

Head of Environment and Planning
Wrexham County Borough Council
16 Lord Street
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11 January 2017

Er sylw / For the attention of: Sharon Holman

Annwyl / Dear Ms Holman

TOWN AND COUNTRY PLANNING ACT 1990
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**BWRIAD / PROPOSAL: Outline application for the Erection of up to 12 Dwellings and
Consturction of Vehicular Access**

**LLEOLIAD / LOCATION: Land South of 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.

Condition1: Submission of a method statement outlining avoidance measures described in the ecological report

Condition 2: Submission and implementation of a Biosecurity Risk Assessment

Protected Species

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

Cooper, V. (2014) Habitat and Protected Species Assessment Report For Land to West Side of Ellesmere Lane, Penley, Wrexham, EVR Ecology. Unpublished.

Cooper, V. (2015) .Protected Species Supplementary Report 2. For Land to West Side of Ellesmere Lane, Penley, Wrexham, EVR Ecology. Unpublished. (Report No. 2015(16)VC/71CO

Great Crested Newt

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 in the environs of Penley. However, the report suggests probable absence of the species within the boundary of the application site. As a consequence the report advocates non-licensed best practice Reasonable Avoidance Measures (RAMS).

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 great crested newts 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.

We consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. However, we do not object to the proposal, subject to outline avoidance measures described in the ecological report being set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

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 report that takes account of such changes.

Biosecurity

Condition 2:

Biosecurity is considered 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 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 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 12 dwellings, on land off Ellesmere Lane, Penley' (Berrys) indicates surface water will be discharged via infiltration (paragraph 4.2.1). The submitted surface water management plan (Lees Roxburgh, August 2015) indicates that infiltration testing on the site has shown that site ground conditions are suitable for discharge of surface water to infiltration (Sections 4.0 and 5.0).

As they fulfil the role of Lead Local Flood Authority, we recommend that you contact your Drainage Department for further advice in relation surface water run-off. They may advise that any proposed scheme should ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates and assurances of adoption and management to ensure that the scheme/systems remain effective for the lifetime of the development.

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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