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Wrexham County Borough Council,
The Guildhall,
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ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

12/03/2021

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 09/03/2021.

We continue to 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 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.

Flood Risk

The planning application proposes highly vulnerable development ("Erection of Detached Single Storey Granny Annexe"). Our comments are made on the understanding that, whilst the application is described as being for an annexe, as the outbuilding is self-contained and would be capable of being lived in independently of the main dwelling, it is to be treated as a new dwelling for the purposes of this planning application.

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.

Requirement: 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.

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.

Foul Drainage and Protected Sites

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 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. 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).

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