

FAO Philip Forster

04/06/2019

Dear Philip,

PROPOSAL: ERECTION OF 11 NO. DWELLINGS COMPRISING 4 NO. ONE BED APARTMENTS, 2 NO. TWO BED HOUSES, 2 NO. THREE BED HOUSES AND 3 NO. FOUR BED HOUSES AND ALL ASSOCIATED CAR PARKING, LANDSCAPING AND HIGHWAY WORKS

LOCATION: Land at Gwynant, Plas Madoc, Acrefair, Wrexham

Flood Risk

Thank you for consulting us on the planning application, which we received on 15/05/2019.

The planning application proposes highly vulnerable development e.g. housing, which is partially located in Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note 15 Development and Flood Risk (TAN15). As your Authority is aware, planning policy set out in paragraph 6.2 of TAN15 advises that “highly vulnerable development and emergency services should not be permitted”. A planning decision to permit development would therefore be contrary to planning policy advice.

As agreed as part of the pilot under the Joint Improvement Programme, we would refer you to the agreed standing advice. This Standing Advice explains that your Authority should, in the first instance, make a planning policy decision on the development proposal. Until we receive written confirmation from your Authority that you believe there are overriding reasons to consider granting the application despite its location within Zone C2 we do not intend to review the submitted flood consequence assessment (FCA) 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; if you consider that the development should be considered, despite its location within Zone C2, we would ask to be re-consulted and granted sufficient time to provide technical advice and comments on the flood risks and consequences. In such circumstances, we will review the submitted FCA.

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.

It should also be noted that under the Town & Country Planning (Notification) (Wales) Direction 2012, where a local planning authority is minded to grant permission, there is a requirement to refer applications for emergency service or highly vulnerable development (including residential developments of 10 or more dwellings) within Zone C2 to Welsh Government. It should not be assumed sites located partially within C2 or less than ten units are excluded.

We have previously provided pre-application advice; in a letter to WCBC (CAS-69843-C7R2 dated 11/07/2018) and advice with regards to the hydraulic modelling methodology to WSP (CAS-69843-C7R2 dated 05/11/2018).

Notwithstanding the above we would provide the following comments.

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.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice to Applicant

Pollution Prevention

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/>
Pollution Prevention

Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered

- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Surface Water Disposal

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the advice under Position Statement G13 (Sustainable drainage systems) which applies to this development.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / yours faithfully,

Daniel Davies

Daniel Davies

Ymgynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales