

Ein cyf/Our ref: CAS-241214-Y9T8
Eich cyf/Your ref: 23/0703

Newport City Council
Civic Centre
Newport
NP20 4UR

Dyddiad/Date: 23 November 2023

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Conversion of the upper floors of existing hotel to create 10no, residential apartments and associated external and internal works (V2).

LLEOLIAD/LOCATION: 42 Mill Parade, Newport, NP20 2JS.

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 24 October 2023.

We have no objection to the proposed development as submitted and provide the following advice.

Flood Risk

The planning application proposes highly vulnerable development in the form of 10 residential apartments at first floor level, with the ground floor remaining as a public house (less vulnerable development). Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the FMfP identifies the application site to be at risk of flooding and falls into Flood Zone 3 Rivers/Sea.

Our advice is based on the understanding that no existing highly vulnerable use is currently at this site. 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 of TAN15 do not apply to highly vulnerable development in Zone C2.

Notwithstanding this policy position, given that the nature of the proposals are for change of use at first level and above, we have no objection to the application as submitted. However, for completeness we have reviewed the submitted FCA to provide your authority with a complete assessment of the risks and consequences of flooding at this site.

Flood Risk Assessment

The FCA (reference 15320-FCA-1, March 2023) states that a review of LiDAR data indicates that the site is a minimum level of 8.04m AOD and it is assumed that the finished floor level is 8.19m AOD given that building regulations require that finished floor levels (FFL) are raised at least 150mm above surrounding ground levels.

To assess the flood risk, Product 5 and Product 6 data from the Newport_5_V6.0_2016 model has been obtained from NRW and reviewed in conjunction with the Modelling Report to quantitatively investigate the fluvial / tidal flood risk posed to the site during the relevant storm events. The base year for the model was taken as 2015, with climate change values set at 75 years (2090) and 100 years (2115). To account for climate change, the FCDPAG3 guidance was used, which adds 0.69m to sea levels for 2090 and 1.06m for 2115.

Whilst this data is deemed the most up to date information NRW hold for the site, the onus is on the consultant/applicant to determine the flood risk in line with [Welsh Government guidance](#) – that being 100 year lifetime of development, the data within the FCA therefore does not account for the full climate change allowance and will need to be revised if a complete technical flood risk response is to be provided.

Notwithstanding the above, we have reviewed the FCA for completeness. The FCA incorrectly uses 2090 data to determine the flood risk, which allows for 67 years of climate change – despite stating it has 2115 flood data. It states that during the 0.5% (1 in 200 year) (2090) event, the site is shown to flood by up to a maximum depth of 1.23m at the parking space location. At the location of the existing Tavern, a maximum flood depth of 1.07m is recorded, all habitable rooms are located on the first and second floors, and the fact that UK ceilings have a minimum height from floor to ceiling of 2.2m; it can be ascertained that the first and second floors (developable aspects of the property) will remain flood free during all events up to and including the 0.5% (1 in 200 event) plus CC (2090).

In addition, the FCA concludes that because the site is flood free during the 0.5% (1 in 200 year) (2015) event and within the tolerable limits (0.39m) of A1.15 during the 0.1% (1 in 1000 year) event (2015) it is compliant with TAN 15. We advise that the climate change allowance needs to be applied to these events, the current FCA assessment does not use the full allowance of climate change. The lifetime for this development is deemed 100 years given the highly vulnerable nature of the development – we will use the highest level of vulnerability to determine allowance of climate change.

It states that there will be no loss of floodplain / displacement of floodplain storage as a result of the proposed works. Therefore, the proposed development will not increase flood risk elsewhere or to third-party land. We are satisfied with this conclusion for this aspect of the FCA and require no further assessment in this regard.

There are details within the FCA in Section 5 regarding Mitigation and Recommendations, which include details in relation to evacuation details, flood resilience measures and flood plans, which we would recommend the Emergency Planners for the LPA review to ensure they are satisfied with these details.

Whilst it is unlikely when the full allowance of climate change is applied, that the first and second floors will experience flooding, this will increase the flood depth on site, to the ground floor, parking area and access/egress. We would suggest that this information is submitted in an updated FCA for review to ensure your Authority is fully informed.

Should you grant planning permission contrary to policy, we advise that a revised FCA is submitted prior to determination of the application to ensure a full assessment of flood risk at this site is undertaken. We can then advise you whether the revised FCA is in accordance with the technical criteria in Appendix 1 of TAN15.

Protected Species

We note the e-mail from your ecological adviser (Matt Harris, 16/08/2023) which assesses the likelihood of bats being present and the level of risk if bats are present. We agree with your ecological adviser that there is a reasonable likelihood of bats being present and the need for a bat survey and report before your Authority determines this application. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

We advise that a bat survey and report are required that assess the extent of adverse effects on any bats found to be present and any avoidance or mitigation measures required.

An assessment based on the additional information allows avoidance or mitigation measures to be agreed by NRW and it can be demonstrated that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Protected Sites

The application site is located approximately 73m from the River Usk / Afon Wysg SAC / SSSI. From the information provided, we consider that the proposal is not likely to have a significant effect on the SAC or SSSI.

Given the nature of the proposed development, the distance from the application site to the protected sites and the lack of potential connecting features, it is considered that a significant effect is unlikely from the proposed development.

Our advice may change should modifications be made to the proposed development prior to the determination of the application. If there are any changes to the proposed development which may affect the consideration of potential environmental impacts, please consult us again before you determine the application.

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/SSSI, either alone or in combination with other plans or projects, an appropriate assessment must be made on 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.

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

Rhys Evans

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.