Ein cyf/Our ref: CAS-268069-S6H5
Eich cyf/Your ref: P/2024/1399

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 09 December 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: OUTLINE APPLICATION FOR ERECTION OF 6 SINGLE STOREY HOLIDAY LETS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED)

LLEOLIAD/LOCATION: THE BOAT INN, ERBISTOCK, WREXHAM, LL13 0DL (Minor)

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 08 November 2024.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should provide over-riding reasons regarding flood risk and seek further information from the applicant regarding foul drainage and protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

Flood Risk

The planning application proposes highly vulnerable development (residential). Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls partially into Flood Zones 2 and 3 (Rivers).

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development and emergency services should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development or emergency services in Zone C2.

In our previous pre-application consultation response for a similar proposal for 5 chalets at the same location, dated 09/12/2022 (CAS-204335-G3M3), we advised your Authority to

consider if there are overriding reasons for the development at this location, which would be contrary to national planning policy. We note that no such overriding reasons accompany this application, therefore our advice remains the same.

In the first instance, your Authority should make a planning policy decision on the application. Therefore, unless we receive written confirmation from your Authority that you believe there are overriding reasons to consider granting planning permission, despite the site's location within Zone C2, we do not intend to review the submitted flood consequences assessment (FCA) and we would advise that your Authority should refuse the planning application on planning policy grounds.

We note that the submitted site plans show that only the access/egress and parking are at risk of flooding. The holiday units are situated on higher ground. Therefore, we advise that the overriding reasons should address flood risk concerns in relation to the access/egress and on-site parking. We also note that the existing overflow car park is included within the redline application boundary. We advise that, should overriding reasons be provided, clarification is also provided on whether this car park has existing planning permission or if it is part of this application.

The decision as to whether a development should be considered contrary to TAN15 policy is entirely a matter for your Authority. However, if you provide overriding reasons and require our advice, we request sufficient time to review the applicant's Flood Consequences Assessment (FCA). We will then provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15.

If the FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we would **object** to the application.

Please inform us, in accordance with advice in paragraph 11.7 of TAN15, if you are minded to grant permission for the above application contrary to our advice and allow sufficient time for further representations to be made before any consent is granted.

Flood Risk Activity Permit

Please advise the Applicant that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Dee, a designated "main river". Further advice and guidance is available on our website:

http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en

Protected Sites

River Dee and Bala Lake Special Area of Conservation (SAC)

Foul drainage

We note the application site is within the catchment of the River Dee and Bala Lake SAC. In line with our *Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation* (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on

water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note that no information has been submitted regarding the method of disposal of foul drainage. We also note that the site is not within a sewered area. As such, we refer you to our Advice and advise you to seek further information from the applicant as identified in the section titled: *'What does this mean for development proposals involving private sewage treatment systems'* of that Advice.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine. We therefore advise you to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity.

Water pollution

The application is located within 8m of the River Dee and Bala Lake SAC. From the information submitted, we consider that the proposal may affect the SAC and have identified pollution as a potential impact pathway to features of the site.

However, we consider the above pathway would not result in an adverse effect if the developer adheres to standard pollution prevention guidelines, as follows:
GPP 5: Works and maintenance in or near water | NetRegs
GPP 6: Working on construction and demolition sites | NetRegs

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), it is for your Authority to carry out the test of Likely Significant Effects for the proposed development. Should you conclude that the proposal is likely to have a significant effect on the SAC, either alone or in combination with other plans or projects, an appropriate assessment must be made of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify.

River Dee Site of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the River Dee SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

Protected Species

We note that the ecological report submitted in support of the above application (Land at The Boat Inn, Erbistock, Wrexham, Preliminary Ecological Appraisal, by Leigh Ecology, dated 5August 2024) has identified that protected species are not present at the application site. We therefore have no comments to make on the application as submitted and advise that you liaise with your own Authority's ecologist.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Rhys Jones
Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.