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25/09/2020

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: PROPOSED REFURBISHMENT TO CREATE 15 FLATS AND 7 SELF CONTAINED SERVICED UNITS (HOLIDAY LETS), TOGETHER WITH NEW SHOP FRONT, THIRD FLOOR REAR EXTENSION AND ASSOCIATED BIKE SHED AND BIN STORE. CHANGE OF USE OF SHOP TO CAFÉ (A3 USE).

LLEOLIAD / LOCATION: 40-42 HIGH STREET, MERTHYR TYDFIL, CF47 8DE.

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 8 September 2020.

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: A revised Flood Consequences Assessment (FCA) is required to demonstrate the risks and consequences of flooding can be managed to an acceptable level.

Flood Risk

The planning application proposes highly vulnerable development (housing). Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines.

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 should not be permitted in Zone C2** (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 do not apply to highly vulnerable development in Zone C2.

Notwithstanding this policy position, we acknowledge receipt of your email dated 20 August 2020 providing overriding reasons for considering the application. We have also reviewed the updated FCA (unsigned, revision B, dated September 2020) to provide you with technical

advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15. Our advice remains that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

In our letter dated 24/08/2020 (reference: CAS-122837-D2B6), we requested a revised FCA that provides finished floor levels (FFLs) for the development, to enable an assessment against flooding consequences. We note the existing FFL of the High Street Café is 168.2m AOD, the High Street Retail Unit is 168.1m AOD and the proposed FFL of the Rear Annex is 168.5m AOD. However, the FCA does not provide an assessment of flood depths and velocities for the 1% (1 in 100 year) plus 25% for climate change allowance (CCA) and the 0.1% (1 in 1000 year) annual probability fluvial flood events.

We also note the Applicant's comparison with the development at 43-45 High Street (your reference: P/18/0080). The FCA notes that NRW had no objection to the proposal despite a highly vulnerable use being introduced into an area of flood risk. This was because the highly vulnerable use was to be elevated above the flood risk at the first-floor level only, and there was no change in vulnerability use at ground floor.

In consideration of the above, a revised FCA is required which demonstrates the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15.

To be acceptable, the FCA needs to demonstrate that the development is predicted to be flood free during a 1% (1 in 100 year) plus 25% for climate change allowance annual probability fluvial flood event and is within the indicative tolerable limits set out in A1.15 of TAN15.

If no further information is submitted, or a revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we **object** to this application.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

Further Advice

It is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15. We cannot advise you on matter such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flooding emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Advice to Applicant

We advise that an updated FCA be undertaken, prior to determination of the application, informed by evidence based, site-specific flood data. Please note, NRW does not hold

detailed site-specific flood modelling data for the application site, so the Applicant will need to undertake site-specific flood modelling.

We refer you to [Guidance Note 028 for Modelling for Flood Consequences Assessments](#), which provides advice on producing FCAs for development planning purposes.

We recommend you consider the future insurability of this development now. Although we have no involvement in this matter, we would advise you to review the Association of British Insurers published paper, '[Climate Adaptation: Guidance on Insurance Issues for New Development](#)', to help you ensure any properties are as flood proof as possible and insurable.

European Protected Species

We note that the bat report submitted in support of the above application (Bat Survey Report, version 2, dated 07/02/20) has identified that bats were not using the application site. We therefore have no comments to make on the application as submitted in relation to European Protected Species.

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 / Yours faithfully

Paige Minahan

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales