

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

27/07/2021

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 05/07/2021.

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 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 FCA (ref: HYD554_ROSSETT.ROAD_FCA, Rev 2.1, June 2021) which has been prepared in response to our comments dated 28/05/2021. We provide the following comments on the FCA:

- The FCA has been updated to refer to the 1% Annual Exceedance Probability (AEP) event with a 25% blockage and a 20% allowance for climate change as the design event when considering the requirements of A1.14 of TAN15. However, there is a discrepancy between the FCA text, and the model outputs included in Appendix I. The FCA states that the site is considered to be at flood risk in this event, and that finished floor levels have been raised above expected flood levels. Contrary to this, the model output plot showing the flood risk associated with the 1% AEP 25% blockage event with allowance for climate change (drawing HYD554/131/A) indicates that no flooding of the site is expected. The FCA needs to clarify this point by either updating the text in the main body of the report or to show the correct modelled flood outline in the Appendix. It is therefore currently unclear whether the site is at flood risk or not in the design event.
- It is not clear how the finished floor levels in Appendix J have been determined. We appreciate the flood level varies across the site, and as advised previously, it would be useful if a table could be produced showing the design flood level and a proposed finished floor level for each plot. Without knowing what the design flood level for each plot is, it is difficult to comment on whether the proposed finished floor level is acceptable or not.
- Our previous response advised that consideration of the 1% AEP event with an 80% blockage allowance and an allowance for climate change needs to be considered in the report, as a sensitivity exercise. The FCA refers to this event in Section 4.3.21, and model plots are included in Appendix I showing the flood risk posed to the site in this event (drawing (HYD554/127/B). The FCA states that flooding of the site is expected, with flood depths of up to 0.37m. However, the FCA needs to be updated to comment further on the nature of the flood risk posed to the proposed properties in this event (i.e. what the level of flood risk to properties would be in this event in the proposed scenario, taking into account proposed mitigation measures).
- The FCA now refers to the correct design event when considering the impact of the proposals on flood risk elsewhere (A1.12 of TAN15) by considering the 0.1% AEP event with a 25% blockage. The assessment presented in Appendix I shows that the proposal is expected to result in some localised detriment to agricultural land adjacent to the eastern boundary of the site, just south of Rossett Road. The FCA needs to be updated to provide clarity on the expected increases in flood risk at this location; the report states maximum increases are up to 0.06 m, but the plan suggests increases of up to 0.11 m may be expected.
- We note that the proposal for managing the impacts of the development on flood risk elsewhere relies on the construction of two earth bunds, as shows in Figure 5 of Appendix I. We have concerns that the scheme for managing flood risk elsewhere is reliant on these bunds. There are no guarantees that the bunds would be maintained over the lifetime of development, or that they would not be

removed/damaged. Design details and levels should be provided for the bunds to show that these have been adequately designed to function in flood conditions, and to show that the footprint of the bunds can be accommodated at the proposed locations within the site boundary. Evidence should also be provided to demonstrate that the long-term maintenance and protection of the bunds can be secured, which will need to include a detailed management and maintenance plan. An option may be to seek designation of the structures as defences, under provisions of the Flood and Water Management Act 2010. Depth difference plots should be produced for a scenario where the bunds are removed from the model, this is to show what impact the two bunds have on the management of flood risk elsewhere.

We advise your Authority that the above issues should be satisfactorily addressed prior to approval of the application.

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