

Rhys Rigby
The Planning Inspectorate
Crown Buildings
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Date: 22nd January 2015

Dear Mr Rigby,

**APPEAL - Outline application for residential development (up to 52 houses) with all detailed matters reserved for further approval
Land North of Minera Hall Road, Minera, Wrexham, LL11 3YD**

We refer to the above appeal, and to your letter dated 11th December 2015.

In our view, the proposal will not be detrimental to the maintenance of the favourable conservation status for any local populations of European or British protected species.

In addition to the above, one of the reasons for refusal (reason 2) of the planning application was that "the omission of any information to demonstrate that the consequences of flooding has been suitably examined". Within the appellants' Grounds for Refusal document, the appellant state that they were "not made aware of the consultation response from NRW during consideration of the planning application and therefore did not have the opportunity to address this issue". We disagree with this statement, as the applicants were copied in to the email by which NRW's response was sent to the Local Planning Authority, on the 12th May 2015.

Flood Risk

The site lies entirely within Zone A, as defined by Welsh Government's Development Advice Map as referred to in TAN15: Development & Flood Risk. According to Section 4.2 (Figure 1) of the TAN, Zone A is used to indicate that the Justification Test is not applicable and that there is no need to consider flood risk further. However, section 11.1 of TAN15 also indicates that that an FCA would be required "in all other zones where flooding is identified as a material consideration". With this in mind, and prior to the determination of the planning application, we advised Wrexham County Borough Council that a Flood Consequences Assessment (FCA) should be produced to support and inform the development proposals. The purpose of the FCA should be to:

- Examine any potential flood risks to the site, and to the proposed development (and future occupants), associated with the watercourse/drain that bounds and runs through the site. A culvert blockage assessment should also be undertaken to assess the potential flood risks that may arise should there be blockage/failure of local culvert structures (A1.6 of TAN15)

- Examine how surface water runoff from the proposed development will be sustainably managed so as not to increase flooding risks on site and/or offsite (Section 8.3 of TAN15).

It appears that an FCA has now been submitted to The Planning Inspectorate as part of the Appeal submission. This report was not submitted to the Local Planning Authority during the determination of the planning application. We have reviewed the contents of the FCA (Kane Design, 1244-FCA, 14 October 2015) and have the following observations:

a) Flood Risk to the site associated with the watercourse/drain that bounds and runs through the site

- The FCA has indicated that the peak “100 year” flow would be 19 litres per second. Whilst we accept that peak flows are likely to be relatively low, due to the limited size of the watercourse’s catchment, we are unsure as to how this figure has been derived and whether the figure is realistic given the limited discussion of this issue within the report. Our advice would be that this requires further clarification and consideration within the FCA in the form of a technical hydrological assessment. The effects of increased river flows as a result of climate change (Annex E, part 8 of TAN15) should also be assessed.
- We note from the “Proposed Illustrative Layout Plan” that an access road would be required to cross the un-named watercourse passing through the development site. We presume a culvert structure (or similar) would be required to achieve this. The FCA has not assessed the potential flood risks associated with this new hydraulic structure. For example, if a culvert were to be constructed, what would the flood risks be to the site and development (including emergency access and egress from this portion of the development site) were it to become blocked and/or fail under flood conditions? Could the properties to the east of the watercourse be marooned (i.e. unable to use the access and egress route) under extreme flood conditions? It is our view that this requires further discussion and assessment within the FCA. Please also note that any proposal to culvert the watercourse would require the prior written consent (s.23 of the Land Drainage Act, 1991) of Wrexham County Borough Council, who are the Lead Local Flood Authority.
- The FCA proposes to incorporate an “overflow / low area” around the existing culvert inlet, which could be affected by flooding, particularly under blockage flood conditions. It is unclear as to how the extent of this area has been derived i.e. how flood levels have been derived and how flood levels have been projected across the site to establish this “flood zone”. The proposed illustrative site layout shows that properties would be located in close proximity to the watercourse and culvert structure(s). It would be advisable for any new dwellings in vicinity of the watercourse to have elevated finished floor levels (e.g. 600mm above local ground levels) to reduce the risk of potential flooding the properties, but care must be taken not to result in the loss of potential flood plain storage, which could unacceptably increase flood risk elsewhere.

b) Surface Water Drainage

The FCA has demonstrated that there is a viable means of surface water disposal from the development site. The Applicant/Developer proposes to direct surface water to the watercourse/drain on the south eastern boundary of the site at a restricted runoff rate, so as to “mimic” existing site conditions and hence avoid increased flood risks elsewhere. Surface water attenuation is to be provided on site. We are satisfied with the calculation of the existing and proposed “greenfield” runoff rates. The Local Authority’s Drainage Department, who act as Lead Local Flood Authority (LLFA), should be contacted for advice on the design requirements for any proposed surface water drainage proposals associated with development on site. They would also advise on whether any conditions would be required to secure the implementation of an effective surface water drainage scheme.

Conclusion

The Appellant has provided insufficient information within the FCA, to demonstrate that the consequences of flooding can be acceptably managed.

In view of the above, we respectfully request that the Inspector dismisses the Appeal.

Yn gywir / Yours' faithfully,

A large black rectangular box redacting the signature of Mr. Gareth Thomas.

Mr. GARETH THOMAS

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