Ein cyf/Our ref: CAS-269428-G8Q2
Eich cyf/Your ref: P/2024/1595

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 16 December 2024

Dear Sir/Madam,

PROPOSAL: ERECTION OF REPLACEMENT LODGE

LOCATION: CASA DEL RIO, ALMERE FARM, ALMERE FERRY ROAD, TREVALYN, ROSSETT, WREXHAM, LL12 0BY

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 27 November 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 foul drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding biosecurity and protected species should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.

Protected Sites

River Dee and Bala Lake Special Area of Conservation (SAC)

The redline boundary for the application is located adjacent to / partially within the boundary of the River Dee and Bala Lake SAC.

- Foul Drainage

We note the application site is within the catchment of the River Dee and Bala Lake 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 therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note from the information submitted that a septic tank is to be used to provide foul drainage, but it is unknown whether this would utilise the existing system or a new one. As such, we refer you to our Advice and advise you to seek further information from the applicant. We note that information has already been submitted in respect of the septic tank location on the Proposed Plan (Drwg No. ALR 003b) and specification. However, we advise you to seek further information as identified in the section titled '*What does this mean for development proposals involving private sewage treatment systems'* of that Advice. The supporting information does not detail the associated infiltration system, which would need to be built to relevant British Standards. We also advise that percolation tests should be carried out to confirm that the ground is suitable in the first instance.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine. We therefore advise you to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC. Should you determine that an Appropriate Assessment is required, 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.

- Otter

European otter *Lutra lutra* is a feature of the River Dee and Bala Lake SAC. The Preliminary Ecological Appraisal (PEA) (Landscape Ecology Limited; November 2024) states:

> "*It is unlikely that otter…could gain access to the site...*". However, the PEA also recommends "*any new lighting as part of the proposals should avoid light spill and glare*...".

We therefore advise that your Authority's Habitats Regulations Assessment should consider direct and indirect impacts on otter from this proposal. This should include consideration of external lighting. The lighting condition suggested in the Protected Species section below should therefore be attached to any planning permission for this scheme to secure appropriate mitigation measures for otters. Provided those measures are implemented, we do not consider that the proposed development would adversely affect the integrity of the River Dee and Bala Lake SAC in relation to this feature.

- Pollution

From the information provided, we consider that the proposal may affect the SAC and have identified construction-based run-off/spillages and operational foul drainage as potential pollution impact pathways to features of the site. Also, 'Image 1' of the Preliminary Ecological Appraisal (Landscape Ecology Limited; November 2024) appears to show a quantity of loose unvegetated soil on the river bank and we have concerns this may erode into the river.

We consider the construction pollution pathway would not result in an adverse effect if the developer adheres to standard pollution prevention guidelines. We also advise that your Authority should consider whether additional measures should be secured and implemented to address the risk of loose soil entering the river, as outlined above. Please see our advice above in respect of addressing potential foul drainage pollution.

Site of Special Scientific Interest (SSSI)

The redline boundary for the application is located adjacent to / partially within the boundary of the River Dee SSSI. Chapter 6 of Planning Policy Wales (PPW) states that there is a presumption against all forms of development in a SSSI, with the exception of developments necessary for the management of a SSSI and minor developments necessary to secure its role as a living landscape where effects on the features for which a site has been designated are considered acceptable (see paragraphs 6.4.25 and 6.4.26). We therefore advise that you should seek clarification on whether any works associated with this application are located within the boundary of the SSSI, or a revised plan is submitted that clearly shows the development to be located outside the SSSI.

In the absence of this information, we cannot rule out adverse impacts on the special interest features of the SSSI from the scheme.

Should you be minded to grant permission for the above planning application in the absence of this information, we ask that you notify us under the provisions contained in Section 28I of the Wildlife and Countryside Act 1981 (as amended).

Biosecurity

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 Local Planning Authority. 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.

Condition: No development, including site clearance, shall commence until a Biosecurity Risk Assessment, and Method Statement that considers invasive non-native species and specific diseases (e.g., Chytrid) has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to prevent the introduction of and where present control, removal or for the long-term management of invasive species both during construction and operation. The risk assessment shall consider landscaping and other related plans. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to prevent or control the spread and effective management of any invasive non-native species and listed diseases at the site.

Protected Species

Bats

We note that the PEA submitted in support of the above application advises that "*Bat species can be expected to use the River Dee as a foraging and commuting route*" and "*any new lighting as part of the proposals should avoid light spill and glare"* as well as following "...[to

follow]...*Guidance Note GN08/23 Bats and Artificial Lighting At Night*". From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document '*Natural Resources Wales Approach to Bats and Planning* (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

As this is a lower risk case for bats, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Furthermore, we advise that the proposed development is not likely to harm or disturb bats or their breeding sites and resting places at this site provided the condition below is attached to any planning permission for this scheme.

Condition: Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- External lighting/internal light spillage assessment and plans that are compliant with the provisions of the Lighting Professionals and Bat Conservation Trust: Guidance Note 08/23: Bats and Artificial Lighting at Night. Details to consider construction and post construction phases of the scheme.

The lighting shall be installed and retained as approved during construction and operation.

Justification: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species.

Otter

Please see our Protected Sites advice above regarding otters and the suggested condition in respect of lighting, which is also relevant for otter as a feature of the River Dee and Bala Lake SAC.

Flood Risk

The planning application proposes highly vulnerable development (erection of replacement lodge). Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) 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 into Flood Zone 3 (River / Sea).

We have reviewed the Initial Flood Consequence Assessment (FCA); Document Ref 447-LST-XX-XX-RP-D-0001; dated 27 October 2024; by Land Studio. The FCA does not show compliance with A1.14 of TAN15 or demonstrate that the development can be designed to remain flood free during the design event of a 1% (1 in 100 year) annual exceedance probability (AEP) with an allowance for climate change. However, there is no detailed hydraulic model for this reach of the River Dee and your Authority may consider that determination of the highest known flood level is proportionate when considering compliance with A1.14.

We note from the accompanying FCA that in order "*To provide a betterment on the existing flood storage the floor level of the caravan/park home will be raised to allow water to free flow beneath the structure*."

In consideration of the above, we advise the mitigation measures detailed in the FCA should be secured by a suitably worded condition to the satisfaction of your Authority, should you consider the proposals to be acceptable in relation to flood risk.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures, and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Flood Risk Activity Permit

Please advise the Applicant that the Environmental Permitting Regulations (2016) require them to obtain 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 River Dee, a designated “main river”. Further advice and guidance is available on our website:
http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en

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.

Yours faithfully,

Tristan Williams
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.