

FAO Philip Forster

30/10/2018

Dear Philip,

TOWN AND COUNTRY PLANNING ACT 1990  
DEDDF CYNLLUNIO GWLAD A THREF 1990

**BWRIAD / PROPOSAL: Erection of 5 no. detached dwellings including means of access and associated works**

**LLEOLIAD / LOCATION: Land at Bedwell Road, Cross Lanes, Wrexham**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 05/10/2018.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Condition 1: The finished floor levels of the proposed dwellings should not be any lower than the existing site levels.

Condition 2: Submission and implementation of an avoidance based great crested newt conservation measures undertaken to the satisfaction of the local planning authority

Condition 3: Submission and implementation of a Biosecurity Risk Assessment undertaken to the satisfaction of the LPA.

## **Floodrisk**

We received addendum information to the flood consequence assessment (FCA) provided (reference HYD331/BedwellRD/DK/CB/L01 (planning reference P/2018/0138) from Betts Hydro on the 05/10/2018.

From this addendum, the blockage location would appear reasonable and there is some differences to note in the hydrology flows between the original model and updated version. Table 1 suggests the worst case scenario for this site would be the 0.1% AEP extreme event and not the 1% annual exceedance probability (AEP) event with climate change. The predicted flood water levels in Table 1 for the extreme event 0.1% AEP would be significantly lower than the existing site levels of the red line areas of the application site. These levels

with a climate change allowance of 20% would not exceed 39.45 metres above ordnance datum (m AOD) at BL05/BL06 or 37.64m AOD at BL03/BL04 m AOD. The extreme outlines as shown on the flood extent plan HYD331-301 Rev A do not affect the red line boundaries of the site. The finished floor levels of the proposed dwellings should not be any lower than the existing site levels and secured by any planning condition(s) to take account of any uncertainties in the model outputs.

Condition 1: The finished floor levels of the proposed dwellings should not be any lower than the existing site levels.

The addendum information to the FCA largely addresses the key questions raised in our previous consultation responses (Our references CAS-67513-Y8Y0, CAS-57218-P9R6 and P/2018/0138 Land at Bedwell Road Cross Lanes, Wrexham v3 -P/2018/0138 (Minor) v2 Response NRW: 03590641).

It should be clearly noted that these comments, from Natural Resources Wales are not based on any review of the hydrology calculations or the updated model used for this FCA. There has been no review of the modelling work that has been undertaken to date because of the site location within Zone A and it has not been specifically requested by the Local Planning Authority. This addendum information, FCA and surface water drainage proposals for the scheme should be subject to consultation with Wrexham Lead Local Flood Authority.

## **Protected Species**

No ecological report has been submitted to inform the planning decision making process

### **Great Crested Newt**

We can confirm that ponds in the environs of the application site support populations of the great crested newt (GCN). This species is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. The current conservation status of local populations of this species is considered to be unfavourable.

The Regulations allow the approval of a scheme that would be likely to result in disturbance or harm to GCN, but only if satisfy an appropriate Habitats Directive derogation purpose and two tests before a licence can be issued from Natural Resources Wales.

In the case of development, the applicable derogation purpose is: "Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment."

Furthermore, the licence can only be issued by NRW on condition that there is: "no satisfactory alternative", and that

"the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

Paragraph 6.3.7 of TAN5 states that your Authority should not grant planning permission without having satisfied itself that the proposed scheme either would not impact adversely on any GCN's on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We consider the proposal will not be detrimental to the maintenance of the favourable conservation status (FCS) of any local populations of great crested newt present within the environs of the application site.

However, we advise that any subsequent consent is subject to planning conditions or obligation that address the following issues.

Condition 2: Submission and implementation of an avoidance based great crested newt conservation measures undertaken to the satisfaction of the local planning authority;

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, please consult us again. Furthermore, the above advice is based on the implementation of avoidance based conservation measures. If great crested newts are subsequently found within working areas, we advise that works immediately stop and may only resume on receipt of a valid derogation licence issued by NRW under Regulation 55 of the Conservation of Habitats and Species Regulations 2017

## **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 imposition of a biosecurity risk assessment.

Condition 3: Submission and implementation of a Biosecurity Risk Assessment undertaken to the satisfaction of the LPA.

We consider that this assessment must include

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS being accidentally or deliberately introduced to the site for the duration of construction and landscaping phases of the scheme.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects

on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

### Advice for the Applicant / Developer:

#### Pollution Prevention

The applicant is advised to follow the guidance within the Guidance for Pollution Prevention 5 "Works and maintenance in or near water":

[http://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf?utm\\_source=website&utm\\_medium=social&utm\\_campaign=GPP5%2027112017](http://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf?utm_source=website&utm_medium=social&utm_campaign=GPP5%2027112017)

The applicant is advised to follow the guidance within the Guidance for Pollution Prevention 6 'working at construction and demolition sites':

<https://www.sepa.org.uk/media/60125/ppg-6-working-at-construction-and-demolition-sites.pdf>

Any work which is to take place should be done so with pollution prevention in mind. Pollution prevention advice and guidance can be found via this link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Should any pollution occur during the construction or operational phase, Natural Resources Wales should be notified via the incident hotline – 03000 65 3000.

#### Waste

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/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours sincerely,

*Daniel Davies*

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales