

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

Date: 6th August 2014

Dear Mr Phillips,

**ERECTION OF 117 DWELLINGS, INCLUDING PROVISION OF ROUNDABOUT TO PROVIDE
ACCESS, NEW INTERNAL ACCESS ROADS, PUBLIC OPEN SPACE AND RETENTION OF
EXISTING FOOTPATH ROUTE
LAND OPPOSITE ST. PETER'S CLOSE, OFF LLAY NEW ROAD, RHOSROBIN, LL11 4RB**

Thank you for referring us to the above planning application, which we received on 7th July 2014.

We request that any approval includes the following formal conditions:-

Ecology

The presence of a protected species is listed as a material planning consideration under the provisions of Planning Policy Guidance Wales and Technical Advice Note No. 5. In this case, we believe that great crested newts are likely to be present in the area of the proposal and, if so, may be affected by it. All species of bats are protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

In our opinion the proposal has the potential to cause disturbance, death or injury to newts. It also has the potential to cause damage or destruction to their breeding sites or resting places.

The application site has therefore been subject to survey and assessment. We consider the survey to be satisfactory for the purposes of informing the public decision making process.

We have noted the conclusions of the assessment. In our view:

1. The conclusions fail to differentiate the distinction between current and favourable conservation status. This needs to be applied to each colony or population;
2. Whilst we accept the majority of newts may remain closer to ponds, dispersal ranges can be up to 1km (Griffiths 1997).
3. References concerning capture rates considered small populations in low pond density landscapes. Conclusions from this review may therefore not be directly applicable to the

application site, owing to the high pond density landscape of Wrexham. This landscape has been described as being of European importance.

In respect of conservation status, we consider

1. That there has been a decline in conservation status since the 1990's (when the Habitats Directive came into force);
2. The proposal will not result in any direct impacts on extant populations;
3. The scheme has the potential to affect connectivity between current and previously recorded populations;

If Great crested newts are present, or considered likely to be present, we advise development proceeds, under a licence issued by the NRW, who is the appropriate authority responsible for issuing licences under Regulation 53 (2) (e) of the above Regulations. This licence can only be issued for the purposes of:

“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.”

As the Authority responsible for considering this planning application, you are advised to take into account the above during your deliberations.

In principle, we consider that it can be demonstrated that the proposal will not be detrimental to the maintenance of the favourable conservation status of each of the newt populations at this locality. In terms of detail, we consider material issues need to consider decline of the species (and hence the population is not favourable) and habitat fragmentation. Therefore, in terms of detail, we advise that an overall appropriate scheme should include:

- a. Submission and implementation of an approved reasonable avoidance and mitigation scheme to the satisfaction of the LPA;
- b. Submission and implementation of appropriate on site or off site mitigation, conservation and restoration proposals;
- c. Submission and implementation of an ecological compliance audit scheme to the satisfaction of the LPA; and
- d. Submission and implementation of a long term management and surveillance scheme.

In respect of b, we advise consideration being given to modelling work commissioned by the local planning authority.

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 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 development and restoration.

Please note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of "linear" and "stepping stone" habitats.

To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

Flood Risk

The application area lies entirely within Zone A defined by Welsh Government's Development Advice Map (DAM) referred to in TAN15: Development & Flood Risk. Our Flood Map information shows the application to lie wholly in Flood Zone 1, which is land considered to have a low annual probability (less than 0.1% AEP) of flooding from rivers and the sea.

The developer has submitted a preliminary Surface Water Drainage Strategy (Nigel Thorns Planning Consultancy, 2014), which briefly discusses the principal methods of surface water disposal. Within the report, there are the results of two soakaway tests that have been carried out on the site. Although the initial results from the tests suggest that soakaway drainage could provide a viable means of surface water disposal, we have some concerns that the very limited coverage of tests undertaken, may not accurately reflect the appropriateness of this technique across the entire application area. As such, we would recommend that prior to the grant of planning permission further ground investigation works are carried out (in accordance with BRE Digest 365) to map the suitability of the entire site to soakaway drainage. Indeed, this is a key recommendation of the company that undertook the ground investigation works. We would also recommend that you consult with your Highway Team to ascertain their view on the acceptability of discharging surface water run-off from the proposed highway(s) to soakaways.

If a comprehensive scheme for surface water disposal via infiltration is not possible, then an alternative option will need to be identified. As there do not appear to be any watercourses in vicinity of the application area then the next likely means of surface water disposal could be into the public sewer network, which may serve the existing development(s) to the south and west of the application area. Consultation with Welsh Water will be required to gauge their opinion of whether their drainage network is able to receive surface water flow from the proposed development.

In light of the above, we have some concerns that the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. We would recommend that the applicant undertakes further site investigations to demonstrate that ground conditions across the entire site are suitable for surface water disposal via infiltration techniques.

As the management of surface water is a material planning consideration, we would strongly advise that this be addressed prior to the grant of any planning permissions. If SuDS and infiltration techniques are not technically feasible following the results of ground investigation, there is a risk that the development may not be able to achieve an effective drainage system.

Section 8.3 of TAN 15 states that: *“Development in one part of a catchment may increase run-off and hence flood risk elsewhere, therefore, the aim should be for new development not to create additional run-off when compared with the undeveloped situation”* For developments of this scale a Flood Consequence Assessment/Surface Water Drainage Strategy should include an estimate of the run-off likely to be generated from the development and the means and manner of attenuation proposed where necessary. This will ensure that an appropriate scheme of surface water management is achievable on site prior to the granting of planning permission and that there is no adverse impact off site.

Pollution Control and Waste Management

The applicant must minimise discolouration to the watercourse from the construction works. Silty water should be treated, either through the use of settlement lagoons, or tanks, or discharged across a grassed area. For work in river channels the use of coffer dams is recommended, to keep river water out of the working area. River crossings must be kept free from mud or dust deposits. Oil and chemical storage must be kept away from the watercourse, on an impervious base, within a bund, and secured. Absorbents or a suitable spill kit must be kept on site for use in the event of an emergency. Natural Resources Wales should be notified immediately of such an occurrence. The mixing, use and washing of machinery and shuttering of wet concrete and cement must be carefully controlled to minimise the risk of any material entering the watercourse.

We recommend that a Site Waste Management Plan (SWMP) is drawn up prior to scheme's commencement in order to ensure full duty of care is complied with. Waste should be reused on site where possible. The SWMP should incorporate a monitoring system for wastes removed from site for reuse or disposal.

Where a condition has been imposed which has been suggested by Natural Resources Wales or which meets Natural Resources Wales objective the Local Planning Authority should consult with Natural resources Wales to secure compliance with the condition prior to its discharge. A copy of the subsequent decision notice would be appreciated.

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

Swyddog Cyswllt Cynllunio / Planning Liaison Officer

Ebost/Email: Gareth.Thomas@cyfoethnaturiolcymru.gov.uk

Deialu uniongyrchol/Direct dial: (0300) 065 3786

cc: Nigel Thorns Planning Consultancy