Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-27428-X4G6
Eich cyf/Your ref: P/2016/1118

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Head of Environment and Planning
Wrexham County Borough Council
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12 January 2017

Er sylw / For the attention of: Sharon Holman

Annwyl / Dear Ms Holman

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

BWRIAD / PROPOSAL:
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (UP TO 13 DWELLINGS) AND CONSTRUCTION OF NEW VEHICULAR ACCESS
LLEOLIAD / LOCATION:
Former Farmstead, Big Green Farm, Ellesmere Lane, Penley, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 15 December 2016.

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.

Summary of Conditions:

Condition 1: EPS: GCN: Avoidance measures described in the ecological report being set out in a method statement and secured through and approved to the satisfaction of the LPA.

Condition 2: Biosecurity: A Biosecurity Risk Assessment should be submitted and approved by the LPA prior to commencement of development

Protected Species

The applicant has submitted an ecological report for the purposes of informing the public decision making process. (References:

Cooper, V. (2016). Habitat Survey and Protected Species Assessment Report for Big Green Farm Penley, Wrexham, EVR Ecology. Unpublished.

Cooper, V. (2016). Supplementary Report: Protected Species Surveys for Big Green Farm Penley, Wrexham, EVR Ecology. Unpublished.

- Great Crested Newts

The application site has been subject to survey and assessment in respect of the great crested newt. The assessment and conclusions of the report confirm the presence of the species within in the environs of Penley. However, the report suggests the likely absence of the species from within the boundary of the application site. As a consequence the report advocates non-licensed best practice Reason Avoidance Measures (RAMS). We concur with this assessment and conclusions.

The great crested newts 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 newts 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.

In this case, the ecological report concludes that the proposed development is not likely to harm or disturb the newts or their breeding sites and resting places at this site, provided that avoidance measures described in the report are implemented.

<u>Condition 1: EPS: Avoidance measures described in the ecological report being set out in a method statement and secured through and approved to the satisfaction of the LPA</u>.

We request that any planning permission includes a suitably worded planning condition requiring of outline avoidance measures described in the ecological report being set out in a method statement and secured through and approved to the satisfaction of the LPA.

We consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb the newts or their breeding sites and resting places at this site, you would need a revised bat report that takes account of such changes.

- Bats

The application site has been subject to further assessment in respect of bats. The results indicate the absence of a bat roost at this proposal site

We consider surveys and assessments to have been completed to a satisfactory standard and concur with the results.

It is NRW's view that the proposals are not likely to be detrimental to the maintenance of the favourable conservation status of local bat 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.

<u>Condition 2: Biosecurity: A Biosecurity Risk Assessment should be submitted and approved by the LPA prior to commencement of development</u>

We request that any planning approval given for the development includes the imposition of a suitably worded planning condition requiring the submission and approval of 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

The site is in Zone A as defined by TAN 15 Development and Flood Risk (July 2004) and shown on the Welsh Government's Development Advice Map (DAM). 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 'Planning Application Supporting Statement (including Design & Access) in relation to the proposed development of up to 13 Dwellings, at Big Green Farm, Penley' (Berrys) indicates that surface water will be discharged via infiltration (paragraph 3.2.2), but no evidence is supplied to demonstrate that ground conditions on the site are suitable for this. There are no obvious watercourses on the site. *Prior* to the grant of any planning

permission, we recommend you contact your Drainage Department for further advice in relation to this (as they fulfil the role of Lead Local Flood Authority). This will ensure that conditions they may wish to attach to a planning permission will not later prove impossible to implement.

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

Siôn M Williams

Siôn M. Williams
Ymgynghorydd Cynllunio Datblygu / Development Planning Advisor
Cyfoeth Naturiol Cymru / Natural Resources Wales