

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

13/07/2020

Dear Sir,

BWRIAD / PROPOSAL: CHANGE OF USE OF BUILDINGS AND LAND FROM FISH FARMING TO DOMESTIC, FILLING IN SOME FISHPONDS, RE-CONSTRUCTION OF STABLING AND FIRST FLOOR EXTENSION TO DWELLING (IN RETROSPECT)

LLEOLIAD / LOCATION: UPPER MILLS TROUT FARM, GLYN CEIRIOG, LLANGOLLEN, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information in relation to the above, which we received on 25 June 2020.

We continue to have significant concerns regarding the proposals. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet these requirements. It should be acknowledged that the requirements outlined in our previous response (P/2016/1102, dated 4 January 2017) should have been addressed prior to commencement of any work at the site.

Requirement 1: Protected Species: An ecological conservation restoration scheme is completed.

Requirement 2: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

Protected Species

The proposal has not been supported by surveys and assessments in respect of protected species. We have records of bats and otter within the environs of the application site. These species 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 these species 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 or otter on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Requirement 1: An ecological conservation restoration scheme is completed.

As a considerable amount of work has been carried out at the site we consider that the applicant should be required to carry out an ecological conservation restoration scheme, to take into account the following issues:

- a. External lighting
- b. Biosecurity
- c. Landscaping
- d. evidencing compliant implementation of remediation actions

Protected Sites

We have concerns that a significant effect from the proposed development on the River Dee and Bala Lake Special Area of Conservation (SAC) cannot be ruled out. The application is located adjacent to the SAC.

The following requirement needs to be met before allowing the proposed development. We would object to the planning application if the requirement is not met.

Requirement 2: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

The Local Records Centre holds a number of otter records immediately adjacent and also up and downstream of the site. The conservation objectives for the River Dee SAC include no loss of amphibian habitat likely to be used by otters from the SAC population. We note that the proposal has not been supported by surveys and assessments in respect of protected species associated with the SAC.

No Method Statement for emptying/infilling of the ponds has been submitted and comments made by the applicant do not provide detail of how this work was carried out or what pollution prevention measures were undertaken. We advise that a Method Statement which includes the retrospective and proposed works should be submitted.

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Flood Risk

With respect to flood risk, you will be aware that the site lies partially within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004). Our Flood Map confirms the site to be located partially within the 1% (1 in 100) and 0.1% (1 in 1,000) annual exceedance probability (AEP) event flood outlines.

We can confirm that, given the nature of the proposals, we have no flood risk concerns to raise in respect to the now partially retrospective planning application at this site. We would reiterate that if planning permission is granted, we would request that your Authority removes any relevant permitted development rights in order to ensure that the outbuildings cannot be converted to residential use without appropriate consideration being given to the risk of flooding.

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

Pollution Prevention

The images taken on site show signs of rubble on the river/ditch banks. Due to the proximity of the site to watercourses, any further 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/>

Flood Risk Activity Permit

We would also point out that the site lies directly adjacent to a Main River (Afon Ceiriog). A bespoke Flood Risk Activity Permit (Environmental Permitting Regulations England & Wales, 2016) may therefore be required for any future works in, over, under or near a main river or within a floodplain. Further advice and guidance is available on our website at:

<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/>

Water abstraction/impoundment

From the limited information provided by the applicant during the site visit, it appears that no abstraction or impoundment was/is required for the new fishing pond as it is being filled by rainwater. Should any future abstraction or impoundment be required then the applicant must be made aware that a licence will be required from NRW, as advised in our letter dated 4 January 2017.

Fish stocking

The applicant states that he may stock the lake with fish in the future. A Section 30 (Salmon and Freshwater Fisheries Act) consent and/or Site Permit will be required prior to any introduction of fish into the pond. The applicant should contact NRW Customer Care Centre on 03000 653000 or enquiries@naturalresourceswales.gov.uk for further information.

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

Yn gywir / Yours faithfully,

Meryl Read

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