



FAO Philip Forster

06/09/2018

Dear Philip,

TOWN AND COUNTRY PLANNING ACT 1990
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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 17/08/2018.

We recommend that that you should only grant planning permission if the scheme can meet the following requirement and you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirement is met and you attach the conditions to the planning permission.

Requirement 1: Submission of additional information in relation to the Flood Consequence Assessment

Condition 1: Submission and implementation of an avoidance based great crested newt conservation measures undertaken to the satisfaction of the local planning authority

Condition 2: Submission and implementation of a Biosecurity Risk Assessment undertaken to the satisfaction of the LPA.

Floodrisk

These comments are provided in response to the submission of a flood consequence assessment (FCA) and drainage management strategy dated July 2018, produced by Betts Hydro Consulting Engineers for land off Bedwell Road, Cross Lanes (Reference HYD331_BEDWELL.ROAD_FCA&DMS v1.0), and in addition to our consultation response dated 22nd March 2018.

In our response dated March 2018, we referred to the Inspectors report and the inadequacies of the FCA /model data and requested an FCA to be submitted for review which addressed these issues.

From an initial review, this FCA appears to be based on the same baseline 2009 model data. There are some potential additional modelling updates for the blockage and climate change which have been completed. It is not clear from the details in Appendix J of the FCA what exactly in the model has been updated and if this includes any topographical survey and hydrology updates. It would therefore be necessary for the consultants who completed the FCA, to complete our GN 028 model checklist and GN008 Form 1 Flood Estimation calculation record, as attached on the link below, and provide these for review.

<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/development-and-flood-risk/?lang=en>

As this will enable us to complete a more detailed review of modelling and FCA completed.

Please send this completed checklist and form to NorthPlanning@naturalresourceswales.gov.uk quoting the above planning reference P/2018/0138 and NRW reference CAS-67513-Y8Y0.

Requirement 1: Submission of additional information in relation to the Flood Consequence Assessment

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 1: 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 2: 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 on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). 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. 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.

Advice for the Applicant / Developer:

Waste

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 33 and 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.

Suitable pollution prevention measures will need to be in place during construction to minimise any risk of pollution, in particular giving the close proximity of watercourses.

In particular, we refer you to the Pollution Prevention Guidelines

PPG1: Understanding Your Environmental Responsibilities – Good Environmental Practices

PPG6: Working at construction and demolition sites

The Guidance are available at the following link:

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

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