

Philip Forster
Planning Control Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Date: 22nd January 2016

Dear Mr Forster,

**RESIDENTIAL DEVELOPMENT (30 NO AFFORDABLE HOUSES) WITH ASSOCIATED
HIGHWAY INFRASTRUCTURE FOLLOWING DEMOLITION OF VACANT INDUSTRIAL UNITS
LAND OFF AND WEST OF PARK ROAD, RHOSYMEDRE, WREXHAM, LL14 3YP**

Thank you for consulting us on the above application, which we received on the 18th December 2015.

We **object** to the application for the following protected species reason:

Protected Species

The applicant has submitted an ecological survey and assessment for the purposes of informing the public decision making process (Reference: Stead, R. (2015) Land at Park Road, Rhosymedre, LL14 3YP: Extended Phase 1 Habitat Survey. Teme Ecology. Report Reference: 0176_Park_Rd_Rhosymedre+_Ph1_01-12-15. Unpublished.)

Bats

We object to the application until it can be demonstrated that the proposed development will either not have:

- (i) An adverse effect on bats; or,
- (ii) All 3 conditions for the eventual grant of a licence by NRW under the Conservation of Habitats and Species Regulations are likely to be satisfied, or;
- (iii) The proposal will not be detrimental to the maintenance of the favourable conservation status of any local populations of bat present at this locality

We note that the ecology report submitted in support of the above application has identified that further surveys are required in respect of bats are required for the purposes of informing the public decision making process.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they are a material consideration for planning. The Regulations allow developments that would be likely to result in disturbance or harm to bats, but only if they meet the following 3 conditions for a licence from Natural Resources Wales:

- a. There is no satisfactory alternative and
- b. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- c. The development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats 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 there is insufficient information to assess potential effects of the proposal on the bats present at this site. Consequently, we cannot state that the proposal will not be detrimental to the maintenance of the favourable conservation status of any local populations of bat at this locality.

We advise that the following additional information is needed:

- (1) Field Survey including emergence counts if required;
- (2) If bats are subsequently found to be present:
 - (i) Submission of bat avoidance/mitigation measures;
 - (ii) Submission of bat compensation or roost retention proposals. We consider scheme components include appropriate roof membrane specifications;
 - (iii) Submission of external /internal light spillage schemes;
 - (iv) Submission of long term site surveillance proposals and
 - (v) Ecological Compliance Audit

Other species

We consider the submitted assessment in respect of amphibians and breeding birds to be satisfactory. We advise that your own ecological advisor is consulted in respect of the breeding bird and reptiles submission.

Protected Sites

We do not believe that any protected sites are likely to be affected by this proposal.

Flood Risk

The site is in Zone A as defined in TAN 15 Development & Flood Risk (2004) and shown on Welsh Government's Development Advice Map. However, the proposed development has potential to increase flood risk to developments offsite, because it will increase the surface area of impermeable ground, thus reducing percolation and increasing rapid surface water runoff. In accordance with Section 8 of TAN 15, in all zones, development should not increase flood risk elsewhere.

The submitted Design & Access Statement indicates surface water will be discharged into a watercourse, however there is no obvious watercourse present on the site. The application form indicates surface water will be disposed of using SuDS, main sewer and soakaway, however the Geoenvironmental Appraisal Report indicates that clay material is present in the made ground, and that this is underlain by glacial till, so disposal of surface water to soakaway may not be feasible.

In the light of the above, we fully support the comments made by your Authority's Senior Flood Management Officer and the recommendation that, prior to the determination of the application, the applicant submit information 'to demonstrate there is a feasible solution to the management of surface waters over the development lifetime'. 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. 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.

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 if the above concerns may be addressed, 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.

Land Contamination, Pollution Control and Waste Management

Natural Resources Wales considers that the controlled waters at this site are not of highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Guiding Principles for Land Contamination (GPLC) should be followed.

These comments are based on our assumption that **gross contamination** is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult Natural Resources Wales.

Responsibility for preventing pollution during the works rests with those in control of the site. Please see Pollution Prevention Guidance 6 which covers best practices for preventing pollution at Construction & Demolition sites, link given below. The site should familiarise themselves with this document as this will help prevent pollution:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290139/pmho0412bwfe-e-e.pdf

If a pollution incident does arise the site must inform us immediately via our incident hotline 0800 80 70 60.

Any waste produced during the demolition/construction should be disposed of as per Waste regulations. It is the producer's responsibilities to ensure that Waste regulations are followed. Please see our website www.naturalresourceswales.gov.uk for Waste disposal Guidance. As mentioned there may material contaminated with asbestos this must be disposed of following duty of care.

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.

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

Swyddog Cyswllt Cynllunio / Planning Liaison Officer

Ebost/Email: Gareth.Thomas@cyfoethnaturiolcymru.gov.uk

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



cc: Munro Associates