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Er sylw/ For the attention of:
Matthew Phillips

16/09/2020

Dear Mr Phillips,

PROPOSAL: Unit for fitting tyres and Car Wash

LOCATION: Former Wrexham Musical Theatre, Site 1, Salop Road, Wrexham

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 28/08/2020.

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

Requirement: Flood Consequences Assessment(FCA): To demonstrate the risks and consequences of flooding can be managed to an acceptable level.

Flood Risk

The site is shown to be partially within Zone C2 as defined by the Development Advice Map (DAM) referred to under the Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004), and is shown to be located within the 1% (1 in 100) and 0.1% (1 in 1000) annual exceedance probability (AEP) event flood outlines on the NRW Flood Risk Map.

The planning application proposes new less vulnerable development, as defined by figure 2 of TAN15, consisting of a car wash and tyre fitting facility. The land is currently vacant following previous demolition of the former theatre and it is unclear from the application, how long the land has been vacant for.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then

the final test (iv) is for the applicant to demonstrate, through the submission of an FCA, that the potential consequences of flooding can be managed to an acceptable level.

Requirement: Flood Consequences Assessment: To demonstrate the risks and consequences of flooding can be managed to an acceptable level.

We are unable to give you technical advice on the acceptability of flooding consequences, as no FCA has been submitted. Therefore, if the development can be justified, the above requirement should be met prior to the determination of the application. We can then advise you whether the FCA is in accordance with the technical criteria in Appendix 1 of TAN15.

The flood risk to the site is associated with the river Gwenfro, an ordinary watercourse on the sites southern boundary. The FCA should use readily available data, which may include the outputs from modelling produced for Wrexham County Borough Council in 2016, 'River Gwenfro Model Update' (JBA Consulting, 2016). This work includes modelled water levels, velocities and hazards in the design and extreme events, and assessment of structure blockages, which may be useful in the production of an FCA. This information may be made available by Wrexham CBC.

Further information on the modelling approaches required is provided in our online guidance at the bottom of the following webpage: <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/development-and-flood-risk/?lang=en>.

We would expect the FCA to demonstrate that the site is designed to be flood free in the 1% AEP flood event with an allowance for climate change. The worst case blockage event should be used as the 'design event' and sensitivity testing during a 0.1% AEP flood event will also be required.

If an FCA is not submitted or any subsequent FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we **object** to the application. If you are minded to grant permission for the application contrary to our advice, please inform us, in accordance with paragraph 11.7 of TAN15, so that we may make further representations.

The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be proportionate to the development proposed. To help prepare an FCA, we have developed [guidance](#), which contains technical advice and recommendations.

Wrexham County Borough Council, as Lead Local Flood Authority, should be consulted regarding the requirement for consents relating to any works impacting the watercourse and surface water flood risk and drainage.

Protected Species

We note that there is no information about protected species with the application and, therefore, are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

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.

Advice for the Developer

Environmental Management:

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

If you have any queries on the above, please do not hesitate to contact us.

Yours faithfully,

Joy Evans

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