



**Cyfoeth
Naturiol
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Natural
Resources
Wales**

Ein cyf/Our ref: CAS-35737-R0D6
Eich cyf/Your ref: P/2017/0537

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

Date: 26th July 2017

Dear Mr Phillips,

**DEMOLITION OF EXISTING PROPERTY AND REDEVELOPMENT TO FORM 5 NO. NEW DWELLINGS AND ACCESS
NANTCOL, 57 BRYN GLAS, RHOSLLANERCHRUGOG, WREXHAM, LL14 2EA**

Thank you for consulting us on the above application, which we received on the 6th July 2017.

We recommend that that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirements are met and you attach the conditions to the planning permission:

Requirement 1 - That a test of likely significant effects under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) is completed, with any necessary mitigation measures included as conditions within any permission.

Condition 1 – Prior to commencement, the applicant shall submit a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 2 - Finished Floor Levels shall be set no lower than 163.89 metres above Ordnance Datum (AOD). A topographic survey including all finished floor levels (related to meters Above Ordinance Datum) is to be carried out once the dwellings have been completed to floor level. No further development shall proceed until the survey has been approved in writing by the Local Planning Authority.

Reason: To demonstrate that the properties have been built to the required levels, and to reduce the risk of flooding to the proposed development and future occupants.

Condition 3 - There should be no raising of ground levels/erection of any structures within 4m of the ordinary watercourse without prior written agreement from the Local Planning Authority.

Reason: To ensure flood risk elsewhere is not increased.

Ecology

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 survey and assessment (Reference: Anon. (2016). 57 Bryn Glas, Rhosllanerchrugrug, Wrexham, LI14 2EA. Tyrer Ecological Consultants. Unpublished.

The ecological submission includes surveys and refers to statutory sites. It does not consider cumulative or in-combination direct and indirect impacts on statutory sites.

Protected Sites

The application site is located within 600m of Johnstown Newt Sites Special Area of Conservation (SAC) and Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI). This site support a nationally important population of great crested newt (*Triturus cristatus*).

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).

Requirement 1 - That a test of likely significant effects under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) is completed, with any necessary mitigation measures included as conditions within any permission.

Without prejudice to your assessment, we consider that the above submitted proposal, when considered in combination with other plans and projects in the environs of Johnstown, is likely to have a significant effect on the Deeside and Buckley Newt Sites SAC. Wrexham County Borough Council, as required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010, must therefore make an appropriate assessment before deciding to approve the proposal, which is likely to have a significant effect on a European site in Great Britain.

We consider that mitigation proposals are likely to be required for the purposes of addressing direct and indirect impacts on the SAC, including those associated with potential in-combination increases in recreational pressures and disturbance/predation of wildlife. Planning conditions or obligations can be used to address the impacts of these identified effects.

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.

By satisfying the requirements regarding the SACs, as indicated above, it is likely the requirements for the SSSIs will also be met.

Protected Species

Great Crested Newts

In our view, the submitted assessment is satisfactory for informing the public decision-making process.

Bats

In our view, the submitted survey and assessment is satisfactory for informing the public decision making process. We agree with the conclusions and recommendations.

In our view, the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of local populations of bat.

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.

Condition 1 – Prior to commencement, the applicant shall submit 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 development and restoration

Flood Risk

As you will be aware from our comments relating to a previous application on this site (P/2016/0651), there is a degree of flood risk associated with the adjacent watercourse. The site is shown to be within zone A as per the development advice maps supporting TAN15: Development and Flood risk. However due to a history of flooding from the adjacent watercourse, we would advise that flood risk is a material consideration associated with the proposal as per paragraph 11.1 of the TAN. To this end the applicant has commissioned Weetwood Services Ltd to investigate the flood risks (in a Hydraulic Modelling Advice Note. 4 May 2017. Final v1.0) to advise on the development proposal.

We have not received/reviewed the hydrology nor the hydraulic modelling works, however the approach taken would appear to be acceptable and shows that the proposal could be managed in accordance with TAN. Various scenarios and probability events have been modelled to determine flood risk and flood levels have been obtained. The advice note recommends that no residential development is proposed within the modelled 1 in 1,000 (0.1%) annual probability flood event outline with blockage and it is noted that the drawings submitted differ from those used in the note.

The note also advises on a minimum Finished floor level for the dwellings (163.89m Above Ordinance Datum). The levels on the drawings are illegible from your web site and as such, should planning permission be granted we would request that the following conditions be attached to any final decision:

Condition 2 - Finished Floor Levels shall be set no lower than 163.89 metres above Ordnance Datum (AOD). A topographic survey including all finished floor levels (related to meters Above Ordinance Datum) is to be carried out once the dwellings have been completed to floor level. No further development shall proceed until the survey has been approved in writing by the Local Planning Authority.

Reason: To demonstrate that the properties have been built to the required levels, and to reduce the risk of flooding to the proposed development and future occupants.

Condition 3 - There should be no raising of ground levels/erection of any structures within 4m of the ordinary watercourse without prior written agreement from the Local Planning Authority.

Reason: To ensure flood risk elsewhere is not increased.

The advice note has not considered surface water disposal whilst the application form advises that disposal is via a soakaway. We would suggest that your colleagues in your Environment team (acting as the Lead Local Flood Authority) be consulted and satisfied with this method of disposal.

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.

We advise that in addition to planning permission, it is the applicant's 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

Cynghorydd Cynllunio Datblygiad / Development Planning Adviser

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



cc: Blueprint Dafydd@blueprintarchitectural.com