



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-17173-Z9W9
Eich cyf/Your ref: P/2016/0273

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Wrexham County Borough Council
Planning Officer
16 Lord Street
Wrexham
LL11 1LG

Date: 19th April 2016

Dear Sir/Madam,

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (24 DWELLINGS) INCLUDING
MEANS OF ACCESS TO THE SITE
LAND WEST OF BEDWELL ROAD CROSS LANES WREXHAM**

Thank you for referring the above planning application received at our office 31st March 2016.

Flood Risk

Contrary to section 13 of the submitted Planning Application Form, the site lies entirely within Zone C2 (areas of the floodplain without significant flood defence infrastructure) as defined by Welsh Government's Development Advice Map (DAM) referred to under TAN15: Development & Flood Risk. Our Flood Map information confirms that the site lies within the extreme flood risk outline.

As per section 6.2 of TAN15 "new development should be directed away from Zone C and towards suitable land in Zone A". If there is no option to relocate the proposed substation outside of the potential flood risk area, then a Flood Consequences Assessment (FCA) should be produced to support, inform and justify new development in this location.

Therefore, in the absence of an FCA, we have significant concerns regarding this application.

If an FCA is not submitted or any subsequent FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then the application should be refused in accordance with the requirements of TAN 15.

Section 6 of TAN15 requires your Authority to determine whether the development at this location is justified. As part of this justification, the applicant must undertake and submit a flood consequence assessment (FCA) prior to determination of the application. This will ensure that all parties are aware of the risks to and from the development, and ensure that if practicable, appropriate conditions can be incorporated in a planning permission. The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given under Section 7 and Appendix 1 of TAN15.

The FCA will need to assess the potential flood risks to the development from the Ordinary Watercourse located on the northern boundary of the site. The FCA will need to consider the flood risks over the lifetime of the scheme i.e. consider the potential increased risks associated with

climate change. The FCA will also need to consider the potential flood risks to the site and the proposed development, should there be blockage of hydraulic structures (e.g. footbridges and culverts) that are located on the watercourse in vicinity of the watercourse. In addition, recent guidance from Welsh Government sets out what TAN15 requires for highly vulnerable development to be considered acceptable:

<http://gov.wales/docs/desh/publications/140109-summary-of-what-tan15-requires-en.pdf>

Species

Background Legislation

Regulations 9(3) of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC) and the 2009 'Birds' Directive (2009/147/EC) so far that they might be affected by those functions.

Survey

The application is supported by an ecological submission (Reference: Whittick, J. (2016). Ecological Assessment: Land off Bedwell Lane, Cross Lanes. J W Ecological Ltd. Reference JWE/1569. Unpublished.

Great Crested Newt

We can confirm that ponds in the environs of the application site support populations of the great crested newt (*Triturus cristatus*). This species is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

We concur with the conclusions of the report in respect of potential impacts based on extant information and on proposed further survey to inform the detailed design of the proposal.

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 tests¹ 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 of any of the great crested newt populations present within the environs of the application site.

However, we advise that any subsequent consent is subject to a number of a planning condition or obligation that address the following issues.

- a. Submission and implementation of avoidance, mitigation and contingency compensatory proposals 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, 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 consent and the licence application may affect the outcome of a licence application

Bats

We note recommendations in respect of bats.

We concur with proposed recommendations. In our view, these recommendations will inform the detailed design of the overall scheme.

Otters

We note recommendations in respect of water vole

We advise that detailed designs include the dedication of a 10-15m buffer running parallel to the stream. The provision of this buffer will help to ensure the functionality of the water course for otters

Water Voles

We note recommendations in respect of water vole

We advise that detailed designs include the dedication of a 10-15m buffer running parallel to the stream. The provision of this buffer will help to ensure the functionality of the water course for water voles

Badgers

NRW consider assessments in respect of badger to be satisfactory for the purposes of informing the public decision making process.

We consider that badger setts will not be affected by the proposed scheme.

Nesting birds

Advice in respect of nesting birds should be obtained from the LPA's own ecological advisor

Reptiles

Advice in respect of reptiles should be obtained from the LPA's own ecological advisor

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 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.

Yn gywir / Yours' faithfully,

Ruth Prichard

Swyddog Cyswllt Cynllunio / Planning Liaison Officer

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



cc: