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23/09/2021

Annwyl Matthew Phillips,

**BWRIAD / PROPOSAL: DISCHARGE OF CONDITIONS 6, 7, 8, 9 10, 14 AND 15 OF
PLANNING PERMISSION P/2018/0560 AND RESERVED MATTERS APPLICATION**

**LLEOLIAD / LOCATION: NORTH AND SOUTH OF LANE FARM ROSSETT ROAD
TREVALYN**

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above with additional information, which we received on 31/08/2021.

We have concerns with the application as submitted. We do not recommend your Authority discharges condition 7 for the following reasons. We have no objection to the discharge of condition 10 and 15. We have no observation to make with regards to conditions 6, 8, 9 and 14.

Foul Drainage

- Condition 7

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 phosphate levels for all river SACs across Wales. As part of this package, we issued a [Planning Position Statement](#), in which we advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We have also issued [Planning Advice](#) (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that the development has the potential to increase the volume or concentration of wastewater and associated phosphate levels being discharged from the site via mains sewer connection. However, we note that a submitted letter (Betts Hydro dated 15/07/2021) that references an email from Welsh Water dated

12/07/2021 as well as further correspondence from Welsh Water with your Authority (dated 21/09/2021) which confirms the development site would drain to Lavister Wastewater Treatment Works, which has capacity to treat the additional wastewater and phosphorus from the proposed development within the existing discharge permit limits.

As per our [Planning Advice](#), development connecting to an existing public wastewater treatment works that has the capacity and associated phosphorus stripping facility to accommodate additional wastewater is unlikely to increase phosphorus inputs to a SAC beyond what has already been assessed and permitted by NRW. However, your authority, should examine the appropriate assessments carried out in respect of the extant environmental permit(s), along with any new information or changes in circumstances, to ensure that adverse effect on site integrity can be ruled out.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

Should your Authority conclude that the proposal is likely to have a significant effect on the River Dee and Bala Lake SAC, please consult us on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Protected Species

Protected species and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

We note the ecological submissions and the comments in respect of Great crested newts (GCN). We are in agreement with recommendations regarding GCN reasonable avoidance measures and no licences are required as the proposal stands.

- Condition 7 (Drainage)

We understand that the Sustainable Drainage Systems (SuDS) Scheme includes infiltration basis, and advise that the submitted scheme include regular amphibian monitoring of SuDS ponds; and it should be noted that if GCN are recorded in SuDS ponds, maintenance and management works will need to be carried out under licence.

- Condition 10 (Construction Method Statement)

We note the submission in relation to construction method statement and are satisfied with the level of detail and have no further comments.

- Condition 15 (Lighting)

We note the submissions relating to the lighting and are satisfied with the level of detail and have no further comments.

Flood risk

We have reviewed the updated Flood Consequences Assessment (FCA) (ref: HYD554_ROSSETT.ROAD_FCA, Rev 3.0, August 2021) and Hydraulic Assessment (HA) (ref: HYD554_ROSSETT.ROAD_HA, Rev 2.0, August 2021) which have been prepared in response to our comments dated 27/07/2021. We have also undertaken a review of the hydraulic model used by the consultant to assess the impacts on third parties (please see Appendix 1).

Our comments on the FCA are as follows:

The FCA has been updated to clarify the flood risk posed to the site in the design event when considering the requirements of A1.14 of TAN15, which is the 1% Annual Exceedance Probability (AEP) event with a 25% blockage and a 20% allowance for climate change. The FCA (Section 5.1.17) explains that flooding of the site is not expected in the design event; this is supported by drawing HYD554/131/A in the modelling report, which indicates no flooding of the site in this event. The FCA recommends that finished floor levels are set 150 mm above existing ground levels. A proposed finished floor level plan is provided in Appendix J. The FCA therefore demonstrates compliance with the requirements of A1.14 of TAN15.

The FCA has assessed the 1% AEP event with a 80% blockage and a 25% allowance for climate change as a sensitivity event. Appendix G indicates that some properties in the southern parcel and one property in the northern parcel would be at risk of flooding in this event, with flood depths generally between 0.20 and 0.40 m metres for the properties, and flood depths generally below 0.6 m across the entire site, based on the existing scenario. In the 0.1% AEP event with a 25% blockage, the FCA demonstrates that the flood depths across the site are below 0.6 metres. The flood depths posed to the properties during these events are therefore in accordance with the requirements of Table A1.15, which allows a tolerable depth of flooding of up to 0.6 m. The information presented in respect to flood velocities is limited; the model outputs show that flood velocities across the site are less than 0.25 m/s, but it is not clear whether the flood velocities for the properties comply with the tolerable threshold of 0.15 m/s outlined in Table A1.15 of TAN15. 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.

In respect to the impacts on flood risk elsewhere, the proposed mitigation strategy has been amended in the updated submission. The previous scheme relied on two landscaped bunds on the northern and eastern boundaries of the site, which would have retained floodwaters on site. The updated scheme presents a strategy where flood flows are routed towards the south of the site and includes the provision of a flood storage area adjacent to

the southern boundary of the site. The modelling report outlines that based on the new strategy, no increases in flood risk elsewhere are expected (Figure 6 of the HA). However, when reviewing the model, we have identified an isolated area of increased flood risk to one of the properties bordering the site (please see attached screenshot). This shows that increases of up to 50 mm in flood depth would be expected for this garden, which would not comply with the principles of A1.12 of TAN15 which requires no increases to flood risk elsewhere. We advise that options should be investigated to remove this increased flood risk, which could involve landscaping the site to prevent any floodwaters from spilling over the site boundary into the garden, or investigating whether removal of the nearby housing plot would increase storage and prevent this detriment.

However, we do acknowledge that effort has been made to manage the impacts of the development on flood risk elsewhere, and the identified area of increased flood risk is isolated in nature. Taking into account the context of the mitigation measures proposed, your Authority may consider the identified detriment to be acceptable, however, we do advise that the identified detriment is against the principles outlined in A1.12 of TAN15.

We note that limited detail has been provided in respect to the design of the proposed flood storage area/basin. We would expect detailed design/construction drawings and sections to be submitted for the basin in support of a Reserved Matters/discharge of condition application, unless your Authority is willing to secure these details through a suitably worded condition. If this cannot be conditioned then we request detailed design/construction drawings and sections to be submitted prior to determination of the application.

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,

Siôn M. Williams

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

Appendix 1:

Hydraulic model

A full model review has not been undertaken as this version is an update of an existing NRW model. The review has focused on the changes made by the consultant to assess the impact of the proposals on flood risk elsewhere. The following comments are colour coded according to NRW's Guidance Note (GN) 028 Modelling for FCA's checklist.

Green – No change necessary (suggestion for improvement / good practice but which is unlikely to change the model outcome)

Amber – Preferred but not compulsory (non-standard method or method not following guidance but unlikely to have impacted on model results)

Red – Change needed (omission/error that could make the model findings subject to challenge and which requires correction/further work)

Model Files / Data management

- Modelling folders should be cleaned up before supplying to NRW as this aids the review process:
- Several versions of the .tcf have been supplied without any explanation of differences or confirmation of the final version to be reviewed.
- Results provided for model versions BH03, BH18 and BH26 again with no model log provided to explain each version.
- All superseded and unused model files should be removed from the folders before supplying to NRW e.g. superseded DTMs, material files and proposed development layout z layers provided.

Materials

- The .tmf has not been provided, therefore NRW have been unable to check roughness values applied. The .tmf referenced in the .tcf is the ROSS_001.tmf, the same as in the NRW model, hence it has been assumed that no changes to the roughness have been made. **The consultant has since confirmed in writing (email dated 22/09/2021) that this assumption is correct.**
- The roughness applied to the proposed materials file (2d_mat_Proposed_BH01.shp) does not match the development layout. In addition it is lacking in detail e.g. buildings only, hence default roughness applied to roads etc.

General comments

- Climate change allowance (CCA) reporting and modelling are inconsistent between 20% and 25%. At times 25% is reported for the climate change allowance (see page 5, section 3.2.1 and page 6 section 4.2.1 of the Hydraulic Assessment report).