

Matthew Phillips
Planning Officer
Wrexham County Borough Council
Guildhall
Wrexham
LL11 1AY

Date: 18th August 2017

Dear Mr Phillips,

**ERECTION OF 82 DWELLINGS (INCLUDING PROVISION OF AFFORDABLE HOUSING) NEW ACCESS, REALIGNMENT AND IMPROVEMENT TO TOP ROAD AND FORMATION OF PUBLIC OPEN SPACE
LAND WEST OF TOP ROAD, SUMMERHILL, WREXHAM, LL11 6HA**

Thank you for consulting us on the above application, which we received on the 9th August 2017.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application

Requirement – Protected Species: The applicant submits an aerial tree assessment/bat emergence survey of the Pedunculate oak tree (Quercus rober) located at grid reference SJ31109 53247 to be felled. The applicant shall also confirm if the beech tree at SJ 30968 53483 is to be retained or felled.

Condition 1 – Biosecurity: Before commencement of development, the applicant shall submit to the satisfaction of the Local Planning Authority, a Biosecurity Risk Assessment

Condition 2 – Flood Risk: Before commencement of the development, a scheme to dispose of surface water is submitted to and approved in writing by the Local Planning Authority, in consultation with Natural Resources Wales

Protected Species

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.

The applicant has submitted an ecological report for the purposes of informing the public decision making process. (Reference: Roberts, P. (2017). Ecological Appraisal: Summerhill Farm. Pearce Environment Ltd. Unpublished.)

Bats

We note that the ecology report submitted in support of the above application has identified the potential for bats to be present within one of the mature trees scheduled to be felled as part of the overall proposals site. Although the ecology report has been submitted, we consider that there is not enough information to assess potential effects of the proposal on any species of bat potentially present at this site. We consider that the following additional information is required to assess the extent of any potential adverse effects on the bats:

Requirement – Protected Species: The applicant submits an aerial tree assessment/bat emergence survey of the Pedunculate oak tree (Quercus rober) located at grid reference SJ31109 53247 to be felled

According to the ecology report, a beech tree located at grid reference SJ 30968 53483 also has bat roosting potential but is understood that this tree is to be retained. We would welcome confirmation as to whether this beech tree is to be retained or felled. If this beech tree is to be felled, then an aerial tree assessment/bat emergence survey of this beech tree will also be required.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. 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,
- iii. 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.

Great Crested Newts

We consider the assessment in respect of great crested newts to be satisfactory, and agree with the conclusions of the report.

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 note that the applicant has identified the presence of Japanese knotweed on the site. 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.

Condition 1 – Biosecurity: Before commencement of development, the applicant shall submit to the satisfaction of the Local Planning Authority, a Biosecurity Risk Assessment

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

We have considered the flood consequences assessment (FCA) (Betts Hydro Consulting Engineers, Top Road, Summerhill, Wrexham, July 2017), submitted in support of the application. We can confirm that the site is located within Zone A as defined by the development advice map (dam) referred to under TAN 15 Development and Flood Risk (July 2004) and that the risk of flooding from tidal or fluvial sources is considered to be minimal.

The applicant has indicated that they propose to dispose of surface water via infiltration in combination with discharge to an existing watercourse. However, details of the proposed discharge point have not been provided and it is unclear whether there is a suitable receiving watercourse within a reasonable distance of the site. As drainage is an important consideration of this development, we would strongly suggest that you request further details of the discharge point from the developer. Your drainage department should be able to advise further on the suitability of the drainage design and/or discharge point.

Condition 2 – Before commencement of the development, a scheme to dispose of surface water is submitted to and approved in writing by the Local Planning Authority, in consultation with Natural Resources Wales

We recommend that a condition is imposed on any planning permission granted 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.

Our comments 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/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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. Any site owner/developer 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.

If you have any queries concerning the above, please contact me on the details below.

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

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



cc: Nigel Thorns Planning Consultancy