

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

23/03/2022

Dear Mr Greenland,

BWRIAD / PROPOSAL: Newid defnydd tir i ardd, codl storfa logiau ac adeilad allanol (ol-weithredol) / Change of use of land to garden, erection of log store and outbuilding (in retrospect)

LLEOLIAD / LOCATION: Land Opposite Capel Penuel, Old Wharf, Pandy, Glyn Ceiriog, LL20 7NT

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 4th March 2022.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition, and the document identified below should be included in the approved plans and documents condition on the decision notice.

Condition - External Lighting Plan

Document - Preliminary Ecological Appraisal, The Wharf, Pandy, Glyn Ceiriog, Wrexham, North Wales, LL20 7NT. Arbtech. (Unpublished)

Without the inclusion of this condition and document we would object to this planning application.

Protected Sites

Special Area of Conservation (SAC)

We have concerns that an adverse effect from the proposed development on the integrity of the River Dee and Bala Lake SAC cannot be ruled out. The application is located within 40m of the SAC (and within 15m of the River Teirw). Otter is a feature of the River Dee and Bala Lake SAC.

The following condition must be secured in the planning consent to be certain that there will be no adverse effects on the site's integrity. We would object to the planning application if this condition is not secured.

We therefore recommend that the following condition be included within any permission:

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

- Details of the siting and type of external lighting to be used
- Drawings setting out light spillage in key sensitive areas
- Details of lighting to be used both during construction and/or operation

The lighting shall be installed and retained as approved during 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, habitats, and commuting corridors.

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Sites of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the River Dee SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

We have considered the information submitted in support of the above application. Based on the information submitted, we consider that the proposed development is not likely to damage the features for which the Pandy Quarries SSSI is of special interest.

Modifications to the scheme as currently proposed may affect our view and may merit a further consultation with us.

Protected Species

Please refer to the comments in respect of Otter above.

We also note that the report submitted in support of the above application (Preliminary Ecological Appraisal, The Wharf, Pandy, Glyn Ceiriog, Wrexham, North Wales, LL20 7NT. Arbtech. (Unpublished) has identified that bats were not present at the application site. However, "the trees on site do provide suitable commuting and foraging habitat along with connection to the wider landscape". 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 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 the bats or their breeding sites and resting places at this site, provided the avoidance measures described in the bat report are implemented.

Therefore, as advised above, the report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Please consult us again if any further information shows that this is no longer a lower risk case for bats.

Foul drainage

We also note 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. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

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

Flood Risk

We have no objection to the application on flood risk grounds as submitted. Our Flood Risk Map confirms the application site lies entirely within Zone C2 of the Development Advice Maps (DAM) as contained in TAN15. The site also lies partially within Flood Zones 2 and 3 Rivers within the Flood Map for Planning (FMfP)

Given the scale and nature of the proposed development (in the absence of a flood consequences assessment and subject to there being no highly vulnerable residential occupancy use on the site) we consider the proposals could be acceptable, subject to the developer being 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 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.

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

Yn gywir / Yours faithfully

Gareth Thomas

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