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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

27/08/2021

Dear Sir/Madam,

PROPOSAL: CHANGE OF USE OF THE WHARF TO GARDEN, INCLUDING SUMMER HOUSE, LOG STORE AND ARBOUR AND PARKING FOR EXISTING DWELLING OPPOSITE (CAPEL PENUEL) (PARTLY IN RETROSPECT)

LOCATION: THE WHARF, PANDY GLYN, CEIRIOG, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 11/08/2021.

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: Protected Sites (Otter Reasonable Avoidance Measures).

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

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).

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.

Further information is submitted to carry out a Habitats Regulations Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of the planning application. The HRA should demonstrate that there will be no adverse effect on site integrity.

Condition: No development shall commence until an otter Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement should include:

- details of protective measures to be taken to minimise the impacts (any remaining works to be carried out under an approved Reasonable Avoidance Measures scheme and pollution prevention guidelines – see advice to developer section below); and
- an external lighting scheme to the satisfaction of the Local Planning Authority.

The Otter Method Statement shall be carried out in accordance with the approved details.

Justification: To ensure that an approved otter Method Statement is implemented, which protects any otter affected by the development.

Please notify us if you are minded to grant permission for this planning application, and if you intend to proceed under the provisions of regulation 64 of the Conservation of Habitats and Species Regulations 2017.

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.

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.

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.

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](#).

Protected Species

Please refer to the comments in respect of Otter above. We note that there is no information about other 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.

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

Works near Watercourse

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and '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/>

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.

Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

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