Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-262912-Z7T7
Eich cyf/Your ref: P/2024/1167

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 05 September 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Newid defnydd tir i drac amaethyddol / llwybr cwn 2m. / Change of use of land to 2m agricultural track / dog trail.

LLEOLIAD/LOCATION: Land at Rossett Road, Commonwood, Holt, LL12 0BN

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 19 August 2024.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites and flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Sites

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In line with our *Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation* (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments. We refer you in particular to the section of our Advice titled '*What does this mean for agricultural developments?*'

The Proposed Site Plan (Drawing Number 2767.P1; dated August 2023) shows a "*cattle feeding area*" to be used as a car park for the "tail trail", a store for silage bales and a feeding area for cattle.

Our records indicate that there is a watercourse (which leads to the River Dee) within 10 metres of this area. Furthermore, the drawings show that this area has a porous layer under an aggregate covering. If this is to be an area where cattle are fed on a regular basis, it will be likely to receive a consistently high level of slurry, manure, and effluent. In this case, the

porous structure will allow effluent to continually seep into the ground and potentially contaminate groundwater.

The Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulations 2010 state installations should not be constructed, and silage/slurry must not be stored, within 10 metres of any inland freshwater or coastal water. Therefore, the current proposal does not appear to be compliant, which poses an unacceptable pollution risk to controlled waters.

Therefore, as per our previous statutory pre-application response dated 16/07/24 (our ref. CAS-258912-V2M8), we advise that confirmation is provided on the location of the watercourse in relation to the cattle feeding area and that this is shown on a scaled plan. Should the development be situated within 10 metres of the watercourse, the applicant should consider a revised site layout with the structure in a suitable location.

We advise the applicant to review and ensure the proposals meet the requirements for silage and slurry storage within The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 which come into force on the 1 August 2024. Further guidance is available in The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021: guidance for farmers and land managers | GOV.WALES.

Should you conclude that the proposed development is likely to have a significant effect on the SAC, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity.

Flood Risk

The planning application proposes less vulnerable development. Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) as contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls partially into Flood Zones 2 and 3 (Rivers).

Given the nature of the proposed development (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks.

In areas at risk of flooding, we recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. We refer the applicant to our website for further advice and guidance.

Flood Risk Activity Permit

We note that the designated main river ‘Daisy Lane Drain’ crosses through the application site. We have concerns in relation to any works that may have occurred near Daisy Lane Drain, near the western boundary of the site. It is not clear from the submission whether any fencing, track, or ground raising works have occurred near this main river which could have an impact on flow routes or drainage.

Therefore, as per our previous statutory pre-application response dated 16/07/24 (our ref. CAS-258912-V2M8), we advise that additional information should be submitted, such as

photos of the completed works to demonstrate that the main river watercourse corridor has not been compromised.

The Environmental Permitting Regulations (2016) requires that the Applicant obtains a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the Daisy Lane Drain, a designated “main river”. Further advice and guidance is available on our website at:

http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en

The footbridge that has been constructed appears to cross an ordinary watercourse. Any works affecting an ordinary watercourse may require an Ordinary Watercourse Consent from the relevant Lead Local Flood Authority (LLFA), we therefore advise that you discuss this matter with the LLFA.

Protected Species

Our records indicate that Great Crested Newts have been recorded within approximately 120m of the application site.

We note that there is no information about protected species with the application and, therefore, are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

Groundwater

The application site is within Source Protection Zone (SPZ) 3. Pollution prevention measures should therefore be adhered to during any construction work: guidance-for-pollution-prevention-1-2022-update.pdf (netregs.org.uk).

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Rachael Burke
Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.