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28/05/2021

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 07/05/2021.

We have significant concerns with the application as submitted. We do not recommend your Authority discharges condition 7 and 10 for the following reasons. We have no objection to the discharge of condition 15. We have no observation to make with regards to conditions 6, 8, 9 and 14.

Protected Species

Protected species and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

We note the submission of the Ecology Update Addendum (Kingdom Ecology 27/08/2019) 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. However, we disagree with statements in respect of dispersal ranges.

- 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 advise that the submitted construction method statement should be amended to include:

- The proposed GCN reasonable avoidance measures as noted in the Ecology Update Addendum;
- Biosecurity risk assessment;
- Ecological compliance audit to evidence implementation of component conservation measures.

- Condition 15 (Lighting)

We note the submissions relating to the lighting and are satisfied with the level of detail and have no further comments.

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 also issued [Interim Planning Advice](#), which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that it is the intention to connect to the mains sewer, the development has the potential to increase the volume or concentration of wastewater and associated phosphate levels being discharged from the site. As such, we refer you to our [Interim Planning Advice](#) and confirm that provided this guidance is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we 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).

Flood risk

We have received the updated Flood Consequences Assessment (FCA) prepared by Betts Hydro (ref: HYD554_ROSETT.ROAD_FCA, Revision 1.1, May 2021). Firstly, we would reiterate that we would not normally review a FCA prepared in support of an application site located in Zone A and B on the Development Advice Map (DAM). However, your

Authority has requested our advice on the updated FCA. Our detailed review is provided below, based on our current interpretation of TAN15.

We are disappointed that the updated FCA has not taken account of any of the comments raised in our consultation response dated 26th March 2021. The consulting engineers should advise as to why our advice has not been followed. The consultants have undertaken their own modelling study, by modifying our existing Rossett model, to assess the flood risk posed to the site in a range of different return period events. This is despite our previous consultation response outlining that we are in the process of updating our Rossett model to consider a climate change allowance for the model runs which consider a blockage at Alyn Bridge. Please note that we have not undertaken a review of the Betts Hydro model.

The updated model runs consider a range of scenarios; however the only blockage proportion that has been considered at Alyn Bridge is 80%. We have previously advised this should be considered as a sensitivity event, based on the low likelihood of an 80% blockage occurring at this structure. The FCA also continues to refer to the 0.1% AEP event with a 45% allowance for climate change as the 'design event'. Paragraph A1.14 of the TAN advises on the threshold frequency (or design event), whilst paragraph A1.15 advises on events beyond this and provides indicative guidance on allowable flood depths and velocities. The current TAN15 does not require a climate change allowance to be applied for the 0.1% AEP event for fluvial flood risk. Due to the significant level of uncertainty associated with calculating the impact of climate change on fluvial flood flows for extreme events, we do not apply climate change to the 0.1% fluvial flood event; this approach is supported by Welsh Government. Combining this with the 'upper' climate change allowance (45% increase in flows) is considered overly conservative and we would not be consistent if we insisted on the site being flood free for such a scenario.

Nevertheless, we provide the following comments based on the events that are referred to as 'design' events within the FCA.

The FCA has used the 0.1% AEP event with a 45% allowance for climate change to inform finished floor levels. This is the worst-case scenario considered within the report. Section 5.1.18 states that the finished floor levels of all properties will be set above the flood level for this event, which varies across the site. Appendix J provides a drawing showing the proposed finished floor levels for the properties, but corresponding flood levels at each plot location are not provided. It has therefore not been demonstrated that the proposed properties at flood risk have been designed to be flood free in the event referred to as the 'design event' in the FCA, whilst noting the above paragraph and the requirements of A1.15.

The FCA has undertaken an assessment to quantify the impact the development would have on flood risk elsewhere. We would normally expect the 0.1% AEP event with an appropriate blockage allowance to be used. Again, the FCA has only considered an 80% blockage. The model plots in Appendix F show that for all events considered, there is an increase in flood risk expected to the parcel of land directly north of the development site. For several of the events considered, including the 1% AEP and 0.1% AEP climate change

events, the increase covers a fairly large area with flood depth increases in excess of 30 mm. The FCA simply states this land 'is undeveloped' and does not provide any measures to mitigate this increased risk. The FCA therefore demonstrates that the proposal would result in increased flood risk elsewhere and has not shown that this can be managed to an acceptable level. Flood risk elsewhere needs to consider the scenario as was advised previously and below.

We consider that the current FCA does not sufficiently demonstrate that flood risk can be managed in accordance with the requirements of TAN15, as it does not clearly demonstrate that the proposed finished floor levels are set above the event referred to as the 'design event', and it also fails to demonstrate that the impacts of the proposal on flood risk elsewhere can be managed to an acceptable level.

In terms of resolving the deficiencies with the FCA, there are two options. Our view is that the FCA has not considered the relevant design event for assessing compliance with A1.14, A1.12 or A1.15 of TAN15. Our recommendation to the consultant is that the FCA should be updated to consider the following events, which would be more appropriate than the events currently considered in the FCA:

Requirements for A1.14 of TAN15

- For the design event, an updated model run should be included which considers the flood risk posed to the site in the 1% AEP blockage event, with a medium proportion blockage (25%) and a 20% allowance for climate change. Please note that the central estimate climate change allowance for the Dee catchment is 20% and not 25% as quoted in the report, in accordance with Welsh Government guidance. For this event, it should be demonstrated that all houses are designed to be flood free, with an appropriate freeboard above expected flood levels.
- For a sensitivity event the 1% AEP event, with a high proportion blockage (80%) and a 20% allowance for climate change should be used. We would expect the houses to be flood free in this event, although flood levels could encroach within the design freeboard

Requirements for A1.12 of TAN15

- For the assessment which considers the impact of the proposals on flood risk elsewhere, the design event that should be considered is the 0.1% AEP event with a medium proportion (25%) blockage, with no allowance for climate change. If there is increased flood risk identified elsewhere, we would expect the FCA to propose some mitigation measures to manage this detriment.

Requirements for A1.15 of TAN15

- The FCA should consider the 0.1% AEP event with a medium proportion blockage (25%) with no allowance for climate change when considering the requirements of A1.15 of TAN15. We expect the FCA to demonstrate that flood risk to the site in this event can be managed in accordance with the tolerable conditions outlined in Table A1.15.

If the consultant is insistent on using the conservative approach used in the current FCA, which goes beyond the current requirements of TAN15, we would expect the following to be addressed:

- As the flood level varies across the site, we would expect a table which shows the finished floor level for each plot and the associated 'design' flood level for each plot to be presented within the FCA, to clearly show that the proposed houses have been designed to be flood free.
- The identified increased flood risk elsewhere to the land north of the site needs to be mitigated. We do not consider this level of increased flood risk elsewhere to be acceptable, and the FCA therefore needs to include some mitigation options for removing this increased flood risk to third party land.

We advise your Authority that the above issues should be satisfactorily addressed prior to approval of the application. We would also be happy to hold a meeting with the consultants to discuss which events/scenarios should be used in the FCA if that would help resolve the issues outlined above.

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