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19/10/2021

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 07/10/2021.

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 information submitted by Betts Associates (HYD554/RossettRoadRossett/DK/NRW/L01).

The letter explains that some options for removing the increased flood risk to the property adjacent to the western boundary of the site have been investigated, including some changes to road levels to facilitate the flow of floodwater away from the adjacent housing. Whilst this has improved things slightly, Figure 2 still demonstrates that the adjacent property would be at increased flood risk, with increased depths of up to 36 mm. This does not comply the principles of A1.12 of TAN15 which requires no increases to flood risk elsewhere. The letter argues that the 3 m grid used in the model is not refined enough to categorically say that the increased flood risk would cross the property boundary. However, the model uncertainties have not been quantified.

We advise that further work is still needed to address the increase in flood risk shown to the property. This could include the following:

- Providing a raised feature/bund along the boundary to prevent the increased flood risk from reaching the adjacent property.
- Changes to the proposed layout to remove the offsite impact.
- Submission of evidence to support the argument that the neighbouring property may not be impacted. This could involve a sensitivity assessment of the cell size for instance.
- Seeking landowner agreement from the impacted third party/parties that they are willing to accept increased flood risk to their property/land.

We also note that the letter states that a condition can be included on the planning consent which requires the detailed construction drawings for the flood storage area to be submitted prior to construction. As outlined in our previous response, 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. We request confirmation from your Authority as to whether this matter can be conditioned or not.

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