

**FLINTSHIRE COUNTY COUNCIL**  
**PLANNING COMMITTEE**  
**LATE OBSERVATIONS**  
**COMMITTEE DATE: 2<sup>nd</sup> February 2022**

Agenda No.	Application Number	Location	Consultee / Date Received	Observations
6.1	063337 – A - DGJ	Erection of Small luxury boarding kennels (12 units total) at "Brookside", Black Mountain, Nercwys, Mold, Flintshire	Ms. S. Webster (neighbour) 30.1.2022	<p>Requests that the matter is withdrawn from committee. Considers the Report of the Chief Officer is wholly inadequate and littered with contradictions, inaccuracies, errors &amp; omissions and is of the view that this document should not be used to support a recommendation. The matters raised in the late observation have been responded to by the Development Manager (31.1.2022) and that response is summarised as follows:</p> <ul style="list-style-type: none"> <li>• Not of the view that there are any fundamental inaccuracies contained within the report. The report contains a summary of the proposals, a summary of the representations received and an assessment/appraisal of the relevant planning policies and guidance set out both locally and nationally.</li> <li>• It is for the decision-maker to determine the weight to be afforded to each of those and it is a matter of planning judgement and each proposal must be assessed on its own merits taking into account location, characteristics of the site and its surroundings, the nature and intensity of the use proposed. The recommendation to the Committee is clear that it is the view of officers that the nature of the proposals are such that they can be supported.</li> </ul>

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				<ul style="list-style-type: none"> <li>• In terms of the comments from the AONB Joint Advisory Committee, I am satisfied that the report provides an accurate summary of their response. The need for a Noise Assessment was noted and comments in relation to proposed finishes, landscaping and lighting are all reflected within the report.</li> <li>• The Public Protection/Pollution Control Officer was content that the noise assessment is appropriate, accurate and properly undertaken.</li> <li>• Taking all matters of highway safety into account, the local highway authority expressed no objections and did not make any recommendations on highway grounds.</li> <li>• The planning enforcement complaint will be investigated in line with the Council's Planning Enforcement Policy</li> <li>• In relation to Protected Species, see further comments of NRW below.</li> <li>• All representations received by the LPA have been considered in reaching this recommendation.</li> <li>• I can confirm that the application was visited by the planning officers and also by Highways.</li> </ul>

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				<ul style="list-style-type: none"> <li>I am satisfied that all of the planning considerations have been set out within the case officer's report.</li> </ul>
6.1	063337 – A - DGJ	Erection of Small luxury boarding kennels (12 units total) at "Brookside", Black Mountain, Nercwys, Mold, Flintshire	Natural Resources Wales/Cyfoeth Naturiol Cymru 1.2.2022	<p>We understand this application is close to determination. Further to NRW's previous letter of 1/12/2021, we wish to add the following advice.</p> <p><b>Protected Species</b></p> <p>I confirm that NRW's Development Planning Advice Team has received an incident report relating to Cofnod records of Great Crested Newts within 1km of the application site.</p> <p>No information was submitted on protected species and the application site's immediate environs.</p> <p>We understand that the application site and its environs has not been subject to survey and assessment in respect of protected species. We understand that a pond is located within 50m of the boundary of the application site. Consequently, we consider that species of amphibian could potentially be impacted by the implementation of the proposals.</p> <p>As informed by Paragraph 6.4.22 of Planning Policy Wales (11<sup>th</sup> Edition), to ensure the safeguard and protection of any amphibians that may be present, we would welcome the imposition of a condition in respect of precautionary amphibian reasonable avoidance measures.</p> <p>If one or more great crested newts are found, we advise that works are immediately suspended and may only</p>

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				<p>resume on receipt of the appropriate licence issued by NRW under Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended).</p> <p><b>Response of Chief Officer</b></p> <p>In the light of the advice from NRW in relation to the potential for protected species to be within the immediate environs of the site, I propose to add the suggested condition to my recommendation to require the submission and agreement of suitable amphibian Reasonable Avoidance Measures to be employed during the course of any development at the site.</p> <p>I also propose to impose a note which reflects the advice of NRW in relation to the need for licences under Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended) should such EPS be discovered during the course of works.</p>
6.1	063337 – A - DGJ	Erection of Small luxury boarding kennels (12 units total) at "Brookside", Black Mountain, Nercwys, Mold, Flintshire	Council Ecologist 1/2/22	Ecologist confirms no formal COFNOD records for GCN exist within 500m of application site. Whilst noting the presence of a pond on site and more informal GCN records – it is considered that a pre –commencement condition to ensure protection of GCN population /terrestrial habitat can be imposed on any permission, to ensure protection of species through Reasonable Avoidance Measures (RAM's) and mitigation.

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				<p><b>Response of Chief Officer</b></p> <p>Recommend condition be imposed in accordance with Ecologist's advice (as per that suggested by NRW – see above)</p>
6.1	063337 – A - DGJ	Erection of Small luxury boarding kennels (12 units total) at "Brookside", Black Mountain, Nercwys, Mold, Flintshire	Chief Officer – (Planning, Environment & Economy)	<p><b>Typographical Error</b></p> <p>Paragraph 2.01 Suggested Condition 4 should read as amended in bold type as follows;</p> <p>4. Kennel building to be acoustically <b>insulated</b> and ventilated in accordance with noise report.</p>