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Wrexham County Borough Council,
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16/07/2021

Dear Sir/Madam,

PROPOSAL: OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR UP TO 7 DWELLINGS

LOCATION: LAND AT MILL BROOK CLOSE, LAVISTER, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 01/07/2021.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should provide overriding reasons in respect of flood risk and seek further information from the applicant regarding foul drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

Flood Risk

The planning application proposes highly vulnerable development (up to seven dwellings). Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15.

We refer you to Section 6 of TAN15 and the Chief Planning Officer [letter](#) from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development and emergency services should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development or emergency services in Zone C2.

In the first instance, your Authority should make a planning policy decision on the application. Therefore, unless we receive written confirmation from your Authority that you believe there are overriding reasons to consider granting planning permission, despite the site's location within Zone C2, we do not intend to comment on the risks and consequences of flooding and we would advise that your Authority should refuse the planning application on planning policy grounds.

The decision as to whether a development should be considered contrary to TAN15 policy is entirely a matter for your Authority. However, if you provide overriding reasons and require our advice, we advise you there is no flood consequences assessment (FCA) supporting the planning application and this will be required to assess compliance with test iv (in paragraph 6.2). We will then provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15.

If the FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we would object to the application.

Please inform us, in accordance with advice in paragraph 11.7 of TAN15, if you are minded to grant permission for the above application contrary to our advice and allow sufficient time for further representations to be made before any consent is granted.

Finally, as your Authority will be aware, under the Town & Country Planning (Notification) (Wales) Direction 2012 and more specifically Category I relating to Flood Risk Area Development, where the Planning Authority is minded to grant permission, there is a requirement to refer applications for emergency services or highly vulnerable development within Zone C2 to Welsh Government.

Foul Drainage and Protected Sites

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 phosphorus 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 (or phosphorus) 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 amount of phosphorus being discharged from the site. As such, we refer you to our [Planning Advice](#) and advise you to seek further information from the applicant regarding foul drainage, as identified in the bullet point list given in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' of that advice.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Protected Species

We have reviewed the following submission:

- Stirling, P. (2021). Preliminary Ecological Appraisal: Mill Brook Close. Arbor Vitae Environment Ltd. Unpublished

The Preliminary Ecological Appraisal includes the following conclusions:

It is unlikely that bats use the site and the proposals will have no impact upon this group....
...The proposed development will have no impact upon GCN [Great Crested Newt] and no further survey work is required....
...There was no evidence to suggest that otters are using Mill Brook and it is unlikely to provide feeding opportunities for this species. The channel might be used occasionally for commuting individuals and should therefore remain free from disturbance including direct interference and illumination...

We have no further comments to provide on this aspect.

Groundwater

Please note that the site is located within a Source Protection Zone (SPZ). The SPZ should be considered when designing and installing the drainage system. Given the potential volumes generated by the development an Environmental Permit will be required. We would advise the applicant to see our website for more details on Environmental Permit requirements: [Natural Resources Wales / Protecting groundwater](#)

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.

Yours faithfully,

Tristan Williams

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