



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-27208-J7L4

Eich cyf/Your ref: P/2016/1102

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Head of Environment and Planning
Wrexham County Borough Council
16 Lord Street
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4 January 2017

Er sylw / For the attention of: Philip Forster

Annwyl / Dear Mr Forster

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

BWRIAD / PROPOSAL: Change of use of buildings and land from fish farming to domestic, filling in some fishponds, re-construction of stabling and first floor extension to dwelling

LLEOLIAD / LOCATION: Upper Mills Trout Farm, Glyn Ceiriog, Llangollen, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 7 December 2016.

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.

Requirement 1: Compliance with the Conservation of Habitats and Species Regulations 2010 (as amended)

Requirement 2: Method Statement for infilling of ponds and creation of one large pond

Requirement 3: Removal of any permitted development rights

Requirement 1:

PROTECTED SPECIES

We note that the application has not been supported by surveys and assessments in respect of protected species

We have records of bats and otter* within the environs of the application site.

These species 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 these species 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 or otter on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

PROTECTED SITES

*The otter is a feature of the River Dee SAC. This statutory site is located adjacent to the application site. The Local Records Centre holds a number of otter records immediately adjacent and also up and downstream of the site. Currently, the conservation objectives for the Dee SAC include no loss of amphibian habitat that may provide prey items for otter.

In view of the above, your Authority should also carry out a test of likely significant effects under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). We can help you reach a conclusion on likely significant effects. If that assessment concludes there is likely to be a significant effect, we can also advise on the further, appropriate assessment that would be required under the Regulations.

We would wish to be re-consulted prior to the determination of the planning application once further information has been provided in the form of surveys and assessments together with appropriate avoidance, mitigation and compensatory proposals, in order to assess any likely impacts of the development.

Requirement 2:

INFILLING AND CREATION OF POND(S)

The description of the application refers to infilling of fish ponds. However, document 3221777 (F Summerfield Sheet 06 Rev A) also includes proposals for a number of other fish ponds to be formed into one large fly fishing pond. As such, it is not clear from the documentation submitted what is proposed for the site.

No details have been submitted with respect to how the infilling works are to be carried out, or how the remaining ponds will be formed into one large pond. We consider that insufficient information has been submitted in order for NRW to provide a substantive response.

Prior to determination of the application, the applicant should be required to clearly state what is proposed at the site and submit a method statement of how the works will be carried out, the detail of which (as a minimum), should include:

Proposals for emptying the existing ponds – the discharge of pond water into ground or surface waters may require formal consent from NRW, prior to any such works being carried out

Given the proximity of the watercourse, detail of what pollution prevention measures will be put in place

Proposals for abstracting or impounding water to fill the new large fishing pond – a licence will be required from NRW for any abstraction or impoundment (also referred to within Pollution Prevention section within this correspondence)

Proposals for stocking the large fly-fishing pond with fish. A Section 30 (Salmon and Freshwater Fisheries Act) consent and/or Site Permit may be required prior to any introduction of fish into the pond. The applicant should contact NRW Customer Care Centre on 03000 653000 or enquiries@naturalresourceswales.gov.uk for further information.

Requirement 3:

FLOOD RISK

Contrary to the indication on the application form, the site is partially within Zone C2 as defined in TAN 15 Development & Flood Risk (2004) and shown on Welsh Government's Development Advice Map. Natural Resources Wales' flood map shows that parts of the site are at risk of fluvial flooding in the 1% AEP (1 in 100 annual chance) and 0.1% AEP (1 in 1000 annual chance) events. In addition, Natural Resources Wales' Flood Map for Surface Water shows that parts of the site are at risk of surface water flooding.

Given the scale and nature of the proposals, we do not object to the proposals on flood risk grounds. However, in order to ensure that the outbuildings cannot be converted to residential use without appropriate consideration being given to the risk of flooding, we would request that your authority removes any relevant permitted development rights. Should the owner wish to convert the store or stables to residential use in future, they should be required to apply for planning permission for a change of use.

POLLUTION PREVENTION

All works carried out on site must be done in accordance with Environment Agency Pollution Prevention Guideline 6: Working at Construction and Demolition Sites. The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permitted 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. No material is to be deposited within 10m of any watercourse without discussion with Natural Resources Wales. Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified on the incident hotline on 03000653000.

If during construction/excavation works any contaminated material is revealed (there is asbestos on site), 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 (including hazardous 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.

This site previously operated as a fish farm, if the site were to operate as a fish farm again, or as a private or commercial fishing lake/pond, the applicant would require licences to do so. There is an existing abstraction licence registered for the site at present (Ref:24/67/6/0038), the developer should apply for a transfer of the existing abstraction licence and then vary the licence accordingly to accommodate changes. Further information on this aspect are available from NRW Customer Care Centre on 03000 653000 or enquiries@naturalresourceswales.gov.uk

In summary, the application should not be determined/approved until such time as further information has been submitted and the proposals can meet Requirements 1, 2 and 3.

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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Uwch-gynghorydd Cynllunio Datblygu / Senior Development Planning Advisor

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