

Ein cyf/Our ref: CAS-235526-F8T8
Eich cyf/Your ref: P/2023/0389

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 24 August 2023

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Change of use from agriculture to dog walking site with all associated works.

LLEOLIAD/LOCATION: Land Off, Chester Road, Lavister, Rossett, Wrexham, LL12 0DF.

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 24 August 2023.

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 seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

Flood Risk

Flood Consequences Assessment

The planning application proposes less vulnerable development. Our Flood Risk Map confirms the site to be 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 into Flood Zones 2 and 3 (Rivers/Sea).

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the FCA undertaken by Roger Parry and Partners, dated May 2023. Our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

The submitted FCA provides clarification of the applicant's awareness of flood risk at the site. However, we advise that you seek confirmation that there will be no ground raising, importation of material or recontouring of ground that could impact on flood storage or flood flow routes.

If no further information is submitted, or a revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we object to this application.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Access to Flood Risk Management assets

The proposed development is located within 8 metres of Lavister Brook, a designated main river. We therefore 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 Lavister Brook. 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>

The extent of works proposed adjacent to the Lavister Brook and Lower Pulford Brook, both designated as main rivers and subject to routine maintenance by NRW, is not clear from the submitted information. Further information should therefore be sought on our following concerns:

- With reference to drawing number (77771 / RJC / 003) NRW requires access along the left bank (western side) of the Lavister Brook. Therefore, there should be no tree planting, or similar obstruction, proposed on the left bank which could hinder NRW's access.
- When the hedgerow matures, this could impose on the channel and hinder maintenance and impact flood flow routes when flows exceed channel capacity. The proposed hedgerow and security fencing adjacent to the Lavister Brook should therefore be set back at least 3 metres. Any future lateral movement/erosion of the channel should also not be hindered by fencing.

- Excavator access is also required around the old hedge line to reach the outfall near Pulford Bridge including a short section of Lavister Brook, which requires maintaining. There should be no fencing or similar obstruction to access proposed in this area.

Protected Sites

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments.

However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

Protected Species

We note that the Preliminary Ecological Appraisal submitted in support of the above application (Arbor Vitae, August 2023) did not identify any protected species as being present at the site. We have no further comments regarding protected species. .

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.

Advice for the Developer

Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to Guidance for Pollution Prevention 5: Works and maintenance in or near water, and Pollution Prevention Guidelines 6: Working at construction and demolition sites, which are available on the [NetRegs website](#).

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

Yn gywir / Yours faithfully,

Rhys Evans

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.