

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

14 March 2017

Er sylw / For the attention of:

Annwyl / Dear

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

BWRIAD / PROPOSAL: Outline application for Residential Development (up to 9 detached dwellings), formation of Vehicular Access and Access Road and Associated Works

LLEOLIAD / LOCATION: Land off Ellesmere Lane, Penley, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 21 February 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. We would object if the scheme does not meet these requirements.

Requirement 1: Submission of further ecological information related to Great Crested Newts.

Requirement 2: The applicant confirms that the foul drainage will be connected to the mains sewer

Protected Species

We note that the application is supported by an ecological submission (Reference Prestwood, W and Adlington, Z. (2016) . Extended Phase One habitat Survey: Ellesmere Lane, Penley. Arbor Vitae Environment. Unpublished.

Bats

We consider the ecological submission to be satisfactory for the purposes of informing the planning decision making process

Nesting Birds

The Local Planning Authority is the lead for assessing the ecological implications of the proposal on nesting birds

Badgers

The Local Planning Authority is the lead body for assessing the ecological implications of the proposal on badgers

Requirement 1:

Great Crested Newt

Great crested newts (GCN) 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 GCN 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 GCN on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Although an ecology report has been submitted, we consider that there is insufficient information to assess potential effects of the proposal on GCN that are known to be present in the environs of the application site. We therefore consider there to be inadequate information for the purposes of informing the planning decision making process,

We consider that the following additional information is required to assess the extent of adverse effects on the GCN present within the environs of Penley:

1. Survey of ponds present within 250m of the application site;

2. Assessment of potential implications of the proposal on the overall population of great crested newt present within the environs of Penley
3. Submission of appropriate avoidance, mitigation and compensation measures
4. Submission and implementation of an appropriate biosecurity risk assessment

NRW would wish to be consulted on any further information submitted in order to demonstrate that the proposed development will either not harm or disturb the GCN or their breeding sites and resting places at this site, or all 3 conditions for the eventual grant of a licence under the Conservation of Habitats and Species Regulations 2010 (as amended) are likely to be satisfied

FOUL DRAINAGE

Requirement 2: The applicant confirms that the foul drainage will be connected to the mains sewer

Conflicting information has been submitted in relation to foul drainage disposal:

The Flood Risk and Drainage Report submitted with the application indicates that foul drainage will be connected to the main sewerage system. However, The Design and Access Report indicates that foul drainage will be directed to septic tanks.

The installation of private sewage treatment facilities within publicly sewered areas is not considered environmentally acceptable.

Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection of domestic foul sewerage under Section 106 of the Water Industry Act 1991 and we may refuse to issue an Environmental Permit or exemption for private treatment facilities in such circumstances.

In view of the above, we have significant concerns regarding the proposed development. Given that the site is located within a sewered area, we would object if the proposal is to discharge foul water to a private system.

Please do not 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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Uwch-gynghorydd Cynllunio Datblygu /Senior Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales