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26/03/2021

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 consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the
above, which we received on 02/03/2021.

**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

The site lies within Zone A (with a small portion of Zone B in the northern parcel) as defined by the Development Advice Map (DAM) referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004).

Firstly, we note that two concurrent applications for approval of Reserved Matters and Discharge of Conditions have been submitted for this site. The following comments are applicable for both applications.

Normally we would not review or advise a FCA should be produced to support the application, given the Zone A designation of the application site. However the applicant has produced a FCA and your authority has requested our advice, our detailed review is provided below, based on our current interpretation of TAN15.

We acknowledge that new evidence has come to light in the FCA that has been submitted with the application (ref: HYD554_ROSSETT.ROAD_FCA, January 2021). The flood risk sources examined within the FCA are not represented on the DAM (i.e. the risk of flooding as a result of culvert or bridge blockage). We therefore wish to make some comments on the information presented within the FCA:

- Clarification should be sought from the consultant as to why the report is watermarked as draft.
- We advise that the map shown in Figure 5 of the FCA should not be included within the report, as the map shown has not been formally published and therefore holds no weight for planning applications. The DAM continues to be the primary map that should be used for planning purposes.
- The FCA has referred to outputs from our updated model of the River Alyn at Rossett (2020) which considers the impact of a blockage of the Alyn Bridge (B5445) which is located upstream of the site. We have a number of comments on this aspect of the FCA:
 - The design event considered within the FCA is incorrect, as the FCA has not considered the 1% Annual Exceedance Probability (AEP) event with an allowance for climate change. We suggest that the report is updated to include a climate change allowance for the blockage assessment model runs. The climate change allowance that should be used is a 20% increase in flow based on the central estimate for the Dee catchment. Please note that we are currently in the process of updating the Rossett model, and this update will include running the blockage events with an allowance for climate change. These runs would be suitable for use in the FCA, but may not be readily available for a few weeks.
 - We question the use of a high (80%) blockage proportion at this location. The bridge span is fairly large, and we can advise that based on local knowledge, there have been few reports of blockage at this bridge, with debris more likely to accumulate at the weir further upstream. We therefore suggest that the consultant considers adopting a more realistic blockage proportion for the design event, in accordance with our guidance on modelling blockages. We suggest the higher blockage event (80%) could be used for the purposes of a sensitivity assessment.
- If the site is shown to be at risk of flooding in the design event, we would expect appropriate mitigation to be recommended within the FCA. The finished floor levels of any properties should be set above modelled flood levels, including a suitable freeboard

- Additionally, the FCA would need to demonstrate that the proposed design has allowed for safe flood flow routing / conveyancing through the site and the existing/proposed drainage network infrastructure.

Given the new information presented in the FCA shows potential sources of flood risk at the site, the above issues should be satisfactorily addressed prior to approval of the Reserved Matters and Discharge of Conditions applications. However it is noted that the principle of development has been established and advise that you should secure any necessary mitigation measures which may be required in any updated FCA.

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