



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-78471-R8M4

Eich cyf/Your ref: P/2019/0081

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28/02/2019

FAO Kevin Hughes

Annwyl/ Dear Kevin,

TOWN AND COUNTRY PLANNING ACT 1990

DEDDF CYNLLUNIO GWLAD A THREF 1990

BWRIAD / PROPOSAL:

**Conversion Of Derelict Barn To Form 3 Bedroom Dwelling With Associated Garden,
Parking And Turning Area**

LLEOLIAD / LOCATION:

Halghton New Mill, Mill Lane, Hanmer, Whitchurch

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 07/02/2019.

Flood Risk – North Wales Joint Improvement Programme

Thank you for consulting us on the planning application, which we received on 07/02/2019. The planning application proposes highly vulnerable development i.e. residential, which is partially located in Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note 15 Development and Flood Risk (TAN15). As your Authority is aware, planning policy set out in paragraph 6.2 of TAN15 advises that “highly vulnerable development and emergency services should not be permitted”. A planning decision to permit development would therefore be contrary to planning policy advice.

As agreed as part of the pilot under the Joint Improvement Programme, we would refer you to the agreed standing advice. This Standing Advice explains that your Authority should, in the first instance, make a planning policy decision on the development proposal. Until we receive written confirmation from your Authority that you believe there are overriding reasons to consider granting the application despite its location within Zone C2 we have no further comments to make regarding flood risk and we would advise that your Authority should refuse the planning application on planning policy grounds.

The decision as to whether a development should be considered, contrary to TAN15 Policy, is entirely a matter for your Authority; if you consider that the development should be considered, despite its location within Zone C2, we would ask to be re-consulted and granted sufficient time to provide technical advice and comments on the flood risks and

consequences. In such circumstances, a flood consequences assessment (FCA) will be required to assess compliance with test iv (in paragraph 6.2).

Please inform us, in accordance with advice in paragraph 11.7 of TAN15, if you are minded to grant permission for the above application contrary to our advice and allow sufficient time for further representations to be made before any consent is granted.

It should also be noted that under the Town & Country Planning (Notification) (Wales) Direction 2012, where a local planning authority is minded to grant permission, there is a requirement to refer applications for emergency service or highly vulnerable development (including residential developments of 10 or more dwellings) within Zone C2 to Welsh Government. It should not be assumed sites located partially within C2 or less than ten units are excluded.

Notwithstanding the above, we would advise that the following issues are relevant to the information submitted in support of the application.

Protected Species

Bats

We note that the bat report submitted in support of the above application (Molesworth, J. (2019), Preliminary Bat Roost (PRA) Assessment: Halghton New Mill, Bryn Lane, Nr Hanmer, Whitchurch, SY13 3DT) has identified that bats are present at the application site. 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)*'. However, we advise that the bat report has insufficient information to assess the need for avoidance / mitigation measures. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

Requirement 1: Protected Species: We advise that further information is required to assess the extent of adverse effects on the bats and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

- An additional emergence survey should be undertaken at the site at the site.

In the meantime, we are unable to give you any assurance that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Great Crested Newts

Due to the nature of the work and local species records, we have identified the possibility that great crested newts (GCNs) may be present or affected. Therefore, we recommend an

assessment of the potential for the species to be present and consideration be given to reasonable avoidance measures.

Requirement 2: Assessment of the potential for Great Crested Newts to be present on site and consideration be given to reasonable avoidance measures.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non native species (INNS) and diseases.

We therefore advise, notwithstanding the advice above regarding flood risk, that any consent includes the imposition of the following condition:

Condition 1: Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include:

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS

being introduced to the site for the duration of construction and operational phases of the scheme.

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

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.

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/>

Waste Regulation

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