

FORMER BRYMBO STEELWORKS, BRYMBO (PLANNING APPLICATION REF: P/2020/0649)**BRIEFING NOTE IN RESPONSE TO WELSH WATER'S CONSULTATION RESPONSE DATED
22ND AUGUST 2023**

Further to receipt of Welsh Water's consultation response dated 22nd August 2023, this note sets out the previous agreed position with Welsh Water and Wrexham County Borough Council ('the Council'), and outlines suggested next steps to agree an acceptable quantum of development and to allow planning permission for this development to be issued without further significant delay.

Resolution to Grant

We received a Resolution to Grant at planning committee on 6th September 2021. In regard to foul drainage it was agreed that this would be dealt with via draft condition 11. Condition 11 is currently drafted as follows:

"No reserved matters application shall be approved by the Local Planning Authority and no development of that reserved matter site shall commence until a scheme for the disposal of foul water for that site and/or other identified part has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that:

a) No more than 300 units and primary school permitted under this outline permission shall communicate with the public sewer at or downstream of manhole SJ29538601.

b) A point of connection on the public sewerage system is identified by a hydraulic modelling assessment, which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the connection shall be made in accordance with the recommended connection options following the implementation of any necessary reinforcement works to the sewerage network as may be identified by the hydraulic modelling assessment. The scheme shall be implemented in accordance with the approved details prior to the communication of any flows with the public sewer network and shall be retained for the lifetime of the development.

Reason: To prevent hydraulic overloading of the public sewerage system, protect the health and safety of existing residents, ensure no pollution of or detriment to the environment and to ensure the site can be effectively drained in accordance with UDP Policy EC13."

This reflects the pre-application discussions with Welsh Water and their consultation response to the planning application dated 9th November 2020 (at **Appendix 1**).

Welsh Water Consultation Response dated 22nd August 2023

Shortly after receipt of the Resolution to Grant, the phosphates issue came to light and the planning application was held in abeyance. In July 2023 Natural Resources Wales ('NRW') completed the permit review for Five Fords WwTW and issued the new permit, confirming that the existing phosphorus consent limit of 1mg/l requires tightening to 0.7mg/l by 31st March 2030.

In light of the new permit, Welsh Water was reconsulted on all of the planning applications kept in abeyance by the Council. This response confirmed that Five Fords Wastewater Treatment Works has the capacity to treat the foul flows from the planning application sites currently being held in abeyance by the Council, whilst maintaining compliance with both the existing and the proposed phosphorus consent limit. However, the response does provide the following caveat:

“If we have previously responded to a planning application outlining that a hydraulic modelling assessment is required in order to ensure that the proposed development will not hydraulically overload the public sewerage network, this particular matter will still need to be addressed in order to ensure the foul flows from the proposed development site will not cause detrimental impact to existing customers and the environment.”

Following receipt of the consultation response we received an email from Matthew Phillips on 23rd August 2023 advising that as Welsh Water had previously required a hydraulic modelling assessment (condition 11(b)) that Welsh Water/the Council would now require this work to be completed prior to issuing the planning permission. As this was a standardised response to all applications in abeyance, there was no reference to the specific circumstances of the Former Brymbo Steelworks planning application and that, in any case, Welsh Water had already accepted no more than 300 homes and the primary school could be built and it was only the commercial elements that were impacted by this update.

We subsequently met with Matthew Phillips on 3rd October 2023. Following this discussion, we outline below a potential way forward which would avoid the need for a hydraulic modelling assessment (which would take approximately 10 months) and thereby allow the Council to proceed with granting outline planning permission for the proposed development of this site.

Next Steps

The Former Brymbo Steelworks planning application (as submitted) includes the following quantum of development:

- Up to 300 residential dwellings (Use Class A3)
- Primary School (2FE)
- Foodstore (up to 930 sqm) (Use Class A1)
- Retail (up to 465 sqm) (Use Class A1)
- Pub/Restuarant (up to 372 sqm) (Use Class A3)
- Health Care (up to 465 sqm) (Use Class D1)

The proposed development therefore includes a total of 2,232 sqm of commercial development.

As per Welsh Water's consultation dated 9th November 2020 (at Appendix 1), Welsh Water have already agreed that up to 300 units and the primary school can communicate with the public sewer at or downstream of manhole SJ29538601.

Wardell Armstrong, working on behalf of Brymbo Developments Limited ('BDL') have advised that each residential unit contributes the same foul drainage as 833 sqm of commercial development. On that basis, $2,232 / 833 = 3$ residential dwellings. Hence if BDL were to propose that the residential units are limited to 295 (allowing for a factor of safety) the foul drainage from the overall development would have the same impact on the network as the 300 houses and the school. Welsh Water's calculations may differ slightly from the quoted 833 sqm but the principle of substitution should still apply.

We therefore suggest that that the quantum of development should be amended as follows:

- Up to 295 residential dwellings (Use Class A3)
- Primary School (2FE)
- Foodstore (up to 930 sqm) (Use Class A1)
- Retail (up to 465 sqm) (Use Class A1)
- Pub/Restuarant (up to 372 sqm) (Use Class A3)
- Health Care (up to 465 sqm) (Use Class D1)

As we have reduced the quantum of residential development, we consider that the amended levels of development can now be accepted by Welsh Water (without the requirement for a hydraulic modelling assessment) and the entire development can therefore communicate with the existing public sewer at or downstream of manhole SJ29538601.

On this basis, we consider that the number of residential dwellings should be limited to 'up to 295' and the Council should proceed with issuing the planning permission on this basis (subject to the completion of the Section 106 Agreement and necessary amendments to condition 11).

If there are any questions, please do not hesitate to contact me or my colleague, Kathryn Ventham.

JODI STOKES
Senior Planner