

Matthew Phillips
Planning Control Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Date: 3rd August 2016

Dear Mr Phillips,

**DEMOLITION OF EXISTING FARM BUILDINGS, UNDERGROUNDING OF 415 VOLT (LV) OVERHEAD LINE, ERECTION OF 27 NO DWELLINGS WITH ASSOCIATED INFRASTRUCTURE INCLUDING ROADS, SERVICES AND AMENITIES
WOODLANDS FARM, DODDS LANE, GWERSYLLT, WREXHAM, LL11 4NS**

Thank you for consulting us on the above application, which we received on the 20th July 2016.

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.

Protected Species

The applicant has submitted an ecological report for the purposes of informing the public decision making process. (Reference:
Logan, A. (2016): Woodlands Farm: Ecological Assessment. Avian Ecology Ltd. Unpublished Report

The application site has been subject to survey and assessment in respect of the great crested newt. The survey confirmed the presence of the species within the environs of the application site. In our view the survey and assessment has been carried out to a satisfactory standard,

In our view, the overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

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 GCNs 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 that it is possible that the species potentially utilizes the site for foraging, or sheltering purposes. We consider that the submission does satisfactorily demonstrate that it will not be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts. We would welcome the implementation of any proposal to enhance the value of the proposed mitigation for amphibians, e.g., construction of a new pond.

However, we advise that any subsequent permission includes the following planning **conditions or obligations** (such as a Section 106 Agreement or a unilateral undertaking):

- o The submission and implementation of detailed great crested newt avoidance and mitigation measures. This to include details concerning the erection and maintenance of exclusion and barrier fencing;
- o The submission and implementation of long compensatory proposals. This to consider material issues associated with the management, surveillance and with tenure of the compensation/mitigation site;
- o The inclusion of a planning condition to any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to proceed, or Natural Resources Wales has informed the applicant that such a licence is not required

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, you would need a revised ecology report that takes account of such changes. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation or compensation measures.

Please also note that any changes to plans between planning permission and the licence application may affect the outcome of a licence application.

We consider the assessment in respect of bats and badgers to be satisfactory. We therefore concur with the conclusions. We recommend that you liaise with your ecologist with respect to the potential effect of the development upon reptiles and birds.

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 permission includes the imposition of a **condition** requiring the submission and implementation of a Biosecurity Risk Assessment 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 introduced to the site for the duration of construction and operational phases of the scheme.

Flood Risk

The site lies within Zone A as defined in TAN 15 Development & Flood Risk (2004) and shown on Welsh Governments Development Advice Map. However, parts of the site are shown to be at risk of surface water flooding on Natural Resources Wales' Flood Map for Surface Water. The development is likely to increase the surface area of impermeable ground, thus reducing percolation and increasing rapid surface run-off. In accordance with Section 8 of TAN 15, in all zones, development should not increase flood risk elsewhere.

We recommend that a **condition** is imposed to ensure that a scheme to dispose of surface water is submitted to and approved in writing by your Authority, to ensure effective management of surface water run-off resulting from the proposed development. As they fulfil the role of Lead Local Flood Authority, we recommend that you contact your Drainage Department for further advice in relation to this. We advise that any proposed scheme should ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates. Details of adoption and management should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development.

We request that we are consulted on any details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations (including any condition related to a surface water management scheme). We will usually limit our comments to reviewing the acceptability of the proposed discharge rate as well as the suitability of the discharge point / receiving watercourse.

Other matters

The proposal is within or may affect a Landscape of Outstanding/Special Historic Interest. While this is not a statutory designation, chapter 6 of Planning Policy Wales (PPW) states that it is a material consideration in the planning process and must be given due regard when reaching a determination.

We recommend that a Site Waste Management Plan (SWMP) is drawn up prior to scheme's commencement in order to ensure full duty of care is complied with. Waste should be reused on

site where possible. The SWMP should incorporate a monitoring system for wastes removed from site for reuse or disposal.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily in accordance with duty of care requirements under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years.

The applicants must minimise discolouration to the watercourse from the construction works. Silty water should be treated, either through the use of settlement lagoons, or tanks, or discharged across a grassed area. For work in river channels the use of coffer dams is recommended, to keep river water out of the working area. River crossings must be kept free from mud or dust deposits. Oil and chemical storage must be kept away from the watercourse, on an impervious base, within a bund, and secured. Absorbents or a suitable spill kit must be kept on site for use in the event of an emergency. NRW should be notified immediately of such an occurrence. The mixing, use and washing of machinery and shuttering of wet concrete and cement must be carefully controlled to minimise the risk of any material entering the watercourse. The applicant is advised to follow the guidance within Pollution Prevention Guidance Note 5 "Works and maintenance in or near water", available from the NetRegs website.

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

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cc: Axis PED