



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-28060-L1X9

Eich cyf/Your ref: P/2017/0002

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Head of Environment and Planning
Wrexham County Borough Council
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7 February 2017

Er sylw / For the attention of: Matthew Phillips

Annwyl / Dear Mr Phillips

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

BWRIAD / PROPOSAL: Removal of disused timber shed/hut and erection of new single-storey 2 no. bedroom holiday let accommodation

LLEOLIAD / LOCATION: Tuhwntir Afon, Swch Road, Llanarmon

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 11 January 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 requirement. We would object if the scheme does not meet this requirement.

Requirement: The applicant should submit a Flood Consequence Assessment in order to identify any appropriate mitigation measures

Flood Risk

The existing agricultural building lies on the edge of Zone C2 as defined in TAN 15 Development & Flood Risk and shown on Welsh Government's Development Advice Map. Natural Resources Wales' Flood Map information confirms that the existing building lies on the limits of the 0.1% AEP (1 in 1000 annual chance) fluvial flood risk outline. In addition, the existing building lies on the edge of the 0.1% AEP (1 in 1000 annual chance) surface water outline, as shown on our Flood Map for Surface Water.

The flood map information in this location is based on coarse broad-scale modelling which is not designed to be accurate at an individual property level. There is a culvert/bridge structure spanning the River Ceiriog in the vicinity of the building. Under flood conditions,

or if a blockage of this structure were to occur, the existing building (and therefore the proposed residential cabin) could experience some degree of flood risk (local topography would dictate that risk).

Requirement: Based on the above, and given the ‘Highly Vulnerable’ nature of the proposed development (as per Figure 2 of TAN 15), we would recommend that a Flood Consequences Assessment (FCA) be produced to support any planning application at this location. The approach is justified under A1.6 of TAN15, and additionally, Section 11.1 of TAN15 indicates that a FCA would be required ‘in all other zones where flooding is identified as a material consideration’.

Initially, a topographic survey, to determine whether or not ground levels at the development location are similar to those at the other farm buildings which sit well outside the flood zone, may be sufficient. We note that the intention is to demolish the existing shed and rebuild on the site. If this survey finds that ground levels are *not* significantly raised above the broad-scale modelled flood outline, there may be scope to raise finished floor levels significantly to reduce the risk of flooding in the event of blockage at the bridge. In either of the above cases, we may be able to accept a *qualitative, limited FCA*.

If the survey finds that the development site is not significantly raised above the flood zone, and the developer does not propose to raise finished floor levels significantly, then the FCA should consider the flood risks in more detail, particularly under blockage conditions, and also identify any appropriate mitigation measures that would be required to manage any identified risks.

Flood Evacuation

Given the nature of the proposed development, and given that the primary access and egress route to, and from, the development crosses the Afon Ceiriog, we would recommend that you consult the local authority’s Emergency Planning Team on the acceptability of the proposals relating to safe evacuation of the site under flood conditions.

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 Natural Resources Wales. 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. More information, including a step by step guide to registering and the relevant application forms are available on our website: <https://naturalresources.wales/apply-for-a-permit/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..

Protected Sites

In respect of protected sites, the Afon Dyfrdwy (River Dee) SSSI and River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC, the proposal is immediately adjacent to a tributary of the Afon Ceirig, whose confluence with the Ceiriog is just 40metres downstream. The

local authority, whilst undertaking it's HRA should satisfy themselves that there will no effect upon water quality of the Afon Ceiriog and hence the River Dee SAC features,

Protected Species

The applicant has submitted an ecological report for the purposes of informing the public decision making process. (Reference:

Davies, F. (2016) Site at Tuhwntirafon, Llangollen: Daytime Bat and Bird Survey. Cheshire Ecological Services. Unpublished.

Bats

We note that the bat report submitted in support of the above application (See above for reference) has identified that bats are present at the application site. From the information contained in the bat report, 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)'.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats 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 on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the bat report concludes that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided that avoidance measures described in the report are implemented. We concur with this conclusion. Also, because the development represents a lower risk to bats in this case, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Therefore, we do not object to the proposal, subject to all avoidance measures described in the bat report being set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site, you would need a revised bat report that takes account of such changes. Please consult us again if a revised bat report concluded that this is no longer a lower risk case. Otherwise, our advice for lower risk cases would still apply and we would recommend that you secure the avoidance measures described in the revised bat report. If, in light of modifications, it was no longer possible to avoid harming or disturbing the bats or their breeding sites and resting places at this site, the applicant would also need a licence from Natural Resources Wales and probably additional mitigation measures to reduce adverse effects

Please do not hesitate to contact me if you require 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

Meryl Read

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