

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

26/08/2020

Dear Sir,

**PROPOSAL: CONSTRUCTION OF NEW ACCESS ROAD FOR DWELLING
LOCATION: Cheshire Cheese, Overton Road, Penley, Wrexham**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 11 August 2020.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met and you include the following documents within the condition identifying approved plans and documents on the decision notice:

- Levesley, R. (2020), Elite Ecology Ltd, Cheshire Cheese, Penley: Desktop Study

Requirement: A Flood Consequences Assessment (FCA) is required to demonstrate the risks and consequences of flooding can be managed to an acceptable level

Flood Risk

The proposal is for the construction of a new access road for an existing dwelling. Our Flood Risk Map, which is updated on a quarterly basis, confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outline of the Halghton Mill Brook.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate, through the submission of an FCA, that the potential consequences of flooding can be managed to an acceptable level.

We are unable to give you technical advice on the acceptability of flooding consequences, as no FCA has been submitted. Therefore, if the development can be justified, the above requirement should be met prior to the determination of the application. We can then advise you whether the FCA is in accordance with the technical criteria in Appendix 1 of TAN15.

The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be proportionate to the development proposed and therefore, in this instance, we consider a limited FCA should be prepared. To help prepare an FCA, we have developed [guidance](#), which contains technical advice and recommendations.

We would expect the FCA to detail any mitigation measures that could be used to minimise the damage that any flooding could have on the new access, and how users of the site could be made aware of any flood risks. Details should also be provided as to the proposed changes to ground levels within the flood extent and any impacts this may have.

We note that the existing access, which is to be removed, is entirely within flood zone A and will be replaced with an access in flood zone C2, which may cause access and egress issues during flood events. This should be addressed in the FCA in accordance with A1.15 of TAN15.

If you are minded to grant permission for the application contrary to our advice, please inform us, in accordance with paragraph 11.7 of TAN15, so that we may make further representations.

Protected Species

We note that the ecology report submitted in support of the above application (Levesley, R. (2020),) has identified the potential for protected species such as bats to be present at the application site. The report recommends further survey.

From the information submitted, 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 and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

Although an ecology report has been submitted, we consider that there currently is insufficient information to assess potential effects of the proposal on any species of the bat that may be present at this site. We therefore concur with the recommendations of the ecological report that further survey is required for the purposes of informing the planning decision making process

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted to ensure that further survey will be carried out prior to commencement of development.

Please consult us again if any further information shows that this is no longer a lower risk case.

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

Land Drainage Act - Ordinary Watercourse Consent

We recommend that the applicant speak to the LLFA in order to determine whether an Ordinary Watercourse Consent would be required for the proposed works which involve crossing the Haighton Mill Brook which is classified as an ordinary watercourse in this location.

Works near Watercourse / Construction or Demolition sites

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/>

Only clean, uncontaminated surface water should be discharged to surface waters.

It is to be ensured that prior to any works occurring, a method statement detailing the works is developed taking account of any pollution risks and ensuring that steps are put in place to mitigate against any adverse impact.

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

Yn gywir / Yours faithfully

Meryl Read

Meryl Read

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

