

Ein cyf/Our ref: CAS-273536-Y6R2
Eich cyf/Your ref: 24/1047

Marnie Ostler
Newport City Council
Civic Centre
Newport
NP20 4UR

Dyddiad/Date: 17 February 2025

Annwyl Marnie/Dear Marnie,

BWRIAD/PROPOSAL: CHANGE OF USE FROM SINGLE DWELLING TO 6NO. BED HMO.

LLEOLIAD/LOCATION: 39 DOLPHIN STREET, NEWPORT, NP20 2AT.

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 28 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. If this information is not provided, we would object to this planning application. Further details are provided below.

Flood Risk

Our Flood Risk Map confirms the site to be within Zone B 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 partially into Flood Zone 3 for Sea.

The planning application proposes the retention of a highly vulnerable development through the conversion of the existing dwelling to a House in Multiple Occupancy (HMO). Although there is an existing highly vulnerable use, the proposed layout will result in 2no. bedrooms being introduced to the ground floor. Therefore, the application poses a increased risk to occupants, as there is a lack of suitable upper floor refuge which could be used by ground floor occupants in the event of a flood.

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 (i) to (iii), then the final test (iv) is for the applicant to demonstrate, through the submission of an Flood

Consequences Assessment (FCA), that the potential consequences of flooding can be managed to an acceptable level.

We are unable to give you technical advice on the acceptability of flooding consequences, as no FCA has been submitted. Therefore, if the development can be justified, the above requirement should be met prior to the determination of the application. We can then advise you whether the FCA is in accordance with the technical criteria in Appendix 1 of TAN15.

Alternatively, the applicant may wish to amend the proposed layout such that no self-contained units are situated on the ground floor or include suitable upper floor refuge which could be used by the ground floor occupants in the event of a flood. This is likely to address our concerns regarding the risk of flooding to ground floor units and their residents, and we would not require an FCA.

However, we advise you that the application provides no details on issues surrounding access and egress from the property in line with criteria in TAN 15. Matters regarding safe access and egress and emergency evacuation are for the planning authority to consider. If you have concerns regarding these matters, you should consider consulting other professional advisors on the acceptability of the proposals.

In summary, if an FCA is not submitted or any subsequent FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, or the proposed layout is not adequately amended, then we **object** to the application. The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be proportionate to the development proposed. You may also refer to our [website](#), which contains technical advice and recommendations.

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.

Protected Sites

We note the application site is within 260 meters of the River Usk Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

Special Area of Conservation (SAC)

From the information provided, we consider that the proposal may affect the SAC and we have identified construction pollution as a potential impact pathway to features of the site.

However, we consider the above pathway would not result in an adverse effect if the developer adheres to standard pollution prevention guidelines. Further information on standard pollution prevention guidelines is provided under the 'Advice for the developer' section below.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), it is for your Authority to carry out the test of Likely Significant Effects for the proposed development. Should you conclude that the proposal is likely to have a significant effect on a SAC, either alone or in combination with other plans or projects, an appropriate assessment must be made of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW

and have regard to any representations we make within such reasonable time as you specify.

Site of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the River Usk (Lower Usk). Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

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.

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 Guidance for Pollution Prevention (GPP) 5: Works and maintenance in or near water, and GPP 6: Working on construction and demolition sites, which are available on the [NetRegs website](#).

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Eleanor Sullivan

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.