

Wrexham County Borough Council
The Guildhall,
Wrexham
LL11 1AY

24/10/2019

FAO Philip Forster

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

Thank you for re-consulting Natural Resources Wales (NRW) about the above, which was received on 23/10/2019. Please note that this response supersedes our previous consultation response (dated 12/09/2019).

NRW does not object to the proposal, however we would provide the following advice:

Flood Risk

Following correspondence received from WSP in the form of a Technical Note dated 15th October 2019, we would like to provide further comments on this planning application.

We note confirmation from your Authority (letter from WCBC to NRW dated 29 July 2019) that it considers the site to have an established highly vulnerable land use and does not consider the proposal to be an intensification (i.e. the number of proposed properties within Zone C2 is lower than the previous number of properties located within Zone C2). In this case your Authority may consider that the proposal provides betterment compared to the previous situation.

However, we would reiterate our comments provided in respect to siting highly vulnerable development within Zone C2. As previously stated, Section 6 of TAN15 and the Chief Planning Officer [letter](#) from Welsh Government, dated 9 January 2014, affirms that highly vulnerable development 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 in Zone C2. If your Authority were minded to approve this planning application, then in doing so the highly vulnerable use of the site would be extended for a further 100 years. It needs to be considered whether this is appropriate, given the Zone C2 policy constraints

In response to the Technical Note (WSP, dated 15th October 2019), we would provide the following comments:

1. We note that modelling a 95% culvert blockage resulted in model instabilities and it was not possible to run the model; however, a 95% culvert blockage is a typical requirement as outlined in [OGN100: Modelling blockage and breach scenarios](#). If the model cannot be run for this event, we would expect as high a blockage proportion as possible to be run (e.g. a 90% blockage) in the model, or sufficient justification should be provided to demonstrate why a 95% blockage is not deemed appropriate.
2. The Technical Note suggests that consideration of climate change is not required when assessing compliance with A1.14 of TAN15. Paragraph A1.5 of TAN15 clearly states that '*a proposed development must provide a safe and secure living and/or working environment throughout its life*' and the Chief Planning Officer [letter](#) from Welsh Government, dated 9 January 2014, reiterates that the impact of climate change should be considered over the lifetime of development.
3. The Technical Note also states that TAN15 makes no reference to considering a blockage scenario as the design event. We would point out that TAN15 states in Section A1.17 that FCAs should consider '*all potential sources of flooding to include potential blockages and breaching of defences*'. Additionally, the approach of considering blockage scenarios for the design event for A1.14 of TAN15 is supported by Appeal Decision APP/E6840/V/16/3164287, in which the Inspector stated that considering a blockage event as the design event was 'entirely appropriate'.
4. The Technical Note argues that parking and gardens do not fall under 'highly vulnerable' development. This application is for residential development, which is classified as 'highly vulnerable' development, and any garden areas or parking areas associated with this residential development would also therefore be classified as 'highly vulnerable' development. This approach is supported by an appeal decision for land off 1 Queen Street, Queensferry (ref: APP/A6835/A/15/3136858); for this appeal the Planning Inspectorate clearly stated that the development, which included car and cycle parking at the ground floor level, would be residential and thus classified as 'highly vulnerable'. "Development" in the context of A1.14 is considered to be everything within the red line site boundary, as detailed by the planning application.
5. Consideration of the 0.1% AEP blockage event is a typical requirement for assessing compliance with A1.15 of TAN15, as this is considered to be the 'extreme conditions' referred to in A1.15. As outlined above, we consider that a blockage scenario should be considered as the design event.

The comments above outline deficiencies in the FCA. However, as previously stated if your Authority considers the site to have an established highly vulnerable land use, and does not consider the proposal to be an intensification (i.e. the number of proposed properties within Zone C2 is lower than the previous number of properties located within Zone C2), then your Authority may consider that the proposal provides betterment compared to the previous situation.

Notwithstanding this, as outlined above, the FCA does not demonstrate compliance with A1.14 of TAN15 and does not consider the full range of flooding scenarios we would expect to be considered. This represents a missed opportunity for providing additional betterment. In light of these deficiencies, we would recommend that options for raising the finished floor levels higher than the 150 mm recommended within the FCA are explored; we would recommend that finished floor levels are raised a minimum of 300 mm above adjacent ground levels in order to account for the deficiencies within the FCA.

Finally, we would draw your Authority's attention to whether Welsh Government Circular 07/2012 is relevant for this application, and whether the application will need to be referred to Welsh Government for a potential "call-in", if your Authority is minded to approve the application:

<https://gov.wales/referring-planning-applications-welsh-ministers-circular-0712>

Surface water drainage

We note that the application documents include a surface water drainage strategy. We would advise that Wrexham County Council, in its duty as the SuDS Approving Body (SAB) and Lead Local Flood Authority (LLFA), is consulted in order to advise on the suitability of the drainage design.

Please do not hesitate to contact us if we can be of any further assistance to you.

Other Matters

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.

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.

Advice for the Developer:

Pollution Prevention

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.

For further guidance please refer to GPP 5 and PPG 6 at the following link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

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 provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

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

Yn gywir / yours sincerely,

Daniel Davies

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Ymgynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales