Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-264354-B0L7
Eich cyf/Your ref: P/2024/1167

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 01 October 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 additional information for the above, which we received on 12 September 2024.

We continue to 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.

We note the following clarifications from the agent's email dated 12/09/24:

- The hard standing is to be used for the storage of wrapped haylage. There will be no storage of silage in this area.

- The hard standing is also to be used for the parking of cars visiting the Tail Trail.
- There will be no feeding of cattle on the hardstanding.

Our updated advice is therefore as follows:

We consider bale-wrapped grass / green fodder to be baled silage (as defined in the following regulations) and therefore it should not be stored within 10m of a watercourse. The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 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.

We therefore advise that the storage of the wrapped bales should be amended so as to provide a minimum of 10m separation from the watercourse; this could be achieved through extending the hardstanding area subject to the LPA's approval. We advise that an updated drawing is submitted to remove reference to the cattle feeding area and to demonstrate that the wrapped bale store is more than 10m from the watercourse.

We therefore 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 came 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

The Environmental Permitting Regulations (2016) require that a bespoke Flood Risk Activity Permit is obtained 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

We note that the designated main river 'Daisy Lane Drain' is within 5m of the western boundary of the application site. We therefore have concerns in relation to any works that may have occurred within 8m of Daisy Lane Drain, near the western boundary of the site.

We note from discussion with the applicant on 11/09/24 and the subsequent agent's email of 12/09/24 that the *"Daisy Lane Drain does not cross the application site or any drain connecting to it".* We have reviewed our mapping records and confirm that the designated main river 'Daisy Lane Drain' does not cross into the application site, however it is in close proximity (5m), as explained above .

Therefore, as per our previous statutory pre-application response dated 16/07/24 (our ref. CAS-258912-V2M8) and the subsequent phone call on 11/09/24 with the applicant, we advise that additional information should be submitted, such as annotated photos of the completed works, to demonstrate that the main river watercourse corridor has not been compromised along the western boundary of the application site.

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.