

4th June 2018

Sir/Madam,

**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 consulting Natural Resources Wales about the above, which was received on 9th May 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 condition 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: All Great Crested Newt avoidance measures set out in a method statement and fully implemented.

Flood

Our comments are focussed on the review of the FCA which has been requested by the Local Planning Authority. These build on our previous comments on the previous application previously granted (LPA reference P/2015/0434).

The flood consequence assessment produced by Weetwood for Land off Shocklach Road, Threapwood final report v1.2 dated April 2017, supports a proposal for a replacement dwelling proposal.

The site and existing dwelling are located entirely within Development Advice Map (DAM) C2 and 1.58km, directly South East of the River Dee and the tributaries of Flennen's Brook and Gwern y to Drain which feed into Worthenbury Brook and the fluvial extents of Flood Zone 2 and 3. There are risks of surface water flooding associated with the Gwern y To Drain to the West, North and East of the site including access. The site is shown to be at risk from reservoir flooding. The site was affected by the 1964 Farndon to Bangor on Dee flood event and partially affected by the Lower Dee 2009 event.

The FCA details the site levels are detailed as approx. 50.1-50.8 m AOD and the FFL of proposed dwelling is 51.08m AOD.

It identifies the property as being at moderate/significant risk of flooding from groundwater and low-medium risk of surface water flooding and recommends:

- Finished Floor Levels (FFL) are set 300mm above the threshold level of existing dwelling as per topographic survey Appendix B (51.08 m AOD).
- Flood resistant anti-flood airbrick cover, demountable flood gates and sustainable flooring materials are installed and could include raising of electrical sockets.
- No flood risk elsewhere because of reduction on footprint.
- Access and egress is not at risk of flooding.
- Flood plan prepared in consultation with WCBC Emergency Planning and the occupants sign up to NRW flood warning service.

The FFL details in the FCA are the same as those detailed on the previous application and whilst there are no known changes to the development proposed, and there are no recent/detailed modelling studies which could be used within the FCA. There is a need for the development to assess the impacts of central/upper climate change allowances (20-45%) for the Dee for the expected 100 years lifetime of the residential development, as detailed in Welsh Government guidance (CL-03-16) to supplement TAN 15: Development and Flood Risk in 2016

<https://gov.wales/topics/planning/policy/policyclarificationletters/2016/cl-03-16-climate-change-allowances-for-planning-purposes/?lang=en>

The most significant risks to the site from the surface water flooding maps look to be closely associated with the Gwern To Drain, will require the development/FCA to detail how the existing site levels will be carefully retained, to ensure there is no increased risks to the site or elsewhere.

The combination of different sources of flood risks and significant/moderate ground water flood risks to the site and need to take account of climate change for the lifetime of the development, will require a more detailed consideration of the FFL, flood resilient construction methods and materials within the design of the building and careful consideration of the external landscaping materials within the FCA and proposed development.

The Local Planning Authority should also seek more detailed advice on local flood risks and surface water drainage proposals from Wrexham Lead Local Flood Authority.

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

We would recommend 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. 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.

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

We note that the ecology report submitted in support of the above application (reference: Hacking, R. (2014). Extended Phase 1 Habitat Survey of Gwern-y-To, Worthenbury, Wrexham. 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.

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 conditions or obligations ((eg Section 106 agreement).

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

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,



Ruth Prichard

Ymgynghorydd Cynllunio Datblygu / Development Planning Advisor