

Wrexham County Borough Council

Ebost/Email: Northplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: (0300) 065 3787

Date: 22nd March 2018

Dear Sir/Madam,

ERECTION OF 5 NO. DETACHED DWELLINGS INCLUDING MEANS OF ACCESS AND ASSOCIATED WORKS LAND AT BEDWELL ROAD, CROSS LANES, WREXHAM

Thank you for referring the above planning application received at our office 2nd March 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 a 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.

Flood Risk

A previous outline application was submitted for this site (LPA reference P/2016/0273) for 24 houses and new access was refused and dismissed at appeal 28th November 2017. The Inspectors report (APP/H6955/A/17/3179242) identified the proposed development to be at risk of flooding. It notes that whilst the built development would be located outside of the Development Advice Map (DAM) Zone C2, the modelling study completed in 2009 should remain fit for purpose, it also refers to concerns raised by NRW with the completeness of the FCA because it had not used the latest climate change guidance and there was no assessment of blockage. The Inspector found the development proposed failed to satisfy policy EC12 of Wrexham UDP and TAN 15: Development and Flood Risk.

This would indicate that whilst the application site forms a smaller site of 0.24ha and affects two small areas of land fronting onto Bedwell Road, located either side of the existing cottages. In comparison to the larger appeal site (1.22ha) which bounded to the river in the north, the application site is outside of the Development Advice Map (DAM) Zone C2 and within Zone A. The inspectors report stated that flood risks for this site need to be assessed and this assessment will need to overcome the issues identified in the incomplete modelling completed in 2009 and the subsequent FCA, which failed to demonstrate consequences and impacts of the development of the whole site to demonstrate compliance with local and national planning policy.

The absence of an FCA and updated modelling report for this proposed residential development raises significant concerns because there has been no assessment of flood risk and it therefore fails to demonstrate compliance with TAN 15.

Requirement 1 – Submission of a 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.

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.

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

Yn gywir / Yours' faithfully,

Ruth Prichard

Ymgynghorydd Cynllunio Datblygu / Development Planning Advisor

Ebost/Email: Ruth.Prichard@cyfoethnaturiolcymru.gov.uk

Deialu uniongyrchol/Direct dial: (0300) 065 3787 **Siaradwr Cymraeg / Welsh Speaker**



cc: