

Newport City Council
Civic Centre
Newport
NP20 4UR

Dyddiad/Date: 12 February 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: OUTLINE APPLICATION FOR PROPOSED DEMOLITION OF COMMERCIAL BUILDING AND CONSTRUCTION OF RESIDENTIAL DEVELOPMENT

LLEOLIAD/LOCATION: Red Barn, Wellfield Road, Marshfield, Newport, CF3 2UB

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 16 January 2025.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk and protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding protected sites should be attached to any planning permission granted. Without the inclusion of this condition, we would object to this planning application.

Flood Risk

The planning application proposes highly vulnerable development (residential). Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3 Rivers, and Flood Zone 3 Sea.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (a) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of a Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the FCA undertaken by Vale Consultancy, dated February 2024. Our advice to you is 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.

The data that has been used within the FCA has been obtained under licence from NRW using the UKCP18 sea levels and the FMfP. At the time of the model completion by NRW, the best available data was used.

The FCA states that site levels range between 5.10 – 6.09 mAOD. Section 5.3 of FCA indicates that all plots would have a minimum finished floor level (FFL) of at least 5.25 mAOD.

Advice on A1.14: Flood Risk in the 1% (1 in 100 year) flood event (fluvial risk)

Section 3.1 of the FCA indicates that the best available source of data to inform this FCA's assessment of fluvial risk is the FMfP flood extents. This section indicates the following:

- Plot 1 is located in flood zone 1 and 2.
- Plot 2 is largely located in flood zone 2 and marginally in flood zone 3.
- Plot 3 is located in both flood zone 2 and 3.

Therefore, because Plot 2 and 3 will be partially situated in Flood Zone 3, it can be deemed that these plots would be affected by the 1% AEP plus climate change fluvial extent which is not compliant with A1.14.

Please note A1.14 of TAN 15 advises that the whole development (including any ancillary areas) should be flood free in this event.

The conclusion of the FCA states *'the site falls within a TAN15 Defended Zone (Sea) and is protected up to at least the T200 Defended Event plus CC. The site also benefits from fluvial flood defences and is shown to be flood-free during the Q100 Defended Fluvial Event including a 70% allowance for CC'*.

It should be noted that there are no fluvial defences within the Wentlooge levels, only sea defences along the coastline, we advise the FCA is amended to reflect this. The flood defences referred to are located along the River Ebbw itself and are located at least 3.5 miles away from the site. Also, the conclusion of fluvial risk has been derived from the River Ebbw model which is not relevant to fluvial flood risk for this site. The applicant is advised to accurately assess fluvial risk, which will be more local from the reën systems. Considering the scale of the proposals they are advised that the best approach is to refer to the FMfP. The applicant should compare the existing site levels with the fluvial flood extents on the FMfP to determine the 1% AEP plus climate change and the 0.1% AEP plus climate change flood levels.

Advice on A1.14: Flood Risk in the 0.5% (1 in 200 year) flood event (tidal risk)

Section 3.2 of the FCA has also assessed tidal risk for this site by using the UKCP18 extreme sea levels which indicates the following flood depths:

- 0.5% AEP plus climate change (70th percentile) is 9.12 mAOD
- 0.5% AEP plus climate change (95th percentile) is 9.48 mAOD

The FCA has concluded that because the coastal sea defences (Peterstone embankment) have a crest level of 10.60 mAOD, which is 0.82m above the 1000yr (95th percentile) sea level, this demonstrates the site would be protected from tidal risk.

The FCA has discussed the unlikelihood of the site being affected by potential breach/overtopping events due to the significant difference in crest level and sea level. In addition to the significant distance between the coast and the site. Therefore, the FCA covers the risk of overtopping and breach of defences.

However, the tidal risk assessment does not include the full allowance of climate change (100 year lifetime of development in tidal areas) and extreme sea level data should be provided for 2125. The most up to date figures should be included for completeness to reflect the full 100 year lifetime. This is not compliant with A1.14

Advice on A1.15: Flood Risk in the 0.1% (1 in 1000 year) flood event (tidal risk)

No fluvial levels have been provided for the extreme 0.1% AEP event. Section 3.2 of the FCA indicates the following sea levels during an extreme event:

- 0.1% AEP plus climate change (70th percentile) is 9.46 mAOD
- 0.1% AEP plus climate change (95th percentile) is 9.78 mAOD

Therefore, based on the ground levels the site could flood up to 4m but as mentioned above, the likelihood of this site experiencing these depths are considered low due to the presence of the coastal defences.

As mentioned above, the sea levels do not include the full allowance of climate change (100 year lifetime of development in tidal areas). For completeness flood data should be provided for 2125.

Please note, no assessment of flood velocity, rate of rise and speed inundation are provided.

Advice on A1.12

Flooding elsewhere: Section 5.4 of the FCA indicates the proposal will not displace floodwater and not impact third parties. Due to the size and extent of the flood cell and rural nature of the landscape, any impact would be negligible.

Flood warnings: Section 5 of the FCA indicates alerts and warnings cover this area and occupants should register to receive these.

Access and egress: Section 5.1 of the FCA indicates the proposed access and egress routes will be via St Mellons Road and Marshfield Road until occupants are outside of the flood zone. TAN15 advises that routes should be shown to be operational under all conditions. It is for your authority to determine whether you consider this risk to be acceptable.

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.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters 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 flood 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.

Protected Sites – Gwent Levels SSSI

The application site is partially located within the Gwent Levels – Rumney and Peterstone Site of Special Scientific Interest (SSSI). The SSSI is notified for its range of aquatic plants and invertebrates associated with the reens and ditches of the drainage system. In summary, the special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. Any development which has an adverse impact on any of these factors will have an adverse impact on the wildlife for which the area was notified. This rotational reen and ditch management also suits the habitat requirements of the UK's rarest bumblebee, the shrill carder bee (*Bombus sylvarum*) which is a special feature of the SSSI.

The land is designated as Environmentally Sensitive Permanent Grassland (ESPG). Permanent grassland that is in a biological Site of Special Scientific Interest (SSSI) is considered environmentally sensitive and therefore ploughing (to re-seed) or converting to arable use is not permitted at any time (although we note the latter would not be a proposed activity). ESGP is often unimproved semi-natural areas with higher biodiversity than land which has been ploughed or managed as arable land. Shrill carder bees require extensive areas of flower-rich grassland for foraging their sources of nectar, as well as tussocky grassland areas for nesting. In addition, shrill carder bee may be using hedgerow margins in areas where the floral diversity away from field margins is low.

National Policy

A key national priority within Future Wales is to develop strong ecosystems through the provision of resilient ecological networks and green infrastructure. Policy 9 places importance on safeguarding and creating or enhancing ecological networks. Safeguarding areas involves identifying land that is important for expanding or connecting ecological networks. The policy focus is on creating large-scale, resilient, and functional ecological networks. It states protected sites (such as SSSIs) are critically important to the long-term resilience of our ecosystems.

Planning Policy Wales 12 provides the policy position on the protection of SSSIs (6.4.25-6.4.27). It clearly states that there is a presumption against all forms of development in a SSSI, with the exception of developments necessary for the management of a SSSI and minor developments necessary to secure its role as a living landscape (where effects on the features for which a site has been designated can be considered to be acceptable). Accordingly, it will be wholly exceptional for most forms of development to be justifiable within a SSSI (see criterion 1b of the stepwise approach and paragraph 6.4.27 of PPW).

There is also a presumption against development, not within a SSSI, but likely to damage a SSSI. In this context, a proposal must be carefully assessed to ensure that effects on those

nature conservation interests which the designation is intended to protect are clearly understood. It states that development should be refused where there are adverse impacts on the features for which a site has been designated.

In the first instance, your Authority should therefore make a planning policy decision on whether the proposed development is:

- necessary for the management of the SSSI;
- a minor development necessary to secure its role as a living landscape; or
- justifiable in the context of wholly exceptional circumstances and only where it is considered to be appropriate and not likely to damage a SSSI and where there is broad and clear agreement for mitigation and enhancement as part of a development plan.

It is our opinion that the proposed development is not necessary for the management of the SSSI.

We have reviewed the following documents:

- Bat and Nesting Bird Survey report (by Acer Ecology) dated October 2024
- Planning Statement (by G Powys Jones) dated January 2025

We note that both documents summarise that the site has no ecological features of value given that most of the site is lawned and regularly mowed. However, given the ESPG designation we advise that this should be evidenced, and further information should be provided. In the absence of this evidence, we would have concerns about the loss of habitat. Information should be provided regarding the sites' habitat and potential to support Shril carder bee and other pollinators.

Given the small scale of the proposed development, it is possible that we would seek mitigation, compensation and enhancement within the site if further information identifies that the proposed development would result in the loss of habitat with the potential to support Shril carder bee. We will be able to advise further upon receipt of the additional information.

In addition to the above we advise that the application boundary, at its narrowest point, is approximately 10m from the ditch to the west of the site. Given the proximity of the application site to the SSSI, there is the potential for the proposed development during construction phases to adversely affect water quality in watercourses within and surrounding the site. As such, notwithstanding our above concerns, we advise that a condition securing the submission of a Construction Environmental Management Plan is imposed on planning permission if granted to be attached to any planning permission, please see below.

Condition

No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.

- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

Additional advice

You have asked us to comment on the likelihood of de-notifying the parts of the application site which fall within the SSSI. We refer you to our website via the link below, which provides information about the procedures and governance of deleting areas of the SSSI. You will note that the mechanisms are resource intensive and are unlikely to conclude within the determination timescales of this application.

[Natural Resources Wales / Protected Areas Committee \(PrAC\) Terms of Reference](#)

Protected Sites

We note that the bat and nesting bird survey report (by Acer Ecology, dated October 2024) has identified that bats were not using the application site. We assume you have liaised with your Ecologist to consider the report's content in line with our consultation topics checklist and you have no specific questions requesting further advice. We therefore have no comments to make on the application as submitted.

Land Drainage

Wellfield East & West Reens and Wood Ditch Reen are located to the south and south-east of the application site. These are Internal Drainage District (IDD) maintained watercourses. Provided no run-off enters the watercourses we have no objection to the proposed development. Please note, any proposed surface water run-off into these reens requires a formal Land Drainage Consent, in accordance with Section 23 of the Land Drainage Act 1991. Further information, including application forms, are available on our website.

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

Gail Moody

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

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.