



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-16261-C1L0
Eich cyf/Your ref: P/2016 /0198

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Philip Forster
Planning Control Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Date: 18th March 2016

Dear Mr Forster,

**DEMOLITION OF EXISTING DWELLING, ERECTION OF
CUL-DE-SAC OF 11 NO. DETACHED DWELLINGS AND CONSTRUCTION OF NEW
VEHICULAR ACCESS
PACKSADDLE BANK, WREXHAM ROAD, PENTRE BYCHAN, LL14 4DS**

Thank you for consulting us on the above planning application, which we received on the 3rd March 2016.

We have no objection to the application, but recommend that the following flood risk and ecological conditions are included within any permission:

Flood Risk

The proposed development is located partially within Zone C2, as defined by Welsh Government's Development Advice Map referred to under TAN15: Development & Flood Risk. Our Flood Map shows that the site lies partially within Flood Zone 3, which is land assessed as having a high annual probability of flooding from rivers and the sea.

We would refer your Authority to Welsh Government's recent correspondence to all Chief Planning Officers in Wales (their ref: WG0701-14, 09 January 2014 (<http://gov.wales/topics/planning/policy/dear-cpo-letters/flood-risk-and-insurance-changes/?lang=en>)). The letter clearly makes reference to paragraph 6.2 of TAN15, which states that "*highly vulnerable development (e.g. housing) should not be permitted in Zone C2*".

Your Authority may also wish to review the contents of Welsh Government's Circular Number 07/12 (30 July 2012), which is likely to be of relevance in the determination of this planning application:

<http://gov.wales/topics/planning/policy/circulars/welshgovcirculars/wgc072012/?lang=en>

Notwithstanding the above, we have undertaken a review of the submitted Flood Consequences Assessment (FCA) (Richard Broun Associates limited, 5009, February 2016) and the Applicant's Design & Access Statement and we have the following observations.

During previous planning consultation correspondence at this site, we advised that detailed hydraulic and hydrological modelling should be undertaken within any FCA to more accurately assess and refine our understanding of potential flood risks associated with Pentrebychan Brook to the development proposals. The Author of the FCA has made a case that such work would be non-beneficial because the developable parts of the application area are in the order of 5 metres above river bed level adjoining the application site. They also suggest that surrounding topographic levels dictate that any flood waters associated with blockage of the Wrexham Road culvert would spill in a southerly direction towards the Dee Valley Water site and ultimately over Wrexham Road without affecting the developable areas of the site. Again, topographic levels on Wrexham Road adjoining the eastern boundary of the site are stated to be in the order of 4 to 5 metres below the developable portions of the application site.

It is unfortunate that comprehensive modelling of Pentrebychan Brook has not been undertaken as part of the FCA as this would improve our understanding of the flood risks at the site and enable the applicant to demonstrate that fluvial flood risk could/should be fully discounted. However, recognising the significant differences in topography between the site, the watercourse and Wrexham Road, we believe the flood risks could be acceptable if the following planning conditions be imposed on any planning approvals:

Finished Floor Levels – as specified in Applicant's Design & Access Statement

Condition: The development hereby permitted shall not be commenced until such time as a scheme to ensure that Finished Floor Levels are set no lower than 117.0 metres above Ordnance Datum (AOD).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Flood Storage / Flood Flow Routes

The Applicant has submitted a site layout plan as part of this application. The layout suggests that there is to be no development on, or in immediate vicinity of, the site's existing access track. It is possible that under flood conditions, particularly if there was blockage of the Wrexham Road culvert/bridge, that flood waters could spill onto the existing site's access track at its boundary with Wrexham Road. It will be of importance that the development protects the functionality of this area. We would therefore request that a suitably worded condition (such as the one provided below) is imposed on any planning approvals.

Condition: The development hereby permitted shall not be commenced until such time as a scheme to ensure that there is no raising of ground levels on, or in vicinity of the existing access road/track at its boundary with Wrexham Road, has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To prevent flooding elsewhere by avoiding a loss of flood plain storage and to avoid an adverse impact of potential flood flow routes.

Management of Surface Water Runoff

We recommend that a condition is imposed to ensure that a scheme to dispose of surface water is submitted to and approved in writing by your Authority, to ensure effective management of surface

water run-off resulting from the proposed development. As they fulfil the role of Lead Local Flood Authority, we recommend that you contact your Drainage Department for further advice in relation to this. We advise that any proposed scheme should ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates. Details of adoption and management should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development.

We request that we are consulted on any details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations (including any condition related to a surface water management scheme). We will usually limit our comments to reviewing the acceptability of the proposed discharge rate as well as the suitability of the discharge point / receiving watercourse.

Emergency Access & Egress

Although not clearly discussed in the FCA, it is possible that under flood conditions, flood waters could spill onto Wrexham Road from the channel of Pentrebychan Brook. As such, it is important to recognise that emergency access and egress to and from the development site could be compromised under such conditions. There is no information within the FCA to address this matter and the 4 tests in A1.15 of TAN15 have not been discussed.

Therefore, given the nature of the proposed development your Authority may wish to consult other professional bodies on the acceptability of the developer's proposals on matters such as emergency plans and procedures.

Ecology

We note that an ecology report submitted in support of the above application (Roe, R. (2016). Packsaddle Bank, Pentre Bychan, Wrexham: Updated Ecological Survey. Kingdom Ecology. Unpublished) has identified that bats are present at the application site. Furthermore, information in the bat report shows that this is a lower risk case for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they are a material consideration for planning. The Regulations allow developments that would be likely to result in disturbance or harm to bats, but only if they meet the following 3 conditions for a licence from Natural Resources Wales:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed

development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the bat report concludes that the proposal is likely to impact adversely on the bats present at this site and, therefore will need a licence. However, because this is a lower risk case, we consider that the development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, provided that the avoidance and mitigation measures described in the report are implemented.

We therefore recommend that:

- all avoidance and mitigation measures described in the bat report being set out in a method statement and secured through planning conditions and/or a Section 106 agreement; and
- inclusion of a planning condition to any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to proceed, or Natural Resources Wales has informed the applicant that such a licence is not required.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect the bats on this site, you would need a revised bat report that took account of such changes. Please consult us again if a revised bat report concluded that this is no longer a lower risk case. Otherwise, our standard advice for lower risk cases would still apply and we would recommend that you secured the avoidance and mitigation measures described in the revised bat report.

Please also note that any changes to plans between any planning permission and the licence application may affect the outcome of a licence application.

Other relevant comments

The proposal is within or may affect a Landscape of Outstanding/Special Historic Interest. While this is not a statutory designation, chapter 6 of Planning Policy Wales (PPW) states that it is a material consideration in the planning process and must be given due regard when reaching a determination.

Any waste excavation material, demolition, or building waste generated in the course of the development must be disposed of satisfactorily in accordance with duty of care requirements under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years.

The applicants must minimise discolouration to the watercourse from the construction works. Silty water should be treated, either through the use of settlement lagoons, or tanks, or discharged across a grassed area. For work in river channels the use of coffer dams is recommended, to keep river water out of the working area. River crossings must be kept free from mud or dust deposits. Oil and chemical storage must be kept away from the watercourse, on an impervious base, within a bund, and secured. Absorbents or a suitable spill kit must be kept on site for use in the event of an emergency. NRW should be notified immediately of such an occurrence. The mixing, use and washing of machinery and shuttering of wet concrete and cement must be carefully controlled to

minimise the risk of any material entering the watercourse. The applicant is advised to follow the guidance within Pollution Prevention Guidance Note 5 "Works and maintenance in or near water", available from the NetRegs website.

Where a condition has been imposed which has been suggested by NRW or which meets NRW's objective, the Local Planning Authority should consult with NRW to secure compliance with the condition prior to its discharge. A copy of the subsequent decision notice would be appreciated.

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

Swyddog Cyswllt Cynllunio / Planning Liaison Officer

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Deialu uniongyrchol/Direct dial: (0300) 065 3786 **Siaradwr Cymraeg / Welsh Speaker** 

cc: PDP Architects