

26th July 2018

Dear Philip Forster,

**DEMOLITION OF EXISTING HOUSE AND SHIPPON, ERECTION OF NEW 5 BEDROOM
HOUSE AND REFURBISHMENT OF EXSTING STABLE AND BARN BUILDING
(RESUBMISSION OF PLANNING PERMISSION CODE NO. P/2015/0434)
GWERN Y TO SHOCKLACH LANE WORTHENBURY WREXHAM**

Thank you for re-consulting Natural Resources Wales about the above with additional information, which was received on 16th July 2018.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement and you attach the conditions listed below. Otherwise, we would object to this planning application.

Requirement 1: Flood Risk: Submission of a revised FCA to demonstrate the proposal can be built in accordance with TAN 15.

Condition 1: All Bat avoidance measures set out in a method statement and fully implemented to the satisfaction of the LPA.

Condition 2: All Great Crested Newt avoidance measures set out in a method statement and fully implemented to the satisfaction of the LPA.

Flood

We note the submission a letter by Weetwood dated 13th July (reference 2845/2018-07-13/OA/WCBC/01). However, this does not provide the additional or clarification of details required in the FCA, which we requested in our email dated 10th July 2018.

We therefore, reiterate the advice provided in our email dated 10th July 2018, (in addition to our consultation letter dated 04/06/18 ref: CAS-62635-T8Q1 as follows:

“The key issue, will be for this FCA to demonstrate how the finished floor levels and resistant and resilient measures proposed within the design of the replacement dwelling would create a betterment, in comparison to the existing property at current flood risk.

Demonstrating some allowance in the new floor levels for climate change and sufficient resistant and resilient measures within the design to cope with different sources of flood risk. Mitigation measures in the FCA should include the provision of a property flood plan, where the residents have information to sign up to the free flood warning service available from Natural Resources Wales.”

It’s important to note this advice above, is specific to the proposed development which involves a replacement of an existing (highly vulnerable) dwelling, of a similar scale, there are no additional residential units proposed and the highly vulnerable use has already been established, by the presence of an existing habitable dwelling.

Requirement 1: Flood Risk: Submission of a revised FCA to demonstrate the proposal can be built in accordance with TAN 15

Therefore, we advise the FCA is revised to address the potential flood risks to the site from the impacts of climate change and proposed management measures of flood risk for the lifetime of the development, prior to determination of the application. In order to demonstrate compliance with TAN 15: Development and Flood Risk.

Protected Species

The application is supported by the following ecological documents:

Hacking, R. (2014). Extended Phase 1 Habitat Survey of Gwern-y-To, Worthenbury, Wrexham. Rachel Hacking ecology. Unpublished.

Hacking, R. (2014) Baytime Bat Survey at Gwern-y-To, Worthenbury, Wrexham. Rachel Hacking ecology. Unpublished.

Hacking, R. (2015) Bat Activity Surveys at Gwern-y-To, Worthenbury, Wrexham. Rachel Hacking ecology. Unpublished.

Hacking, R. (2018) Bat Surveys at Gwern-y-to, Shocklach Lane, Worthenbury, Rachel Hacking Ecology. Unpublished

Hacking, R. (2018) Extended Phase 1 Habitat Survey at Gwern-y-to, Shocklach Lane, Worthenbury, Rachel Hacking Ecology. Unpublished

NRW consider the ecological submissions to be satisfactory for the purposes of informing the planning decision making process

- Bats

We note that the bat report submitted in support of the above application (reference Hacking, R. (2018) Bat Surveys at Gwern-y-to, Shocklach Lane, Worthenbury, Rachel Hacking Ecology. Unpublished) has identified that common pipistrelle bats are present at the application site. From the information contained in the bat report, 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 sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 . Any development that would contravene the

protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the bat report concludes that the proposal is likely cause harm or disturbance to the bats or cause damage or destruction to their breeding sites and resting places at this site and will, therefore, require a licence. However, we consider that the development proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of bats.

Condition 1: All Bat avoidance measures set out in a method statement and fully implemented.

Therefore, we do not object to the proposal, subject to all avoidance measures described in the report is set out in a method statement and secured through the inclusion of suitable planning conditions.

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site, you would need a revised bat report that took account of such changes. Please consult us again if a revised bat report concluded that this is no longer a lower risk case. Otherwise, our advice for lower risk cases would still apply and we would recommend that you secured the avoidance and mitigation measures described in the revised bat report.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's 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.

- GCN

We note that the ecology report submitted in support of the above application (reference: Hacking, R. (2018) Extended Phase 1 Habitat Survey at Gwern-y-to, Shocklach Lane, Worthenbury, Rachel Hacking Ecology. Unpublished.) has identified the likelihood of great crested newts (GCN) being present at the application site.

GCN's and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Any development that would contravene the

protection afforded to GCN's under the Regulations would require a derogation licence issued by Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any GCN's on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Subject to implementation of the proposed reasonable avoidance measures, we do not consider that the proposal is likely to harm or disturb GCN's or cause damage or destruction to their breeding sites and resting places at this site. We consider the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts.

Condition 2: All Great Crested Newt avoidance measures set out in a method statement and fully implemented.

Therefore, we do not object to the proposal, subject to all avoidance measures described in the report being set out in a method statement and secured through the inclusion of suitable planning conditions.

This advice applies to the proposal in its present form. Please consult us again if the plans are changed in ways that may harm or disturb GCN's or their breeding sites and resting places at this site.

Please also note that any changes to plans may affect the need for a licence from Natural Resources Wales.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's 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 do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website:

(<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the Developer:

Waste

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 33 and 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.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours sincerely,

Siôn M. Williams

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Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales