

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

Date: 25th June 2015

Dear Mr Phillips,

**OUTLINE APPLICATION OFR THE ERECTION OF 24 DWELLINGS - ALL MATTERS
RESERVED EXCEPT ACCESS
LAND OFF NORTH ROAD, PONCIAU, WREXHAM, LL14 1HF**

Thank you for referring us to the above planning application, which we received on 29th May 2015.

We **OBJECT** to the application for the following reason:

Protected Ecological Sites

We note that an extended Phase 1 survey has been submitted to inform the public decision making process. The submitted ecological assessment did not consider statutory sites.

The application site is located within 900m of the boundaries of the Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI) and Johnstown Newt Sites Special Area of Conservation (SAC). These sites support a nationally important population of great crested newt (*Triturus cristatus*), and in the case of the SSSI, an assemblage of amphibian species.

We advise that the proposal may have implications for the SAC, SPA or Ramsar sites listed above and **you should carry out a test of likely significant effects** under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). We can help you reach a conclusion on likely significant effects. If that assessment concludes there is likely to be a significant effect, we can also advise on the further, appropriate assessment that would be required under the Regulations.

We remind you that, as a competent authority for the purposes of the 2010 Regulations, your Authority must not normally agree to any plan or project unless you are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a SAC, SPA or Ramsar site.

We consider, when the application is considered **in isolation**, that the features, ecological functionality and integrity of these sites are not likely to be significantly affected by the proposals affected by the implementation of the proposed scheme.

NRW as the government's statutory advisor on wildlife and conservation matters, considers development, without an ecological offsetting component and when **considered in combination** with other plans or projects, is likely to have a significant effect on the Conservation Objectives of the SAC. Indirect impacts include potential increases in recreational pressures within designated sites, introduction of fish and the colonization of invasive species.

We understand that there are currently no proposals to address issues of indirect impacts within the SAC. We suggest that options that could be progressed to address this issue include the alternative provision of publically assessable green space together with its management or the provision of a commuted sum.

The proposed scheme will not affect the character or integrity of any statutory protected or nationally important landscapes.

Protected Species

The presence of a protected species is listed as a material planning consideration under the provisions of Planning Guidance Wales and Technical Advice Note (TAN) Number 5. The application site has therefore been subject to ecological assessment. We consider the submitted survey and assessment to be satisfactory for the purposes of informing the public decision making process.

The results of the survey confirmed the presence of the great crested newt within 600m of the application site. 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). The considered usual range of the species is up to 500m from natal ponds. However dispersal distances of up to 1km have been recorded.

If the great crested newt is recorded within the boundary of the application site, operations may only proceed after an appropriate licence has been issued by Natural Resources Wales (NRW) and any conditions complied with. This licence can only be issued for the purposes of 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, this specific licence can only be issued by NRW if it complies with the following criteria that there is no satisfactory alternative, and 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.

In our view, the proposal is not likely be detrimental to the maintenance of the favourable conservation status of the great crested newt population at Johnstown

Please note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of "linear" and "stepping stone" habitats.

To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological

adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

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 Local Planning Authority.

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 phase of the scheme.

Flood Risk

The application area lies entirely within Zone A as defined by Welsh Government's Development Advice Map referred to in TAN15: Development & Flood Risk. Our Flood Map information shows the application to lie wholly in Flood Zone 1, which is land considered to have a low annual probability of flooding from rivers and the sea.

Having reviewed the details of the planning application, we have some concerns that the proposed scale of development may present risks of flooding on-site and/or off-site if surface water runoff is not effectively managed. We would therefore request that **prior to the grant of any planning approval**, that a Flood Consequences Assessment / Surface Water Drainage Strategy is produced to detail how surface water will be managed as part of the development proposals.

In their planning application form, the Applicant has indicated their intention to dispose of surface water using soakaways, which from a flood risk perspective is generally to be welcomed. However, there is no information within the application to demonstrate that such techniques would be feasible on site.

As the management of surface water is a material planning consideration, we would strongly advise that this be addressed prior to the grant of any planning permissions. Referring to Ordnance Survey Maps, there do not appear to be any watercourses adjacent to the site which may facilitate an appropriate scheme for surface water disposal. The sewerage undertaker may also be unable to accept surface water runoff from the developed site into the public sewer networks. If infiltration techniques are not technically feasible following the results of ground investigation, there is a risk that the development may not be able to achieve an effective scheme of surface water disposal.

Section 8.3 of TAN15 states that "Development in one part of a catchment may increase run-off and hence flood risk elsewhere, therefore, the aim should be for new development not to create additional run-off when compared with the undeveloped situation" For developments of this scale a Flood Consequences Assessment / Surface Water Drainage Strategy should include an estimate of the run-off likely to be generated from the development and the means and manner of attenuation proposed where necessary. This will ensure that an appropriate scheme of surface water management is achievable on site prior to the granting of outline planning permission and that potential on-site and off-site flood risk impacts are minimised.

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

Swyddog Cyswllt Cynllunio / Planning Liaison Officer

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Deialu uniongyrchol/Direct dial: (0300) 065 3786 **Siaradwr Cymraeg / Welsh Speaker** 

cc: Blueprint