



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-46522-Z6H7
Eich cyf/Your ref: P/2017/0623

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24/11/2017

Er sylw / For the attention of: Mared Rees,

Annwyl / Dear Ms Rees,

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

**PROPOSAL: CHANGE OF USE AND CONVERSION OF BARNS TO 13 RESIDENTIAL
UNITS INCLUDING PART DEMOLITION, ACCESS AND PARKING ARRANGEMENTS
LOCATION: BROAD OAK FARM LLYNDIR LANE ROSSETT WREXHAM**

Thank you for consulting Natural Resources Wales (NRW) on the application above, which was received on the 7th of November 2017. This response updates and supersedes our previous response (dated 6th of October 2017).

We recommend that you should only grant planning permission if you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided you attach the conditions to the planning permission.

Conditions 1 - 6: Contaminated Land: Submission of information to demonstrate no risk to the local water environment.

Conditions 7 & 8: Protection of Bats: Submission of information to protect and mitigate for bats.

Condition 9: Protection of Great Crested Newts: Before commencement of development, a Reasonable Avoidance Measures scheme in respect of Great Crested Newts shall be submitted to, and approved by the Local Planning Authority.

Condition 10: Biosecurity: Before commencement of development, the applicant shall submit to the satisfaction of the Local Planning Authority, a Biosecurity Risk Assessment.

Condition 11: Ecological Compliance: Before commencement of development, the applicant shall submit to the satisfaction of the Local Planning Authority, an Ecological Compliance Audit.

Condition 12: Finished Floor Levels are set no lower than 300mm above adjacent ground levels.

Please note that Requirement 2 of our response dated 6th of October 2017 has now been met. This means that there are no outstanding requirements from us. However, we have added one condition to the 11 previously requested. As this is a new condition, it is addressed first, the subsequent conditions are addressed in numerical order.

Flood Risk

The site lies entirely in Zone A as defined by Welsh Government's Development Advice Map (DAM) referred to in Technical Advice Note (TAN) 15: Development & Flood Risk. Our Flood Map information confirms that the site lies outside of the extreme flood risk outline. The updated Flood Map for Surface Water Flooding indicates that the site is considered to be at low risk of flooding from surface water.

Although the existing flood map information suggests that the risk of flooding to the site is low, we wish to inform your Authority that there is a historic flood outline affecting that the site, which suggests that the site, and the wider area, has been affected by flooding (Burton Meadows, 1964). In addition, there is an unnamed "ordinary" watercourse running to the north of the application site, and this could also be a potential source of flood risk to the site.

The Applicant has submitted an updated and more detailed Flood Consequences Assessment (FCA) (Weetwood Services Limited, 3955/FCA/Final/v1.0/2017-11-02) in support of the planning application. This replaces the limited FCA previously submitted. The latest FCA has qualitatively assessed the potential flood risks associated with the un-named watercourse, which runs in proximity of the site. The assessment accounted for a potential blockage of existing culvert (access) structures. The FCA concludes that the flood risks to the proposed development are low, and that any out of bank flood flows from the watercourse would be routed away from the development by virtue of local topography. The FCA does, however, recommend that the Finished Floor Levels of the new properties should be raised at least 300mm above ground levels on completion of any ground re-profiling. This is suggested as a measure to manage potential overland flood flows and ensure that they are safely conveyed across the site without affecting property and reduce residual flood risks. We support this approach, and we would recommend that the following planning condition be imposed on any planning approval:

Condition 12: Finished Floor Levels are set no lower than 300mm above adjacent ground levels.

The development permitted by this planning permission shall be carried out in accordance with the approved FCA (Weetwood Services Limited, 3955/FCA/Final/v1.0/2017-11-02). This should include the following mitigation measure detailed within it: Finished Floor Levels are set no lower than 300mm above adjacent ground levels.

Implementation of this condition will reduce the risk of flooding to the proposed development and future occupants.

Management of Surface Water Runoff

The Applicant has submitted a Drainage Assessment (Weetwood Services Limited, 3955/DA/Final/v1.1/2017-11-07) in support of the planning application. We would recommend that you consult your Flood Risk / Drainage Department, who act as the Lead Local Flood Authority. They will be able to comment on the acceptability of the Applicant's proposed method of surface water disposal. Further advice and guidance is available in their Management of Surface Water Generated from New Development publication available at: http://www.wrexham.gov.uk/english/planning_portal/publications/surface_water.htm

Contaminated Land

We have reviewed the information submitted and have also considered an earlier PRA/desk study submitted as part of the 2010 planning application (prepared by Sedwick associates Ref: sa/pks/3946 referenced by the Planning statement document but not provided in the statutory pre-planning submission or the formal planning application).

The aforementioned PRA/Desk study concludes that:

"In light of the potential pathways for some contamination to affect the site, it will be prudent to carry out a phase 1 assessment of the ground prior to the commencement of development, and any further survey work or mitigation that may be needed. These can be secured by standard conditions on a planning permission"

In view of the above we recommend that you attach the following land contamination conditions:

Condition 1: Development on land affected by contamination

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site[largely completed].
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity due to proximity to surface water and being located on a Principal aquifer. Contamination is known/strongly suspected at site due to historical contaminative uses.

Condition 2: Verification report

Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition 3: Long-term monitoring

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.’

Condition 4: Unsuspected contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written

approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Given the complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.'

Condition 5: SUDS

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

Condition 6: Piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

Protected Species

The application is supported by the following ecological submissions Wilson, W. (2016). Broad Oak Farm, Wrexham: Ecological Appraisal. Bowland Ecology, Unpublished. Sambrook, R. (2017). Bat Survey and Mitigation Report. Sambrook Associates Ltd. Unpublished.

Bats

The applicant's ecological submission has effectively considered the presence of bats. The results confirmed the application site supports the brown long-eared bat.

In our view the ecological submission is satisfactory for the purposes of informing the planning decision making process.

The proposal has the potential to cause disturbance to bats and/or loss or damage to their resting places.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

In this case, the bat report concludes that the proposal is likely to impact adversely on the bats present at this site and, therefore implementation of the proposal will be subject a European protected species derogation licence.

However, we consider that the development is not be likely to be detrimental to the maintenance of the favourable conservation status of each of the populations of bat affected by the proposal provided that any subsequent consent is subject to the imposition of the following planning conditions or obligations (such as a Section 106 Agreement or a unilateral undertaking):

Condition 7 - Before commencement of development, the applicant shall submit to the satisfaction of the Local Planning Authority:

- details and location of bat avoidance, mitigation and compensation measures,
- details concerning proposed roof membranes that do not cause risk or incidental injury, capture or killing to bats
- details of an external lighting/internal light spillage scheme
- details of a post construction monitoring and surveillance scheme.

Condition 8: No development works shall commence until you're Local Planning Authority has been provided with a copy of a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead, or Natural Resources Wales has informed the applicant that such a licence is not required.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect the bats on this site, the applicant would need a revised bat report that takes account of such changes. Please consult us again if any updated or revised bat report concludes that the proposal is more likely to have an adverse impact on the bat population and/or alters the detail or implementation of mitigation or compensation measures.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Great Crested Newt

In our view, the ecological submission effectively considers the presence of the great crested newt, and the application is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts.

We consider the proposed avoidance measures to be satisfactory. However, we advised that these include the erection and appropriate maintenance of one way amphibian fencing.

We advise the implementation of avoidance measures is subject to the imposition of a planning condition.

Condition 9: Before commencement of development, a Reasonable Avoidance Measures scheme in respect of Great Crested Newts shall be submitted to, and approved by the Local Planning Authority.

It is noted that the information submitted includes a recommendation in relation to relocation of any great crested newts. Any such proposals can only be lawfully carried out under licence, issued by NRW.

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 that any future consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 10 - Before commencement of development, the applicant shall submit to the satisfaction of the Local Planning Authority, a Biosecurity Risk Assessment

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.

Construction Waste

Ecological Compliance

We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

Condition 11 - Before commencement of development, the applicant shall submit to the satisfaction of the Local Planning Authority, an Ecological Compliance Audit

The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidence compliance. We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

Foul drainage

NRW notes the email received from George England on the 19th of September 2017 in response to our letter dated 18th of August 2017.

We consider a sewered area to be when there is a sewer network within 30m of the property boundary for a single property or for multiple properties the total number of properties multiplied by 30m. For non-domestic premises, we use the property number equivalent based on the maximum daily volume and then times this by 30m.

In this instance the development proposal is for 13 residential units; based on British Water's Flows and Loads 4 the volume of discharge is expected to be of sufficient quantity that connection to a sewer in the vicinity of 390m of the development should be pursued.

However, contrary to the applicant's statement within his email dated 17th of September 2017 that the nearest point of connection is 350m, our records indicate that the nearest point of connection is likely to be in the region of 465m. Although this distance exceeds what is considered the publicly sewered area, we would encourage, rather than require, the developer to connect to mains rather than a private treatment system. Given the costs of purchasing/installing a private system and the associated maintenance costs and requirement for a Permit from NRW, the developer may find that a connection to the public sewerage system may be a more cost-effective option in the long-term.

As noted in our response dated 18th of August 2017, there are environmental factors which will need to be considered before a private treatment plant discharging to the river can be installed. The documentation states the discharge would ultimately be made to the Pulford Brook. This watercourse is considered sensitive and is currently failing under the Water Framework Directive. The applicants must therefore demonstrate that a discharge into this watercourse would not have an adverse impact on the water quality.

With respect to the discharge (of effluent) to ground or surface water, the applicants will need to apply for an environmental permit or register an exemption with Natural Resources Wales. In view of the number of dwellings, an Environmental Permit will be required in this instance. The applicants must obtain an Environmental Permit prior to commencement of work on site. More information, and the relevant application forms are available on our website: <https://naturalresources.wales/permits-and-permissions/water-discharges/?lang=en>

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 would also advise the applicants to refer to sewage disposal options within the PPG4 <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Construction

If the developer plans to use waste in the construction, they should be aware that the activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site. For further information please visit the website <https://www.gov.uk/government/collections/waste-exemptions-using-waste> and contact our Customer Centre on 0300 065 3000 (Mon-Fri, 9am-5pm).

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 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. These notes must be kept for at least two years.

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/>

Please do not hesitate to contact us if we can be of any further assistance to you or if you wish clarification on 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/planning-and-development/planning-and-development/?lang=en>). 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. 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,



Holly Tomlinson

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales