

Head of Environment and Planning
Wrexham County Borough Council
16 Lord Street
WREXHAM
LL11 1LG

10 March 2017

Er sylw / For the attention of: Philip Forster

Annwyl / Dear Mr Forster

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990

**BWRIAD / PROPOSAL: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
(UP TO 5 DWELLING HOUSES), ACCESS AND ASSOCIATED PARKING**

**LLEOLIAD / LOCATION: Land at rear of and adjacent to Gredington Arms, Holt road,
Llanypwll, Wrexham**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 15 February 2017.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Condition/Planning Obligation: Prior to commencement of works, further ecological consideration should be given to protection of great crested newts.

Condition: Submission and implementation of a biosecurity security risk assessment

Ecology

The applicant has submitted an ecological report for the purposes of informing the public decision making process. (Reference: Jones, R, M. (2016) Ecological Assessment: Land at the Former Gredington Arms Pub, Holt Road, Llan-y-Pwl. Star Ecology. Unpublished

Great Crested Newts

The application site has been subject to a preliminary assessment in respect of great crested newt. This was based on assessing the suitability of a possible breeding site

located close to the application. We do not concur with the conclusions of the submitted assessment.

In our view, the overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

The Regulations allow the approval of a scheme that would be likely to result in disturbance or harm to GCN, but only if it can satisfy an appropriate Habitats Directive derogation purpose and two tests 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 that it is possible that the species utilizes the site for foraging, dispersal or sheltering purposes. In our view, we consider that construction and operational phases of the proposal have the potential to adversely affect GCN. We therefore consider that further information is required for the purposes of ensuring the appropriate implementation and operation of the proposal.

Further information in this case includes

1. Further ecological survey; and/or
2. The submission of a great crested newt avoidance and mitigation scheme.

The Wrexham Industrial Estate and its environs is considered to support a nationally important population of great crested newts. Consequently, and in this case, we suggest

that consideration be given to presumed presence of the species and a suitable scheme is consequently proposed. This approach would accord with the provisions of the Environment (Wales) Act 2016. Without prejudice to the detail of any submission, we suggest consideration be given the submission of a commuted sum for the purposes of undertaking off site works. This could be included within the provisions of any subsequent planning obligation

We consider that the proposal does not demonstrate that it is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts. However, this issue can in this case be addressed by the imposition of suitable planning conditions and obligations

Condition/Planning Obligation: Prior to commencement of works, further ecological consideration should be given to protection of great crested newts.

We advise that any subsequent consent is subject to the imposition of the following planning conditions and obligations (such as a Section 106 Agreement or a unilateral undertaking):

- The submission and implementation of detailed great crested newt avoidance and mitigation measures. This to include detail of exclusion and barrier fencing ;
- The submission and implementation compensatory or off setting proposals.
- The inclusion of a planning condition to any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead, or Natural Resources Wales has informed the applicant that such a licence is not required

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

The application site has been subject to preliminary assessment in respect of bats.

NRW considers that the preliminary surveys and assessment in this case to have been completed to a satisfactory standard and concur with the results.

NRW consider that bats will not be affected by the proposals

Otter

The application site has been subject to preliminary assessment in respect of otter

We consider that the preliminary survey and assessment in this case to have been completed to a satisfactory standard and agree with the results.

NRW considers that otters will not be affected by the proposals.

Biosecurity

Condition: Submission and implementation of a biosecurity security risk assessment

Biosecurity is 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 future 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.

Flood Risk

The site lies within Zone A as defined in TAN 15 Development & Flood Risk (2004) and shown on Welsh Government's Development Advice Map. However, the development has the potential to increase surface water runoff from the site.

In accordance with Section 8 of TAN 15, in all zones, development should not increase flood risk elsewhere. We note the comments of your Senior Flood Management Officer and Dwr Cymru Welsh Water, and would strongly recommend that, prior to grant of any planning permission, the applicant should produce an acceptable surface water management plan. We request that we are consulted on any surface water management plan submitted to your Authority, however, please note 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.

Foul Drainage

The application does not include proposals for the disposal of domestic foul drainage from the developerd site. It would appear from the location, that the site is outside of a publicly

sewered area. Subject to confirmation that this is the case the applicant should be made aware of the following:

In the event that a discharge (of effluent) to ground or surface water is proposed, the applicant will need to apply for an environmental permit with Natural Resources Wales. The applicant must obtain any necessary permit prior to commencement of work on site. More information, including a step by step guide to registering and the relevant application forms are available on our website: <https://naturalresources.wales/apply-for-a-permit/water-discharges/?lang=en>. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations.

Government Policy states that where practicable, foul drainage should be discharged to the main sewer. The applicant must ensure they are not in a sewered area before applying for an environmental permit.

Please don't hesitate to contact me if you require clarification on the above.

Our comments above 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/planning-and-development/planning-and-development/?lang=en>). 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. The applicant 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.

Yn gywir / Yours sincerely

Meryl Read

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