

From: Matthew Phillips
Sent: 03 December 2018 09:20
To: planning_admin
Subject: FW: P/2018/0426

NRW response

From: Davies, Daniel [mailto:Daniel.Davies@cyfoethnaturiolcymru.gov.uk]
Sent: 03 December 2018 09:12
To: Matthew Phillips
Subject: RE: P/2018/0426

Hi Matthew,

Apologies for the delay in responding to this. I have received the following advice from the Development and Flood Risk Team:

As you are aware the site lies partially in Zone C2 as defined by the Development Advice Map (DAM) referred to in TAN15: Development & Flood Risk. For your awareness, NRW is currently conducting a Wales-wide National Flood Risk Assessment study to improve our understanding of flooding risks for all communities across Wales. Initial outputs from this study confirm that flood risk remain relevant at this site. Indeed, the initial outputs indicate that the flood extents are greater at this site than that currently shown by the published Flood Map. Our work to update the published Flood Map and the Development Advice Map following completion of this study has not yet commenced, and it will take some time to complete (most likely over the next 12 months).

As it stands, there are two main flood risk considerations at this site:

- Zone C2 policy constraints i.e. TAN15 requires that no Highly Vulnerable Development should be permitted in Zone C2. Recent advice from Welsh Ministers and the Planning Inspectorate indicate that no amount of flood risk mitigation is considered appropriate in addressing the policy issues surrounding highly vulnerable development within Zone C2.
- The FCA produced in 2011 requires updates (see below)

The 2011 Flood Consequence Assessment submitted should ensure that the following documents are used in any updated FCA

- GN008 Flood Estimation Technical guidance – Provides good practice to produce flood estimates to be used in hydraulic modelling <http://www.naturalresources.wales/media/684119/gn008-flood-estimation-technical-guidance.pdf>. Method of estimating flows has been updated since 2011.
- Climate change allowances were updated in December 2016. It is unclear as to which values were used for CCA's in the 2011 FCA since Appendix B was not included in the FCA. Current WG guidance can be viewed at <https://gov.wales/topics/planning/policy/policyclarificationletters/2016/cl-03-16-climate-change-allowances-for-planning-purposes/?lang=en>
- OGN100 advises on Modelling blockage and breach scenarios and was issued in February 2015. It is noted that 2011 study has used a differing blockage proportion. <http://www.naturalresources.wales/media/684120/ogn100-flood-risk-management-modelling-blockage-and-breach-scenarios.pdf>
- Has the modelling software been updated/improved to that used in 2011?

The Applicant/Developer is able to challenge the current Flood Map and this may result in changes to the Development Advice Map. There is a formal process to go through to challenge/change the flood map, and further guidance (see GN029: Flood Map Challenge) is available on our website. NRW would need to be satisfied that the

flood risk evidence is robust enough, and suitable for the purposes of updating our mapping, before confirming that we accept the flood map challenge and modify maps accordingly.

<http://www.naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/development-and-flood-risk/?lang=en>

I trust this is of assistance. Please let me know if you need any clarification on the points above.

Thanks,
Daniel

From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>
Sent: 19 November 2018 15:16
To: Davies, Daniel <Daniel.Davies@cyfoethnaturiolcymru.gov.uk>
Subject: RE: P/2018/0426

Dan,

Thanks

Matthew

From: Davies, Daniel [<mailto:Daniel.Davies@cyfoethnaturiolcymru.gov.uk>]
Sent: 19 November 2018 14:50
To: Matthew Phillips
Subject: RE: P/2018/0426

Hi Matthew,

Sorry I've not responded sooner, I was out of the office unexpectedly at the end of last week. I've asked flood risk about the accuracy of the area of C2, however I suspect that any doubt regarding the Dam maps would need to be dealt with via a floodmap challenge (which I understand isn't a straightforward or quick process). I'll get back asap regarding this, and what advice we would be able to supply if the FCA remains unamended.

Thanks,

Dan

From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>
Sent: 16 November 2018 08:35
To: Davies, Daniel <Daniel.Davies@cyfoethnaturiolcymru.gov.uk>
Cc: North Planning <NorthPlanning@cyfoethnaturiolcymru.gov.uk>
Subject: RE: P/2018/0426

Dan,

The committee resolution is as follows:

That consideration of the application be DEFERRED to allow the Head of Environment and Planning time to seek further technical advice from NRW in respect of any additional technical assessments required and/or flood mitigation requirements in the event of planning permission being granted so that the application could be considered by the Committee on the basis of the fullest information possible.

If we had to go back to committee for further instructions then we are going to delay matters further – although I am not suggesting that isn't an option. However my previous correspondence has been framed in terms of the instructions committee have given us.

The applicant's agent is reluctant to commission and update to the previous FCA because of the uncertainty over the outcome. The one point he has made to me is that the previous FCA suggested that the C2 boundary in the vicinity of the site was incorrect and suggests it should be classified as Zone A or zone B. I have discussed this with the agent and I think from his/the applicant's perspective they would very much like a view on that part of the FCA.

Regards

Matthew

From: Davies, Daniel [<mailto:Daniel.Davies@cyfoethnaturiolcymru.gov.uk>]
Sent: 13 November 2018 15:07
To: Matthew Phillips
Cc: North Planning
Subject: RE: P/2018/0426

Matthew,

We would request that the LPA, presumably via planning committee, clarify what the over-riding planning reasons are for being minded to "approve" this application contrary to TAN15 (in line with the guidance in our pilot project response). This should be received before we enter into detailed discussions / meetings about the FCA. It may be worth referring the applicant to the comments we provided previously regarding the 2011 FCA (our response dated 11/06/2018). They identify the additional work that would be required to the FCA. It's clear that additional work is required, and that there are no guarantees that any updated FCA will be able to demonstrate that the consequences of flooding can be acceptably managed over its development lifetime. However, reference to our previous comment at least gives the applicant the option to begin work on amending the FCA. Does this seem like an appropriate way forward?

Thanks,
Dan

From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>
Sent: 12 November 2018 14:17
To: Davies, Daniel <Daniel.Davies@cyfoethnaturiolcymru.gov.uk>
Subject: FW: P/2018/0426

Dan,

Sorry to follow this one up. Did you hear back from your flood risk colleagues?

Regards

Matthew

From: Matthew Phillips
Sent: 06 November 2018 10:34
To: 'Davies, Daniel'
Subject: RE: P/2018/0426

Dan,

They didn't give a specific indication, however I think the general feeling was one of sympathy with the applicants so for the purposes of how we take matters forward I think we should work on the basis that they would grant when it goes back to committee.

I am not expecting NRW to change their advice and I am not planning to change my recommendation. I think we should very much stick with the position that notwithstanding the previous decision, the proposals do not accord with TAN15. However I would like to be in a position that when we go back to committee, Members at least have something to work with.

Regards

Matthew Phillips

Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Davies, Daniel [<mailto:Daniel.Davies@cyfoethnaturiolcymru.gov.uk>]
Sent: 06 November 2018 08:46
To: Matthew Phillips
Subject: RE: P/2018/0426

Hi Matthew,

I'll need to get some advice from flood risk colleagues regarding the best way forward. Did the members indicate they were minded to grant planning permission (subject to further advice from NRW), or did they not reach a conclusion?

Thanks,
Dan

From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>
Sent: 06 November 2018 08:35
To: Davies, Daniel <Daniel.Davies@cyfoethnaturiolcymru.gov.uk>
Subject: P/2018/0426

Dan,

I took the Bradley Mill application to committee last night – copy of the report attached. Members have deferred the application in order to seek NRW's advice as to what would be required were permission to be granted.

I have been contacted by the agent this morning requesting that a meeting be arranged to be attended by him, myself as well as NRW officers.

The purpose would be, in my opinion, to scope out what (if any) further technical assessments the applicants need to provide, for example, do they need to update the previous FCA and secondly what flood mitigation measures would you expect to see incorporated into the development. You may recall the previous permission included a condition in respect of minimum floor levels.

In terms of how we would proceed post-meeting I am very much of the view that when the application is reported back to committee, it should be on the basis of what I have set out in the attached report, but setting out what NRW would expect to see incorporated into the decision in the event that Members were minded to overturn the recommendation.

Do you think all of the above is a reasonable way forward, and if so, who would I need to contact to arrange the meeting?

Regards

Matthew Phillips

Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

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