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26/08/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: Ffenestri dormer, cladio adeilad ac adeiladu llwybr cerdded ar lan yr afon / Dormer windows, cladding of building and erection of riverside walkway

LLEOLIAD / LOCATION: Erbistock Mill, Erbistock, Wrexham, LL13 0DW

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 9th August 2022.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted:

Condition – Conservation Plan

Please note, without the inclusion of this condition we would object to this planning application. Further details are provided below.

Protected Sites

We have concerns that a significant effect from the proposed development on the River Dee and Bala Lake Special Area of Conservation (SAC) cannot be ruled out. The application is located partially within the River Dee and Bala Lake SAC, and partially within the River Dee Site of Special Scientific Interest (SSSI).

We note that within the Design and Access Statement, Raise Architects, May 2022, it appears from the photographs, that Himalayan Balsam is present on the site. Otters are a feature of the SAC.

Construction works

NRW have identified potential otter disturbance, pollution, and biosecurity impact pathways to features of this site. These pathways may not result in an adverse effect if the applicants

submit and implement a suitable habitat Conservation Plan, prior to commencement of the development. We therefore request that the following condition be included within any permission:

Condition - No development, including site clearance, shall commence until a site-wide habitat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include:

- Details of protective measures to ensure no disturbance or harm of otters during the construction phase
- Details of timing, phasing and duration of construction activities and conservation measures
- Details of a biosecurity strategy, specifically Himalayan Balsam
- Details of any external lighting, and how it has been considered to prevent any lighting of the river corridor
- Details of suitable pollution prevention and waste management measures to be undertaken during the construction works
- Ecological Compliance Audit, including key performance indicators
- Persons responsible for implementing the works

The Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved habitat Conservation Plan is implemented, which protects habitat affected by the development.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

Foul Drainage

As above, the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (July 2022), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments.

However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the foul drainage of the proposal alone is not likely to have a significant effect on the River Dee and Bala Lake SAC.

Protected Species

We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) suitable surveys may be required.

Any bat survey should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016.

Please consult us again if any survey undertaken finds that this species is present at the site and you require further advice from us.

Flood Risk

Our Flood Risk Map confirms the application site lies entirely within Zone C2 of the Development Advice Maps (DAM) as contained in TAN15 and the FMfP identifies the application site to be at risk of flooding and falls into Flood Zone 2/3 Rivers and Recorded Flood Extents.

Given the scale and/or nature of the proposed development (and in the absence of a flood consequences assessment) we recommend that the developer is made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

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. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels.

We refer the applicant to our [website](#) for further advice and guidance is available. Additional guidance including the leaflet "Prepare your Property for flooding" can be found [here](#).

The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', can be found [here](#)

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.

Advice for the Developer

Flood Risk Activity Permit:

The applicant should be aware that any works either directly in, under, over or within 8 metres of a main river will require a Flood Risk Activity Permit (FRAP) in line with Environmental Permitting Regulations (2016). As the main river Dee runs adjacent to the site, we suggest that the applicant contact us to discuss any proposals and whether a FRAP will be required. For queries regarding FRAP's the applicant should contact us at:

developmentandfloodrisk.northmid@cyfoethnaturiolcymru.gov.uk

Environmental Management:

The applicants 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. NRW 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. The applicant is advised to follow the guidance within Guidance for Pollution Prevention 5 "Works and maintenance in or near water":

<http://www.netregs.org.uk/media/1415/gpp-5-works-and-maintenance-in-or-near-water.pdf>

Any waste excavation material, demolition or building waste generated in the course of the development must be disposed of satisfactorily in accordance with duty of care requirements under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years.

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

Yours faithfully,

Gareth Thomas

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