

From:

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Subject: Legislative and Regulatory Gaps in NRW Consultation Response: Planning Application 25/0841

This document outlines key legislative and regulatory frameworks that were not explicitly referenced in Natural Resources Wales' (NRW) consultation response regarding the proposed change of use at 7 Conway Road, Newport. These omissions are significant and can be used to strengthen opposition to the planning application.

1. Planning and Housing Legislation

Planning (Wales) Act 2015

- Section 2 requires all planning decisions to contribute to sustainable development.
- The proposed intensification of use in a flood-prone area conflicts with long-term sustainability objectives.

Housing Act 2004

- The change to a House in Multiple Occupation (HMO) triggers licensing obligations:• Minimum room sizes • Fire safety • Safe access and egress
- Flood risk directly affects safe egress and emergency planning, yet this Act is not referenced.

2. Climate Resilience and Adaptation Duties

Environment (Wales) Act 2016

- Section 6 places a duty on public authorities to maintain and enhance biodiversity and promote ecosystem resilience.
- Intensifying residential use in a floodplain undermines ecological resilience and adaptation capacity.

Well-being of Future Generations (Wales) Act 2015

- Requires public bodies to act in ways that improve long-term well-being, including:• Resilience • Health • Safety
- NRW's letter touches on resilience but does not cite this Act, which reinforces the argument against approval.

3. Emergency Planning and Structural Safety

Civil Contingencies Act 2004

- Local authorities are Category 1 responders and must plan for emergencies, including flooding.
- NRW suggests consulting emergency planners but does not cite this Act, which underscores the legal obligation to assess evacuation feasibility.

Building Regulations 2010 (as amended)

- Part C and Part H relate to resistance to moisture and drainage.
- These regulations are relevant to assessing whether the building can be safely adapted for flood resilience.

4. Planning Policy Gaps

Local Development Plan (LDP) Policies

- NRW does not reference Newport's LDP, which likely contains:
 - Strategic flood risk policies
 - Housing density and HMO controls
- These could reinforce local-level conflict.

Planning Policy Wales (PPW)

- While TAN15 is referenced, NRW omits broader PPW principles, such as:
 - Avoiding development in flood-prone areas
 - Prioritising brownfield land
 - Ensuring safe and accessible housing