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Wrexham County Borough Council,
The Guildhall,
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12/02/2021

Dear Sir/Madam,

PROPOSAL: ERECTION OF DETACHED SINGLE STOREY GRANNY ANNEXE

LOCATION: HEM HOUSE COTTAGE, ROSSETT ROAD, PARKSIDE ROSSETT

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 25/01/2021.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met. Otherwise, we would object to this planning application.

Requirement 1 (Flood Risk): The Planning Authority to be satisfied that there are overriding reasons for considering for granting the application contrary to national planning policy on development and flood risk. Satisfactory evidence must then be provided to demonstrate that the risks and consequences of flooding can be managed to an acceptable level, in accordance with TAN15.

Requirement 2 (Protected Sites and Foul Drainage): Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of any planning application submitted.

Flood Risk

The planning application proposes highly vulnerable development ("Erection of Detached Dwelling"). 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.

Requirement 1: The Planning Authority to be satisfied that there are overriding reasons for considering for granting the application contrary to national planning policy on development and flood risk. Satisfactory evidence must then be provided to demonstrate that the risks and consequences of flooding can be managed to an acceptable level, in accordance with TAN15.

Foul Drainage and Protected Sites (Habitat Regulations Assessment)

The application is within the catchment of the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid Special Area of Conservation (SAC).

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 confirmed that any proposed development that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC.

We understand that the development is not served by the public foul sewer, but no information has been submitted regarding the disposal of foul waters from the proposed development. In these circumstances Welsh Government Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph

2.6 of the Circular, in order to justify the use of private sewerage. In this instance, no information has been submitted.

In our opinion, any planning application that is likely to increase the concentration of organic materials discharged directly or indirectly into the River Dee catchment, has the potential to increase phosphate levels and cause further deterioration of the SAC. Therefore, development proposals must be able to demonstrate phosphate neutrality or betterment.

Requirement 2 (Protected Sites and Foul Drainage): Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of any planning application submitted.

The red line boundary is located within 1km of the River Dee and Bala Lake SAC. Therefore, the application does not provide sufficient information for an assessment to be made of the risks of pollution to the water environment.

As the area is not served by a mains sewer, we are concerned about the in-combination effect of the additional discharges in the River Dee catchment. Therefore, we advise your Authority seeks to confirm whether there is likely to be an increase in discharge to the existing private sewerage system, and, if required, clarifies the suitability of the existing system to meet the needs of the proposal and prevent harm to the River Dee SAC.

Should your Authority confirm that there is likely to be an increase or intensification of discharge, we advise that details of the location and size (including calculations) of the existing or, if necessary, proposed soakaway(s)/ drainage field along with percolation test results are submitted prior to the determination on the application. The Applicant should ensure there is sufficient space to install the drainage field as set out in BS 6297:2007+A1:2008.

Should your Authority also conclude that the proposal is likely to have a significant effect on the River Dee SAC, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Further, the Applicant should be made aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our [website](#). Where private sewage treatment/ disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the [NetRegs website](#), which provides further information.

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