

FAO Matthew Phillips

14/09/2018

Dear Matthew,

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990

BWRIAD / PROPOSAL:
Outline Application For Residential Development For 2 Detached Dwellings
LLEOLIAD / LOCATION:
Land adj Hillside Farm, Holt Road, Llan y Pwll

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 22/08/2018.

We recommend that that you should only grant planning permission if the scheme can meet the following requirement and you attach the condition listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirements are met and you attach the conditions to the planning permission.

Requirement 1: A limited flood consequence assessment (FCA) is submitted to assess the level of flood risks to north of the site.

Condition 1: All avoidance and mitigation measures described in the ecology report being set out in a method statement, and to be implemented as agreed.

Flood Risk

The previous application for residential development on this site (LPA reference P/2018/0422) was refused on 20th June 2018, where one of the reasons related to the flood risk and TAN 15 policy against highly vulnerable development in Development Advice Map (DAM) C2.

This proposed development for this application (LPA P/2018/0694) largely remains the same, with two dwellings sited to the south of the site and two turning and parking areas to the north. The key difference with this proposal is the removal of the detached garages to the north of the plot which fall within DAM C2 area. The removal of these garages is welcomed because the principles of TAN 15 direct development away from Zone C.

Requirement 1: A limited flood consequence assessment (FCA) is submitted to assess the level of flood risks to north of the site.

The site boundary and red line of the application is partially within C2 area associated with Holt Road and Redwither Brook and a limited flood consequence assessment (FCA) will be required to assess the level of flood risks to north of the site and the existing and proposed site levels. To identify potential flood risk attenuation or mitigation measures and demonstrate how the development can acceptably manage the flood risks, and ensure there is no increased flood risk elsewhere.

We recommend the applicant checks with Wrexham Lead Local Flood Authority on the availability of local flood risk data or structures, the scope of the a limited FCA and the details required for surface water management proposals. This FCA for this site will need to be completed by a competent professional with the appropriate professional indemnity insurance and be subject to further consultation with Natural Resources Wales and Wrexham Lead Local Flood Authority. The proposed access and egress details within this FCA should be subject to consultation with the North Wales Councils Regional Emergency Planning Service.

If the flood consequence assessment can demonstrate acceptable level of flood risks, it is recommended that the Local Planning Authority secures the details of FCA and layout by planning conditions, alongside the removal of permitted development rights for the site/dwellings to prevent development in the area at flood risk.

If the FCA cannot demonstrate the flood risks for the site can be acceptably managed or if it increases flood risk elsewhere, the application should be refused.

Protected Species

We note that the ecology report submitted in support of the above application (insert Worsfold, S. (2018). Extended Phase 1 Habitat Survey at Land adjacent to Hillside Farm, Holt road, Llan-y-Pwll, Borrass, Wrexham. Worsfold & Bowen. 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:

- There is no satisfactory alternative and
- 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,
- 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.

Condition 1: All avoidance and mitigation measures described in the ecology report being set out in a method statement, and to be implemented as agreed.

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.

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

Condition 1: All reasonable avoidance measures described in the ecology report being set out in a method statement and adhered to.

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 the bats 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 on 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/planning-and-development/planning-and-development/?lang=en>). 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. 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.

Advice to Applicant

Pollution Prevention

Please refer to PPG6, working at construction and demolition sites:

<https://www.sepa.org.uk/media/60125/ppg-6-working-at-construction-and-demolition-sites.pdf>

Any work which is to take place should be done so with pollution prevention in mind. Pollution prevention advice and guidance can be found via this link:

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

Should any pollution occur during the operational phase, Natural Resources Wales should be notified via the incident hotline – 03000 65 3000.

Foul Drainage

With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with us. The Applicant must obtain any necessary permit or exemption prior to commencement of work on site. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria is met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. More information, including a step by step guide to registering and the relevant application forms are available on our [website](#). Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to [Pollution Prevention Guideline 4](#) which provides further information.

Yn gywir / Yours sincerely,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales