYCLEWAY AND BRIDGE

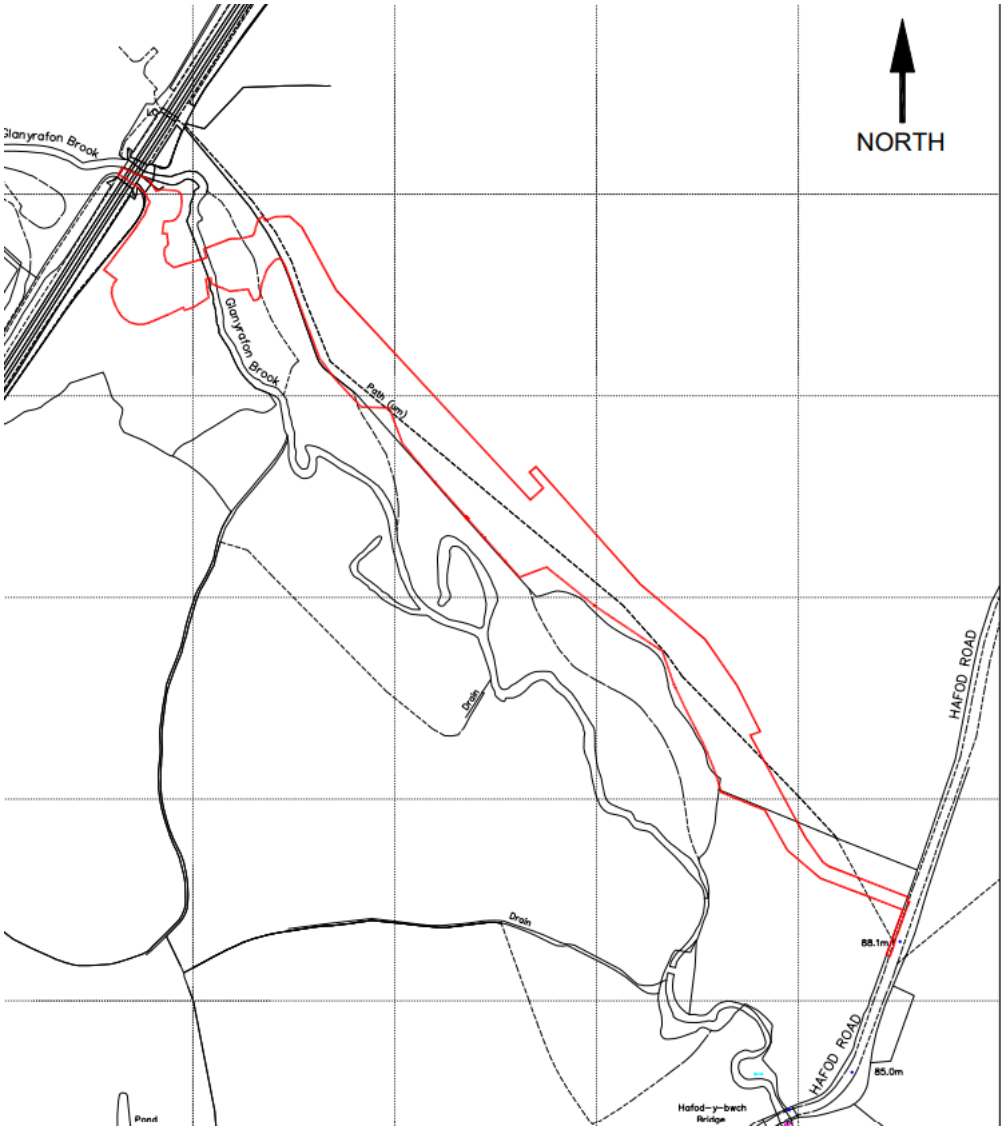
Ward
Esclusham/Esclusham

Community
Esclusham/Esclusham

Recommendation
Grant

Officer Report

Site Description
The application site consists of open countryside located off Wrexham Road, Rhostyllen and runs alongside the Glanyrafon Brook towards Hafod Road which it links up with. Within close proximity is the Wrexham-Shrewsbury rail line, this is located alongside the northern boundary of the application site.



Proposal

The application proposes a bridge and footpath / Cycleway on land in the control of the National Trust south of Wrexham Road, Rhostyllen, Wrexham.

The proposed bridge and footpath cycleway works would link into the footpath and footpath / cycleway being provided by the residential development being built off Wrexham Road, Rhostyllen

The proposed bridge and footpath / cycleway works is intended to improve the link between the village of Rhostyllen and the Erddig Estate for pedestrians and cyclists and would enable the closure of a footpath level crossing off the Wrexham-Shrewsbury rail line, the existing footpaths are un-surfaced and considered poorly suited for wheelchair and pushchair use. The proposed route would provide a link to the footpath / cycleway in the Pocket Park woodland on the north side of the Wrexham-Shrewsbury rail line and run beneath the rail line making use of an existing Network Rail bridge that takes the railway over the Glanyrafon Brook

A new bridge would be installed over the Glanyrafon Brook, and the footpath / cycleway would extend from beneath the existing Network Rail bridge to the new

bridge and then from the new bridge to Hafod Road. The proposed route would pass through woodland and open pastureland. It is proposed that sections of public footpaths Esclusham no. 9 and Esclusham no. 10 would be diverted on to the new footpath / cycleway route. As noted above, this would allow the footpath level crossing on the Wrexham-Shrewsbury rail line to be permanently closed, although this would be subject to a separate statutory process. As a result of concerns with regards disabled access the applicants have recently submitted amended plans indicating that kissing gates previously proposed are replaced with 'air lock' gates. These would enable maintenance of access between the fields and would also help address concerns with regards to members of the public approaching the end of the footpath / cycleway where it joins with Hafod Road.

Reason for Committee Determination

Major development

Site History

P/2007/0686 - Residential development (223 dwellings) and construction of new vehicular and pedestrian accesses (granted in outline under code no P/2004/0940 and subsequently varied under code no. P/2008/1063) Approved – 1/12/2008

P/2008/1063 - Variation of Condition 5 of planning permission code P/2004/0940 to allow the installation of a signal controlled junction and roundabout instead of two new roundabouts at Wrexham Road. Granted - 01/12/2008.

P/2013/0002- Variation of conditions Nos. 1, 2 and 13 of planning permission P/2007/0685 to allow more time to commence development and to amend approved parking layout associated with the development. Granted 4.3.2013

Development Plan

Unitary Development Plan

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

Wrexham Local Planning Guidance Notes:

The following are of relevance:

07 – Landscape & Development
15 – Cycling
16 – Parking Standards
17 – Trees & Development
23 – Development of Sites with Land Contamination
26 – Landscape & Industrial Development
30 – Design
32 – Biodiversity & Development

Relevant National Policy

Planning Policy Wales (Edition 12)
Future Wales: The National Plan 2040.
Technical Advice Note 5: Nature Conservation & Planning
Technical Advice Note 11: Noise
Technical Advice Note 12: Design
Technical Advice Note 15: Development & Flood Risk
Technical Advice Note 18: Transport
Technical Advice Note 23: Economic Development
Technical Advice Note 24: The Historic Environment

Consultation Responses

Community Council:
Have responded indicating:
no objections to the application and confirming that the Community Council is strongly in favour of the plans.

Local member:
No comments received.

Natural Resources Wales:
Recommends a condition be attached regarding protection measures for bats, great crested newts and otters. A condition is also recommended in consideration of tree felling and potential impacts on bats.

Dwr Cymru Welsh Water:
Raise no objections.

National Grid:
Raise no objections.

Network Rail:
Raise no objections.

Contamination Manager Officer
Recommends a condition with regards to the implication and verification of land contamination remedial measures.

Aborticultural Officer:
Recommends a condition in respect of a landscape management scheme

Public Protection Officer
Raises no objections. Recommends advisory notes be attached regarding construction noise, burning of waste and dust management.

Public Rights of Way Officer:
Raises no objections. Advises they agree to the use of 'Breeden Golden Gravel' for external finish of footpaths and that this material has been used within the vicinity in relation to previous footpath diversions.

Highway Officer:
Raises no objection and has the following observations:

- There is an existing Public Right of Way and style at the point of proposed new connection with Hafod Rd, a C Class adopted highway lane subject to National Speed limit;
- The proposal includes the removal of the existing timber stile, and installation of a kissing gate set back from the adopted highway. This set back is enough to hold a bike whilst opening a gate, without obstructing the public highway of Hafod Rd.
- Whilst the existing oak tree adjacent to the entrance restricts visibility to the south, the soft verge creates enough of a setback subject to the hedge being kept trimmed.
- It is noted that the proposed works are close to an intermediate gas mains, so the applicant should seek the necessary guidance from British Gas, or whoever controls the main prior to commencing the works.

Ecology Officer:
Raises no objections.

Cycling Uk:
Support for the development in principle, however concerns are raised with regards to the design put forward in that this is considered to be not only sub-standard but also discriminatory. They have raised concerns about the installation of kissing gates, which they consider inappropriate for the route. Concerns have also been raised in respect of the footpath finish, which they consider to be inappropriate for access by walking, wheeling or cycling. They consider that a harder sealed surface is required.

Wheels for well-being:
Have raised concerns with regards to proposed design, commenting that the route will have a self-bound gravel surface and kissing gate access barriers and thus will be in-accessible to many disabled people and thus discriminatory under the Equality Act (2010). This will potentially leave those responsible for the route liable in discrimination claims.

Publicity Undertaken:
Site Notice
Notification Letters

Responses to Publicity:
Two letters of support have been received from members of the public in support of the application, the letters indicating that the proposal represents positive sustainable development that is welcomed.

Principle of Development
Policy CLF6 supports the improvement and provision of public rights of way. Policy T9 requires development to provide walking any cycling routes. There are not UDP policies that specifically prevent the provision or improvement of footpaths or cycleways in the open countryside.

Technical Advice Note 16 Sport, Recreation and Open Space (para 3.40) states that safe cycle routes and footpaths provide positive recreational opportunities and also supports heath and sustainable travel opportunities.

Having regard to the above, the principle of development is acceptable.

Design

Both the footpath/cycleway and the proposed bridge over Glanyrafon Brook would be of an appearance not uncommon to an open countryside location. Visual impact would be limited to the immediate vicinity of the development and native species tree planting would assist in assimilating the development into the rural landscape.

Having regard to the above, the proposed development accords with policy GDP1.

Impact on Neighbouring Amenity

There are no dwellings in proximity to the proposed footpath/cycleway route. As such, it would have no detrimental impact on surrounding residential amenity.

Having regard to the above, the proposed development accords with policy GDP1.

Highway Considerations

The proposed development is considered acceptable from a highways perspective with no detrimental impact for existing highway users, would enhance provision for pedestrians and is considered acceptable for cyclists. The route would also improve pedestrian safety by enabling existing pedestrian level crossing over the Wrexham-Shrewsbury railway line to be closed. Closure of the crossing is a requirement of condition 23 of planning permission Ref: P/2008/1063 for the residential development being built off Wrexham Road Rhostyllen. There would be no detrimental impact to existing rights of ways.

The use of gates at the Hafod Road end of the footway/cycleway would ensure the safety of cyclists by requiring them to stop and dismount before entering the highway.

Having regard to the above, the proposed development accords with policy GDP1.

Natural Environment

Trees would be removed to accommodate the development. PPW12 paragraph 6.4.42 states that the removal of trees should only be permitted where there is significant public benefits. Where loss of unacceptable, PPW12 requires replacement planting take place. The improved provision for pedestrians and cyclists, together with the closure of a pedestrian level crossing would both constitute significant public benefits. In addition, the proposed landscaping scheme proposes replacement tree planting that accords with PPW12 paragraph 6.4.42.

Planning Policy Wales (PPW12) requires that a Green Infrastructure Statement is required on all developments. It should show that development has a net benefit to biodiversity and green infrastructure. This information is not appropriate to seek 'retrospectively' by way of a condition and must be provided as part of the planning application process. It should describe how the green infrastructure of a site (trees, hedges, and SuDS etc.) has been incorporated into the development proposal.

PPW12 requires development to provide a net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped. Failing to provide such a benefit is a valid reason for refusal. Every application regardless of size must not only mitigate any negative impacts of the development, but also have a positive benefit for biodiversity which would be in place for the lifetime of the development. Enhancements should be onsite, proportional to the size of development, tailored towards features valuable in the area or providing linking habitats GI plan.

The application is accompanied by a Green Infrastructure Statement. This demonstrates that the proposals would a net benefit to biodiversity through the provision to native species planting. The implementation of these measures could be secured by a suitably worded condition.

Having regard to the above, the proposed development accords with paragraphs 6.4.5 and 6.4.42 of PPW12 and policy EC4 of the UDP.

Drainage

The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). Any proposed development that might increase the amount of nutrients such as phosphorus within a river SAC catchment could lead to damaging effects to the SAC.

The proposal is unlikely to increase the amount of phosphorus entering the catchment. It is therefore considered the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC in accordance with the UDP and national policy.

Other Considerations

The applicant's agent responded to concerns raised by Cycling UK indicating that the use of the proposed kissing gates is for safety reasons. The first being the two kissing gates either side of the field gate accesses. The fields north and south of the proposed footpath / cycleway are used for crops and grazing livestock. The National Trust therefore needed to be able to provide a safe crossing point for vehicles and livestock and to also be able to secure the livestock as they move from one field to the other in order to ensure they do not wander along the proposed footpath / cycleway.

The kissing gate closest to Hafod Road is a safety feature because it effectively terminates the cycleway and ensures cyclists dismount before entering the highway. Hafod Road. It also provides a barrier for pedestrians, in particular children to stop them running out on to Hafod Road. In response to Cycling UK's

comments regarding the kissing gates, the applicant's agent has indicated that removing them would make the proposed footpath / cycleway unsafe at the crossing point between the two fields and at the end as it meets Hafod Road. However, the agent has submitted amended plans replacing the kissing gates r with 'air lock' gates. These would still maintain the required access between the fields whilst also ensuring safe access and addressing controlled access onto the highway where the footpath/cycleway meets Hafod Road.

With regards to concerns raised about the use Breedon Gravel to surface the development, the applicant's agent has indicated that it would provide a surface that knots together to form a solid bonded durable base, this is considered s*uitable for cycleways* as well as many other uses. They have commented that B*reedon Golden Amber Gravel provides a surface that knots together to form a solid bonded durable base. It is a self-binding gravel is a popular choice for hospitals and sensory gardens as the 100% natural material is suitable for use with wheelchairs, walking frames and mobility scooters and suitable* for cycleways as well as many other uses.

It was also noted some concerns have been raised with regards to pedestrian and cyclist safety on the approach from the footpath to Hafod Road. It is considered this matter can adequately be addressed by the installation of signage on site and is therefore the subject of condition number 7 as set out in the recommended list of conditions should members me mindful to support the application.

It is noted that the Public Rights of Way Officer raises no objections to the proposed use of surface finish material. It is also noted that the Highways Manager raises no objections with regards to the construction of the proposed footpath gates noting that their design allows for cycle access.

Having regard to the above, the proposed development is not considered to be in conflict with Equality Act 2010.

Conclusion

The application proposes improved pedestrian/cycle links between the village of Rhostyllen and the Erddig Estate, given that sections of the existing public footpaths are un-surfaced and poorly suited for wheelchair and pushchair use. Impacts as a result of the proposal on the surrounding vegetation is considered acceptable. The application also proposes landscape mitigation which would compensate for the loss of existing trees

With support from the Community Council and members of the public and no adverse comments received other that comments from cycling UK as discussed above, overall the proposal is seen as a significant public benefit for the surrounding community and persons wishing to have improved access to the countryside. The proposed development is considered to be in accordance with Policies GDP1, EC4, EC6, CLF6 and T9 of the Wrexham Unitary Development Plan, Planning Policy Wales as well as Technical Advice Notes 5, 12 and 24 .

Conditions

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

2. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):
   - Arboricultural Impact Assessment and method statement report ref: 8238/R/W300 dated Sept 2025.
   - Cycleway and footpath landscape zone - drawing number 238/L/105 dated 4/12/2025 - sheet 6 of 6.
   - Cycleway and footpath landscape zone - drawing number 238/L/101 dated 28/08/2024 - sheet 2 of 6.
   - Cycleway and footpath landscape zone - drawing number 238/L/07 dated 28/08/2024 -
   - Cycleway and footpath landscape zone - drawing number 238/L/08 dated 28/08/2024 -
   - Cycleway and footpath landscape zone - drawing number 238/L/09 dated 28/08/2024 -
   - Cycleway and footpath landscape zone - drawing number 238/L/01 dated 28/08/2024 -
   - Cycleway and footpath landscape zone - drawing number 238/L/02 dated 28/08/2024 -
   - Cycleway and footpath landscape zone - drawing number 238/L/03 dated 28/08/2024 -
   - Cycleway and footpath landscape zone - drawing number 238/L/04 dated 28/08/2024 -
   - Landscape mitigation plan report ref: 238/R/500 dated August 2024
   - Otter Presence Report, Rhostyllen footpath / cycleway and bridge route, Wrexham, Hodnett, T., issue no V2 dated 30/10/2025, Ecological Design Consultant
   - Reasonable Avoidance Measures (RAMs) for Great Crested Newts (GCN) potential presence, Hodnett, T. (undated), Ecological Design Consultant

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.

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.

Reasons

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.

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.

Notes

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.

Notes

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 would 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.

Notes
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.

Notes
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.

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.

Notes

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