

Mared Rees
Planning Officer
Wrexham County Borough Council
Guildhall
Wrexham
LL11 1AY

Date: 18th August 2017

Dear Ms Rees,

**CHANGE OF USE AND CONVERSION OF BARNS TO 13 NO. RESIDENTIAL UNITS
INCLUDING PART DEMOLITION, ACCESS AND PARKING ARRANGEMENTS
BROADOAK FARM, REDBROOK, MAELOR, WHITCHURCH, LL12 0AU**

Thank you for consulting us on the above application, which was received on the 3rd August 2017.

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 and you attach the conditions listed below. Otherwise, we would object to this planning application.

Requirement 1 - Foul Drainage: *Confirmation that the foul drainage will be connected to the main sewer, otherwise demonstrate it is not feasible to connect to the main sewer.*

Requirement 2 – Flood Risk: *The limited FCA is revised to consider the historic flood event that appears to have affected the site and to also consider the potential flood risk associated with the “ordinary” watercourse which runs in vicinity of the site.*

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*

Foul Water

Natural Resources Wales' preferred option is for the foul drainage to be disposed of to the mains foul sewer. We accept that there is some distance from the proposed site to the nearest sewer but, particularly as there are 13 houses involved, we would still prefer a connection to the foul sewer, if at all possible.

Requirement 1 - Foul Drainage: *Confirmation that the foul drainage will be connected to the main sewer, otherwise demonstrate it is not feasible to connect to the main sewer.*

Our National Permitting Service indicates that the relative costs of planning, installing and maintaining a treatment system versus piping it to a public sewer may still need to be considered. The applicants have noted within Page 7 of the Pre-Application Consultation Report of the "prohibitive costs associated with a piped connection". This is insufficient justification for not connecting to the main sewer.

There are also 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.

N.B - Foul drainage. Government Policy also states that where practicable, foul drainage should be discharged to the main sewer. The applicants must ensure that they are not in a "sewered area" before applying for an environmental permit.

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-and-replacement-series/guidance-for-pollution-prevention-ppgs-full-list/>

Flood Risk

The site lies entirely in Zone A as defined by Welsh Government's Development Advice Map (DAM) referred to in TAN15: 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 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 an 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.

Requirement 2 – Flood Risk: *The limited FCA is revised to consider the historic flood event that appears to have affected the site and to also consider the potential flood risk associated with the “ordinary” watercourse which runs in vicinity of the site.*

The Applicant has submitted a limited Flood Consequences Assessment (FCA) in support of the planning application. The FCA has referred to the published flood map information to assess flood risks at the site, and has concluded that flood risks at the site and to the development are low. However, the FCA has failed to consider the historic flood event that appears to have affected the site, nor considered the potential flood risk associated with the “ordinary” watercourse which runs in vicinity of the site. The risk of flooding from this ordinary watercourse from any lack of capacity and/or potential blockages should be assessed in accordance with section A1.17-7 of TAN15.

A site plan summarising the minimal proposed development levels (including proposed Finished Floor Levels) for all buildings would prove useful in assessing the potential flood risk to the development site. We consider that development would provide opportunities to raise the Finished Floor Levels of the properties above existing ground levels as a means of managing potential flood risks at the site, and this should be assessed within a revised FCA. It may be appropriate to raise the Finished Floor Levels of the properties 600mm above existing ground levels as a means of managing residual flood risks and reducing the risk of internal flooding to the proposed properties.

Management of Surface Water Runoff

In their application form the Applicant has indicated that it is their intention to dispose of surface water runoff via soakaway/infiltration techniques. We would recommend that you consult your Flood Risk / Drainage Department, who act as the Lead Local Flood Authority, so that they can comment on the acceptability of the Applicant’s proposed method of surface water disposal. In addition, they may have local flood risk information relating to the un-named “ordinary” watercourse that runs in vicinity of the site.

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.

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.

Our comments 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/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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. Any site owner/developer 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.

If you have any queries concerning the above, please contact me on the details below.

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

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