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To:

Subject: SECTION: COMPREHENSIVE TECHNICAL AND PROCEDURAL
CRITIQUE OF FLOOD CONSEQUENCE ASSESSMENT (KRS.0896.001.R.001.A)

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1. Introduction

This section forms part of a formal objection to Planning Application 25/0841 for the proposed conversion of 7 Conway Road, Newport to a House in Multiple Occupation (HMO). It provides a detailed and evidence-based critique of the submitted Flood Consequence Assessment (FCA), exposing its procedural inadequacies, technical omissions, and failure to satisfy the requirements of Welsh planning policy, including Technical Advice Note 15 (TAN15), Planning Policy Wales (PPW), and relevant case law. Particular attention is paid to the implications of flood risk for highly vulnerable occupancies such as HMOs, and the FCA's failure to address these risks with sufficient rigour.

2. Procedural and Evidentiary Deficiencies

2.1 Absence of Site-Specific Hydraulic Modelling

The FCA fails to provide any site-specific hydraulic modelling, relying instead on generic NRW datasets. This is a fundamental flaw. TAN15 (2021 revision) explicitly requires that:

“Where development is proposed in areas at risk of flooding, site-specific modelling should be undertaken to demonstrate the acceptability of consequences.”

The absence of breach modelling, overtopping scenarios, and compound event simulations (e.g. tidal + surface water) renders the FCA incapable of demonstrating compliance with TAN15 Section 6.2. The reliance on static flood zone mapping without dynamic modelling is procedurally insufficient and technically negligent.

2.2 Unverified Finished Floor Levels

Section 4.2 of the FCA refers to finished floor levels but fails to provide verified survey data. No cross-reference is made to NRW modelled flood depths, nor is there any confirmation that internal floor levels exceed the minimum thresholds required under TAN15 for highly vulnerable uses. This is especially concerning given the proposed introduction of sleeping accommodation at ground level—a configuration explicitly discouraged under TAN15 and PPW Edition 12.

3. Misapplication of Flood Risk Vulnerability Classification

The FCA acknowledges the proposed use as “highly vulnerable” under TAN15 but erroneously concludes that the change of use does not increase vulnerability. This is procedurally and factually incorrect.

- The existing use is a single-family dwelling.
- The proposed use introduces multiple unrelated occupants, increasing occupancy density, evacuation complexity, and risk to life.

This change materially increases flood vulnerability and should trigger a higher evidentiary threshold under the justification test in TAN15 Section 6.2. The FCA’s failure to acknowledge this constitutes a misapplication of policy and undermines its conclusions.

4. Inadequate Climate Change Assessment

The FCA references climate change allowances from CL-03-16 but fails to integrate these into a coherent risk narrative. It acknowledges that flood defences will overtop after 50 years, yet concludes that the site is safe for a 100-year residential lifetime. This contradiction violates TAN15’s requirement that:

“The lifetime of residential development must be assessed against the 100-year climate change horizon.”

Moreover, the FCA does not address the cumulative impact of sea level rise and increased rainfall intensity on surface water systems, nor does it model compound flooding scenarios. The failure to assess residual risk beyond the overtopping threshold is a critical omission.

5. Deficient Safe Access and Egress Analysis

Figure 16 purports to show a safe access and egress route, yet no modelling is provided to demonstrate its viability during flood events. TAN15 requires that:

“Safe access and egress must be available during all flood events up to and including the 1 in 1000 year event.”

The FCA fails to demonstrate that occupants could safely evacuate during a breach or overtopping scenario. This is especially concerning given the proposed HMO’s likely demographic (e.g. students, low-income tenants, potentially disabled residents), who may be less able to respond effectively during emergencies.

6. Omission of Local Flooding History and Community Impact

While the FCA claims no historic flooding, it omits reference to:

- **NRW’s 2023 Newport Strategic Flood Risk Assessment (SFRA)**, which identifies Liswerry and Somerton as areas of elevated residual risk.
- **The 2020 Newport Surface Water Management Plan**, which highlights Conway Road as vulnerable to surface water accumulation due to poor drainage and impermeable surfaces.

These omissions undermine the credibility of the FCA’s conclusions and violate PPW’s requirement for a “robust evidence base” in assessing flood risk. The FCA also fails to consider community-level impacts, such as increased pressure on emergency services and insurance availability.

7. Failure to Address HMO-Specific Risks

The FCA does not address the unique risks posed by HMO occupancy, including:

- Increased likelihood of basement or ground floor sleeping accommodation.
- Higher turnover of tenants unfamiliar with flood procedures.
- Potential for overcrowding, complicating evacuation.

Case law such as *R (Smith) v South Oxfordshire DC [2009] EWHC 3461 (Admin)* confirms that material changes in occupancy type must be considered in flood risk assessments. The FCA fails to do so, rendering its conclusions invalid for the proposed use class.

8. Non-Compliance with Justification Test

The FCA does not satisfy the four limbs of the justification test under TAN15:

Justification Test Element	FCA Compliance	Commentary
Location necessity	✗	No evidence provided that the HMO must be located in this flood-prone area.
Flood risk acceptability	✗	No breach modelling or compound event analysis.
Flood risk mitigation	✗	Measures are generic, unverified, and not tailored to HMO occupancy.
No increased risk elsewhere	✗	No hydraulic modelling to confirm off-site impacts.

9. Critique of Blank and Underdeveloped Sections

Several sections of the FCA are either left blank or contain placeholder figures with no substantive analysis. These include:

- **Table 4 – Defended Modelled Data:** Contains “NULL” entries for critical flood parameters such as water depth, velocity, and hazard rating for the 1 in 200 and 1 in 1000 year events. This is unacceptable in a final FCA and suggests either data unavailability or failure to engage with NRW datasets.
- **Figures 6–14:** Referenced but not interpreted. No narrative is provided to explain the implications of the flood outlines shown.
- **Appendix 1 – Site Layouts:** Cited but not analysed. No assessment is made of flood pathways, drainage gradients, or refuge areas.

These omissions render the FCA incomplete and procedurally deficient. TAN15 and PPW require that all submitted evidence be “clear, comprehensive, and capable of independent scrutiny.” The FCA fails on all counts.

10. Summary of Technical and Procedural Failures

FCA Section	Deficiency	Policy Breach
Executive Summary	Overstates safety	TAN15 6.2
Section 2.4	No verified floor levels	TAN15 5.4
Section 3.9	Contradictory climate change conclusions	CL-03-16
Section 4.6	No safe egress modelling	TAN15 5.5
Section 5.1	Justification test not met	TAN15 6.2
Table 4	Critical data missing	PPW 12.3.3
Figures 6–14	No interpretation	TAN15 5.3
Appendix 1	No layout analysis	TAN15 5.4

11. Conclusion

The submitted FCA is procedurally inadequate, technically deficient, and fails to meet the evidentiary standards required under TAN15, PPW, and relevant case law. It does not justify the introduction of a highly vulnerable use into a flood-prone area and should be rejected in full. The Planning Authority is urged to refuse Planning

Application 25/0841 on grounds of unacceptable flood risk, procedural non-compliance, and failure to safeguard future occupants.