

For the attention of Kevin Hughes

15/01/2019

Dear Kevin,

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

PROPOSAL:

**Modernisation And Enlargement Of Existing Storage / Workshop and Erection Of
New Office And Welfare Facilities Building**

LOCATION:

Glan Llyn, New Road, Glyn Ceiriog, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 31/12/2018.

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 requirements. We would object if the scheme does not meet these requirements.

Summary of Requirements

Requirement 1: Protected Sites: The Authority should 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

Requirement 2: A limited Flood Consequences Assessment (FCA) is required in support of the application prior to determination.

Protected Sites

We have concerns that a significant effect from the proposed development on the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid (Wales) SAC cannot be ruled out. The application site is partly located within the SAC.

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

Requirement 1: Protected Sites: The Authority should 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

We note the Marches Ecology HRA document (November 2010), however this document appears to relate to an agricultural field located directly to the east of the application site, and is based on information gathered/assessed in 2010.

The following should be considered as part of the assessment of this proposal:

- Assessment for potential impacts on otter (including disturbance from site use) during both construction and operation.
- Assessment of the potential impacts from site run-off/drainage on aquatic features of the site during both construction and operation.

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.

The site is also partially located within the River Dee SSSI.

The Wildlife and Countryside Act 1981 (as amended) places a duty on public authorities in exercising their functions, so far as this is likely to affect the flora, fauna, geological or physiographical features of a SSSI, to take reasonable steps consistent with the proper exercise of their functions to further the conservation and enhancement of those features.

By satisfying the requirements regarding the SACs, as indicated above, it is likely the requirements for the SSSIs will also be met

Flood Risk

The application site lies partially within Zone C2 and partially within Zone B, as defined by the Development Advice Map referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004), and is shown to be located partially within the 1% (1 in 100) and 0.1% (1 in 1,000) annual probability event flood outlines on the NRW Flood Risk Map. The site is also shown to be at risk on the Risk of Flooding from Surface Water Flood Map. There are several watercourses within vicinity of the site; the Afon Ceiriog, a main river which flows along the southern boundary of the site, Nant Y Weniar, an ordinary watercourse which flows adjacent to the eastern boundary of the site, and Nant Y Garth, an ordinary watercourse which flows to the north-west of Glyn Ceiriog.

The development proposals are for the enlargement of an existing storage/workshop building and construction of a new office and welfare facilities building. The proposals are therefore classified as 'less vulnerable' development.

Requirement 2: A limited Flood Consequences Assessment (FCA) is required in support of the application prior to determination.

Given the scale of the proposals and the partial Zone C2 and Zone B designation, a limited Flood Consequences Assessment (FCA) is required in support of the application. The absence of a FCA therefore raises significant concerns because the flood risks at the proposed development have not been assessed against the requirements of TAN 15.

The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given under Section 7 and Appendix 1 of TAN15. The limited FCA should comment on the potential flood risk posed by the Afon Ceiriog, Nant Y Weniar and Nant Y Garth, based on an assessment of ground levels and the data included on the NRW Flood Risk Maps (including the surface water flood maps referred to above). We also advise that the applicant consults with the Lead Local Flood Authority (in this case Wrexham County Council) to see whether they hold any relevant information for the two ordinary watercourses referred to above. The FCA should focus on any mitigation measures that could be incorporated into the design of the development to protect the development from flooding such as raised floor levels and flood resistant/resilient construction.

If, contrary to the requirements of TAN15, your Authority is minded to grant permission contrary to our advice, we should be informed of all matters that influence this decision, prior to granting permission, allowing sufficient time for further representations to be made.

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 listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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 to Applicant

Pollution Prevention

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/>

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:

<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

The Afon Ceiriog (a main river) flows adjacent to the site; therefore a bespoke Flood Risk Activity Permit (Environmental Permitting Regulations England & Wales, 2016) may be required for any works in, over, under or near a main river or flood defence (including a sea defence), or within a flood plain. Further advice and guidance is available on our website at:

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

Waste

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

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,

Daniel Davies

Daniel Davies

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