

Matthew Phillips  
Planning Control Department  
Wrexham County Borough Council  
16 Lord Street  
Wrexham  
LL11 1LG

Date: 16<sup>th</sup> December 2015

Dear Mr Phillips,

**RESIDENTIAL DEVELOPMENT COMPRISING 80 DWELLINGS ASSOCIATED ROADS AND  
OPEN SPACE  
FORMER SITE OF BROTHER INDUSTRIES, CROESNEWYDD ROAD, WREXHAM**

Thank you for referring the above application, which was received on the 24<sup>th</sup> November 2015.

We request that further information is provided regarding the flood risk element of the proposal:

**Flood Risk**

Please note that the following comments are on the basis that the site currently benefits from extant outline planning permission, and if this is not the case we would ask to be reconsulted.

The submitted FCA (which is an update to the FCA produced for the 2012 application for this site) argues that because in 2014 NRW accepted that the slight increase in flood level on the site in the event of a 0.1% AEP and 0.1% AEP with 67% blockage of the railway culvert under the new spine road to the south of the site were an artefact of the modelling, the conclusions of the 2012 FCA for the site remain valid. Your Authority will be aware that our response to the spine road was provided on the basis that the short deadline we were given to respond did not allow us to undertake a technical review of the hydraulic modelling work or review in detail the contents of the 2014 FCA, and that therefore we were not in a position to confirm or challenge the consultant's conclusion that the increase in flood level was a modelling artefact; we noted that ideally this aspect should be explored in more detail (response dated 30 Oct 2014). We emphasised that our response concentrated on the spine road and office developments and did NOT consider the proposed housing developments, and stressed that any decision on these elements should not be taken as an indication that the housing sites could be developed in accordance with TAN 15.

The FCA indicates that, as in 2012, the garden of one property would be affected by flooding. However, in our original response to the 2012 FCA we advised that the minimum finished floor levels of any property adjacent to the predicted flood outlines should be established, together with the level of freeboard provided against predicted flood levels. This resulted in a recommendation for a minimum finished floor level of 96.3mAOD for three properties, numbers 19, 20 and 21. It is

not clear from the submitted FCA update whether the current proposed layout would result in the same three properties being affected.

In addition, we now generally recommend that flooding to gardens should not exceed 300mm (in this instance, for the 1% AEP plus climate change event with 100% blockage of the culvert) and that the established hazard guidance for depth and velocity should be used to demonstrate that the corresponding hazard rating is 'very low'.

We would therefore ask that the applicant clarify the minimum finished floor levels of any property adjacent to the flood outlines, and also comment on the expected depth, velocity and hazard rating of flooding in the garden(s). Please note that while we would accept that updates to a 2012 FCA is proportionate in this instance, for future applications in this area we may ask for fully updated FCAs.

If the above concern is overcome, we request that any permission includes the following conditions:

### **Surface Water**

We recommend that a condition is imposed to ensure that a scheme to dispose of surface water is submitted to and approved in writing by your Authority, to ensure effective management of surface water run-off resulting from the proposed development. As they fulfil the role of Lead Local Flood Authority, we recommend that you contact your Drainage Department for further advice in relation to this. We advise that any proposed scheme should ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates. Details of adoption and management should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development.

We request that we are consulted on any details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations (including any condition related to a surface water management scheme). We will usually limit our comments to reviewing the acceptability of the proposed discharge rate as well as the suitability of the discharge point / receiving watercourse.

### **Protected Sites**

The otter is known to use this section of the Afon Gwenfro. The otter is one of the features of the River Dee and Bala Lake Special Area of Conservation (SAC). Maintaining the status of this population of otter requires the safeguard and protection of foraging areas, dispersal routes, breeding sites and resting places within the network of tributaries/sub-catchments that also form part of the Dee Catchment. Appropriate conservation action is therefore required within and outside site boundaries. The provision and appropriate management of a 15m buffer adjacent to the Afon Gwnfro is therefore in accordance with the provisions of the Conservation Objectives for this species.

### **Protected Species**

The presence of a protected species is listed as a material planning consideration under the provisions of Planning Guidance Wales and Technical Advice Note (TAN) Number 5. In our view the species most likely to be affected by the proposals is the otter. This species is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of

Habitats and Species Regulations 2010 (as amended). The proposal has the potential to cause disturbance to otter and/or cause incidental killing.

The applicant has submitted an updated ecological assessment. We consider this assessment to be satisfactory.

If otters or their breeding sites or resting places are considered likely to be affected by the proposals, we advise that operations may only proceed after appropriate licence has been issued by Natural Resources Wales (NRW) and any conditions complied with. This licence can only be issued for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment. Furthermore, this specific licence can only be issued by NRW if it complies with the following criteria that there is no satisfactory alternative, and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

In our view, the proposal is not likely be detrimental to the maintenance of the favourable conservation status of any populations of European or British protected species (including the otter) that may be present at the application site. However, we advise that any permission is subject to the imposition of planning conditions or obligations that regulate the following:

- Prevention of internal/external light spillage into the ecology buffer zone;
- Long term management of the ecology buffer zone.

Please note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision and management of "linear" and "stepping stone" habitats as defined in Article 10 of the Habitats Directive. In this case, we advise that consideration be given to the utilization of index linked ground rent service charges to resource the appropriate management of ecology areas in the long term.

To comply with your Authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species ([www.biodiversitywales.org.uk](http://www.biodiversitywales.org.uk)).

### **Biosecurity**

We consider that biosecurity to be a material issue owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We therefore advise that any subsequent approval is subject to a planning condition in respect of the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include:

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS being introduced to the site during construction and landscaping phases of the scheme.

## **Land Contamination**

Neither a desk study nor preliminary risk assessment was submitted with the application.

We understand previously from the local authority's Contaminated Land Officer that the previous uses of this site were unlikely to have involved the use of materials or substances that could give rise to significant contamination.

Based on our consultation with the local authority, we do not consider this site a priority. Therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

The developer should address risks to controlled waters from contamination at the site, following the requirements of Planning Policy for Wales and the Environment Agency Guiding Principles for Land Contamination, which are available on their website.

These comments are based on the assumption that no gross contamination is present at the site that could have an impact on controlled waters. Should gross contamination be encountered then we advise that the Natural Resources Wales be reconsulted.

## **Other matters**

The proposal is within or may affect a Landscape of Outstanding/Special Historic Interest. While this is not a statutory designation, chapter 6 of Planning Policy Wales (PPW) states that it is a material consideration in the planning process and must be given due regard when reaching a determination.

We recommend that a Site Waste Management Plan (SWMP) is drawn up prior to scheme's commencement in order to ensure full duty of care is complied with. Waste should be reused on site where possible. The SWMP should incorporate a monitoring system for wastes removed from site for reuse or disposal.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily in accordance with duty of care requirements under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years.

The applicants must minimise discolouration to the watercourse from the construction works. Silty water should be treated, either through the use of settlement lagoons, or tanks, or discharged across a grassed area. For work in river channels the use of coffer dams is recommended, to keep river water out of the working area. River crossings must be kept free from mud or dust deposits. Oil and chemical storage must be kept away from the watercourse, on an impervious base, within a bund, and secured. Absorbents or a suitable spill kit must be kept on site for use in the event of an emergency. NRW should be notified immediately of such an occurrence. The mixing, use and washing of machinery and shuttering of wet concrete and cement must be carefully controlled to

minimise the risk of any material entering the watercourse. The applicant is advised to follow the guidance within Pollution Prevention Guidance Note 5 "Works and maintenance in or near water".

Where a condition has been imposed which has been suggested by NRW or which meets NRW's objective, the Local Planning Authority should consult with NRW to secure compliance with the condition prior to its discharge. A copy of the subsequent decision notice would be appreciated.

Yn gywir / Yours' faithfully,



**Mr. GARETH THOMAS**

**Swyddog Cyswllt Cynllunio / Planning Liaison Officer**

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Deialu uniongyrchol/Direct dial: (0300) 065 3786 **Siaradwr Cymraeg / Welsh Speaker** 

cc: The Planning Consultancy