



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-161410-Q3B0
Eich cyf/Your ref: P/2021/0487

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17/08/2021

Dear Sir/Madam,

PROPOSAL: OUTLINE APPLICATION FOR 3 DWELLINGS (ALL MATTERS RESERVED)

LOCATION: LAND NORTH OF THE ELMS, DARLAND LANE, ROSSETT

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 27th July 2021.

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 flood risk, 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, a condition regarding European Protected Species should be attached to any planning permission granted. Without the inclusion of this condition we would object to this planning application.

Flood Risk

The planning application proposes highly vulnerable development (Residential). Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development and emergency services should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development or emergency services in Zone C2.

In the first instance, your Authority should make a planning policy decision on the application. Therefore, unless we receive written confirmation from your Authority that you believe there are overriding reasons to consider granting planning permission, despite the site's location within Zone C2, we do not intend to comment on the risks and consequences of flooding and we would advise that your Authority should refuse the planning application on planning policy grounds.

The decision as to whether a development should be considered contrary to TAN15 policy is entirely a matter for your Authority. However, if you provide overriding reasons and require our advice, we advise you there is no flood consequences assessment (FCA) supporting the planning application and this will be required to assess compliance with test iv (in paragraph 6.2). We will then provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15.

If the FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we would object to the application.

Please inform us, in accordance with advice in paragraph 11.7 of TAN15, if you are minded to grant permission for the above application contrary to our advice and allow sufficient time for further representations to be made before any consent is granted.

Finally, as your Authority will be aware, under the Town & Country Planning (Notification) (Wales) Direction 2012 and more specifically Category I relating to Flood Risk Area Development, where the Planning Authority is minded to grant permission, there is a requirement to refer applications for emergency services or highly vulnerable development within Zone C2 to Welsh Government.

Foul Drainage and Protected Sites

We note the application site is within the catchment of the River Dee and Llyn Tegid 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. We have also issued [Planning Advice](#) (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

We note that no information has been provided regarding the disposal of foul waters, however the development has the potential to increase the amount of phosphorus being discharged from the site. As such, we refer you to our Planning Advice and advise you to seek further information from the applicant. Depending on the proposed method of foul drainage, we advise you to seek further information as identified in the bullet point list given in the section titled 'What does this mean for development proposals involving connection

to public wastewater treatment works' or 'What does this mean for development proposals involving private sewage treatment systems' of that advice.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal.

However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

No information has been provided regarding the disposal of foul waters from the proposed development. We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new developments, and specifically paragraphs 2.3-2.5, which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer catchment area. We advise you that the proposed development is in a publicly sewered catchment area.

Please consult us again if foul sewage from the proposed development is to be disposed of by a private sewerage system.

European Protected Species

We note that the ecological report submitted in support of the above application (Stirling, P. (July 2021). Preliminary Ecological Appraisal: Darland Croft. Arbor Vitae Environment) has identified that the site provides a small area of terrestrial foraging opportunity for Great Crested Newt (GCN). From the information submitted, we consider that the proposed development is likely to represent a higher risk for GCN. Great Crested Newts are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We advise that the proposed development is not likely to harm or disturb the Great Crested Newts or their breeding sites and resting places at this site, provided the condition below will be attached to any planning permission for this scheme:

Condition: No development or phase of development, including site clearance shall commence until a great crested newt (amphibian) conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include:

- Build upon the principles outlined in Stirling, P. (July 2021). Preliminary Ecological Appraisal: Darland Croft. Arbor Vitae Environment. Unpublished
- Submission of great crested newt/amphibian avoidance and mitigation measures. The details to include identified Reasonable Avoidance Measures (RAMS) such as barrier fencing;
- Details of timing, phasing and duration of construction activities and conservation measures
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development
- Ecological Compliance Audit, including key performance indicators

- Persons responsible for implementing the works
- Biosecurity
- Details of measures to prevent or reduce incidental capture or killing

The great crested newt (amphibian) conservation plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved great crested newt (amphibian) conservation plan is implemented, which protects Great Crested Newts affected by the development.

Provided these avoidance measures are implemented, we consider that the proposed 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:

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Please consult us again if the plans are changed in ways that may harm or disturb the Great Crested Newts or their breeding sites and resting places at this site.

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

Environmental Management

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural

Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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

Yours faithfully

Ruth Prichard

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