

Delegated Decision Report

Application No:	25/0150	Statutory Period Expires:	25th April 2025
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Site:	<i>Llanfair Farm Church Lane Marshfield Cardiff CF3 2UF</i>		
Proposal:	<i>S73 APPLICATION TO VARY CONDITION 2 (APPROVED PLANS) OF 23/1058 OUTLINE APPLICATION FOR A RURAL ENTERPRISE WORKER'S DWELLING (ALL MATTERS RESERVED). AMENDMENTS INCLUDE UPDATED FCA AND LEVELS</i>		
Applicant:	<i>C Hinksman</i>		
Type:	Renewals and Variation of Conditions	Ward:	Tredegar Park And Marshfield
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 23/1058 was granted for OUTLINE APPLICATION FOR A RURAL ENTERPRISE WORKER'S DWELLING (ALL MATTERS RESERVED).

2. SITE LOCATION AND CONTEXT

- 2.1 The site is defined within a rural context and defined within the countryside and green wedge. The site is also designated within the Wentlooge levels special landscape, an archaeological sensitive area, and the Gwent Levels SSSI. The site comprises a field situated within the countryside to the northeast of Marshfield. The site itself is a greenfield site with an area of 860 square metres. A hedgerow exists to the southern rear boundary. To the west is a barn belonging to the applicant.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The reason for the variation of the Condition is to allow the decision to be based upon a revised (corrected) Flood Consequence Assessment because an error was noticed in the ground levels used when mapping out the site after approval.

- 3.2 The Flood Consequences Assessment conducted by Vale Consultancy presented site levels that significantly exceeded the actual conditions at the site. This discrepancy arose from the use of Digital Surface Models (DSM) rather than Digital Terrain Models (DTM) for this location, resulting in an inaccurate assessment of potential flood risk. Consequently, Vale Consultancy has made a minor amendment to their report (Ref: 18894-FCA-02) to address the sections pertaining to Existing Topography and their review of flood risk at this site.

3.3 Existing topography

3.4 23/1058

From a review of LiDAR data; the site is situated at a level of 12.58 m AOD. The point of access from / off of Church Road is situated at levels generally in the order, 10m AOD.

The dwelling will all have a minimum FFL of approximately 12.73m AOD.

1 in 200 (0.5% AEP) and 1 in 1000-year (0.1%AEP) events are:

T200: 8.11m AOD;
T1000: 8.45m AOD.

Taking into consideration climate change allowances as per NRW guidance / methodology (September 2021), and a 100-year lifetime for the development, the estimated extreme sea design flood levels (DFLs) during the T200 and T1000 events are:

T200CC (70th %): 9.12m AOD;
T200CC (95th %): 9.44m AOD;
T1000CC (70th %): 9.46m AOD;
T1000CC (95th %): 9.78m AOD.

3.5 **25/0150**

From a review of LiDAR data; the proposed dwelling is to be located at a site level in the region of 9.34 – 9.51 m AOD. The point of access from / off of Church Road is situated at levels generally in the order, 8.8 m – 10.8 m AOD, generally falling in a north westerly direction.

Section 5.1 indicates Finished Floor Levels (FFL) should be set at 9.64m AOD.

Sea levels and flood depths:

0.5% (1 in 200 year) Annual Exceedance Probability (AEP) tidal flood level is 8.11 m AOD
0.5% (1 in 200 year) AEP plus climate change (70% percentile) is 9.24 m AOD
0.5% (1 in 200 year) AEP plus climate change (95% percentile) is 9.64 m AOD

0.1% (1 in 1000 year) AEP plus CC (70th Percentile) is 9.58 m AOD
0.1% (1 in 1000 year) AEP plus CC (95th Percentile) is 9.98 m AOD

4. **RELEVANT SITE HISTORY**

App	Development proposal	Decision
25/0256	RESERVED MATTERS APPLICATION RELATING TO ACCESS, APPEARANCE, LAYOUT, SCALE AND LANDSCAPING PURSUANT TO OUTLINE PLANNING PERMISSION 23/1058 FOR A RURAL ENTERPRISE WORKERS DWELLING AND PARTIAL DISCHARGE OF CONDITIONS 3 (PARKING), 4 (ELEVATIONS), 6 (CEMP), 7 (DRAINAGE), 8 (BOUNDARY TREATMENTS), 9 (LEVELS), 10 (ARCHAEOLOGY) AND 11 (LANDSCAPING)	PCO

23/1058	OUTLINE APPLICATION FOR A RURAL ENTERPRISE WORKER'S DWELLING (ALL MATTERS RESERVED)	GC
23/0330	PLANNING PERMISSION 22/1186 FOR THE ERECTION OF EXTENSION TO EXISTING AGRICULTURAL BUILDING	Approved
21/0622	RETROSPECTIVE APPLICATION FOR THE REPLACEMENT OF AN AGRICULTURAL BUILDING FOLLOWING FIRE DAMAGE at Land East of Church Lodge	Granted with conditions
21/1066	PARTIAL DISCHARGE OF CONDITION 2 (BAT AND BIRD BOXES) OF PLANNING PERMISSION 21/0622 RETROSPECTIVE APPLICATION FOR THE REPLACEMENT OF AN AGRICULTURAL BUILDING FOLLOWING FIRE DAMAGE	Approved
22/0894	PRIOR NOTIFICATION FOR EXTENSION TO EXISTING AGRICULTURAL STORAGE BUILDING	Prior approval required
22/1186	EXTENSION TO EXISTING AGRICULTURAL BUILDING	Granted with conditions
23/0330	PARTIAL DISCHARGE OF CONDITIONS 2 (PROGRAMME OF ARCHAEOLOGICAL WORK) AND 3 (CEMP) RELATING TO PLANNING PERMISSION 22/1186 FOR THE ERECTION OF EXTENSION TO EXISTING AGRICULTURAL BUILDING	Approved

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 8- Flooding

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

4.2.37 - The purpose of 'rural enterprise dwellings' is to enable rural enterprise workers to live at or close to their place of work, including encouraging younger people to manage farm businesses and supporting the diversification of established farms. Rural enterprise dwellings represent one of the few circumstances in which isolated new residential development in the open countryside *may* be justified.

5.3 Technical Advice Note

Technical Advice Note 6 (Planning for Sustainable Rural Communities) July 2010

Technical Advice Note 15 (Flooding) 2004

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy SP3 (Flood Risk)

Policy SP5 (Countryside)

Policy SP7 (Green Wedge)

Policy SP8 (Special Landscape Area)

Policy CE6 (Archaeology)

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales:

We previously provided advice (CAS-251347-F0S8), dated 09 April 2024. This advice remains relevant in relation to protected sites, foul drainage and pollution prevention. We have no objection to the variation of conditions application as submitted provided the following document is adhered to.

- Flood Consequence Assessment, prepared by Vale Consultancy, dated 28 January 2025

Flood Risk

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 identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 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 (i) 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.

For this development, the data that has been used within the FCA has been obtained under licence from NRW using the UKCP18 extreme sea levels

We have reviewed the Flood Consequence Assessment, prepared by Vale Consultancy, dated 28 January 2025, and provide the following comments based on this information.

A1.14 Criteria

Section 2.3 indicates the proposed dwelling is to be located at a site level ranging between 9.34–9.51 metres (m) Above Ordnance Datum (AOD).

Section 2.3 indicates ground levels from/off Church Road range between 8.80–10.80m AOD.

Section 5.1 indicates Finished Floor Levels (FFL) should be set at 9.64m AOD. Section 4.2 indicates the following sea levels:

- 0.5% (1 in 200 year) Annual Exceedance Probability (AEP) tidal flood level is 8.11 m AOD
- 0.5% (1 in 200 year) AEP plus climate change (70% percentile) is 9.24 m AOD
- 0.5% (1 in 200 year) AEP plus climate change (95% percentile) is 9.64 m AOD

The FCA has concluded that due to the coastal sea defences (Peterstone embankment) has a crest level of 10.20m AOD, which is 0.22m above the 0.1% (1 in 1000 year) AEP plus Climate Change (CC) (95th Percentile) extreme sea level, and can therefore demonstrate the site would be protected and could be deemed compliant from tidal risk.

The FCA has discussed the potential breach of the defences and has indicated that the site would remain flood free up to and including the 0.1% (1 in 1000 year) AEP plus CC (70th Percentile) event with a freeboard of approximately 0.22m. This has been deduced from a comparison of the DFLs and the recorded spot levels from the LiDAR extract at the siting of the new dwelling. In addition to this, there is a significant distance between the coast and site.

Therefore the development is compliant with the A1.14 criteria of TAN15.

A1.15 Criteria

Flood depths

Section 4.2 indicates the following sea levels:

- 0.1% (1 in 1000 year) AEP plus CC (70th Percentile) is 9.58 m AOD
- 0.1% (1 in 1000 year) AEP plus CC (95th Percentile) is 9.98 m AOD

Therefore, based on the ground levels the site could flood up to 0.64m but the likelihood of this site experiencing these depths are low due to the presence of the coastal defences. In a potential breach during a T1000 (1 in 1000 year) plus CC (95P) event, the site would flood between 0.47 - 0.64 m.

Flood Velocity

There is no assessment of flood velocity within the FCA.

Rate of rise/speed inundation

There is no assessment of rate of rise or speed inundation within the FCA. Therefore, the proposed development does not comply with the A1.15 criteria of TAN15.

A1.12 Criteria

Flooding elsewhere

Section 5.3 indicates the dwelling would not be expected to impact flood risk elsewhere. Due to the size and extent of flood cell and rural nature of the landscape, any impact resulting from the development would be negligible.

Flood alerts and warnings

Section 5.1 indicates site owners should register for NRW's flood alerts and warning system.

Safe access/egress

Section 5.2 and Figure 2 indicates safe access and egress is provided by travelling North West from the site to an area outside the extreme flood extents.#

All other A1.12 criteria is generally covered in the FCA.

Further 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 that you consider consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise you on such as emergency plans, procedures, and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations. Please note, we do not normally comment on or approve the adequacy of flood emergency response 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.

Advice to the Applicant

Flood Warning Service

The availability of a flood warning service to the development location should be confirmed by visiting the NRW website. NRW provides warnings where it is technically possible, but this service must not be relied on to guarantee the timely and safe evacuation of occupants. Where available, the flood warning service can be a useful means of alerting occupants who have voluntarily signed up to receive Flood Alerts and Flood Warning, enabling them to take action in advance of a flood event. Protection measures should not be wholly dependent on the flood warning service and should be implemented to manage risks and impacts of flooding.

6.2 Local Highways Authority:

The changes apparently relate to flood risk and do not impact highway matters.

6.3 Welsh Water:

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Dwr Cymru Welsh Water has no objection to the proposed variation of condition 2.

6.4 HENEB:

You will recall our previous letters recommending archaeological mitigation for earlier applications at the site (Pl.App.No: 22/0418, dated 27 th January 2023 and Pl.App.No: 23/1058, dated 17th January 2024), with such requirements ensured by Condition 2 (Plans Condition, in relation to document; Written Scheme of Historic Environmental Mitigation January 2024 by Cardiff Archaeological Consultants) and Condition 10 (Archaeology). We note the above application in relation to Condition 2 is to provide an update and amendment for the Flood Consequence Assessment, and do not relate to any archaeological conditions and as such we do not have any further comments to make at this time.

6.5 Wildlife in Newport: No comments received.

6.6 Waste Manager:

We would anticipate each property receive a single 120l bin for kerbside collection with recycling bags, boxes for kerbside collection.

From April 1st 2020, developers or owners of all new residential units will be required to purchase bin provision for each unit serviced to meet the Council's specification. 120L, 180L, 240L and 360L wheeled bins must be purchased/obtained from Newport City Council. 660L and 1100L bins can be purchased elsewhere but it is strongly recommended to speak to NCC Waste Management Refuse Management beforehand to ensure the bins fit the Refuse Department collection vehicles safely. Failure to purchase correct bin(s) will result in collections being suspended with the Council reserving the right to refuse collection until suitable bin specifications are met.

6.7 SAB: No comments received.

6.8 Contaminated land: No comments received.

6.9 Environmental Health: No comments received.

6.10 Planning Contributions Officer:

No s106 legal agreement is required, as long as there continues to be an occupancy condition to ensure that the dwelling is retained for the purpose as a rural enterprise dwelling or failing that, is available for use as an affordable dwelling.

6.11 Drainage manager: No comments received.

6.12 Tree Officer: No comments received.

6.13 Landscaper Officer:

The application relates to an updated Flood Consequence Assessment (FCA) by Vale Consultancy and levels. The covering letter does not identify any changes to the approved plans under Outline application 23/1058 and as landscape related proposals are subject to conditions I have no comments on the revised FCA.

6.14 Principal Heritage officer: No objection.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 04/03/2025. Site Notice was put up on 07/03/2025.

7.1 12 neighbours consulted. No comments received.

8. ASSESSMENT

8.1 The advice within Circular WGC 016/2014 (Section 5.31) outlines that a condition specifying the plans relevant to a grant of planning permission allows applicants to make minor material amendments to the associated planning permission by using section 73 of the 1990 Act to vary the condition. The use of this mechanism simplifies the process of making minor amendments to existing planning permissions for both the local planning authority and applicant.

8.2 The original application was considered and approved under the current Local Development Plan, therefore, the policies that the application was considered against in 2023 have not changed nor has any additional supplementary planning guidance been adopted since the grant of the original consent that would result in a different Local Planning Policy Framework for the application to be assessed against.

8.3 In respect of National Planning Policy, the scheme was evaluated under the current PPW12 and therefore, there is no material change to the outcome of the proposal.

8.4 The main policy change is in regard to The TAN 15 (2004) document which has now been superseded by the updated TAN 15 (2025) document which came into effect of the 1st April 2025. The main changes relate to the use of the Flood Map for Planning Map as the primary flood maps and the Development Advice Map has been superseded.

8.5 The letter published by Welsh Government on 31st March 2025 alongside the publication of the new TAN document states:

8.6 *We recognise that the publication of new guidance may have impacts on the processing of planning applications so there will be a transitional period for the implementation of the TAN. Planning applications which were submitted and registered before the publication of the new TAN will continue to be assessed against the previous version...*

8.7 The date of this application was received on the 28th February 2025. Therefore, in light of this information, consideration will be given to the development against the previous TAN 15 (2004) document. The previous application acknowledged the two maps, DAM and FMfP in the previous application.

8.8 The planning application proposes highly vulnerable development. The site is 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 identifies the application site to be at risk of flooding and falls into Flood Zone 3 Sea.

- 8.9 Application 23/1058 assessed flooding levels on site. It is considered that The Flood Consequences Assessment conducted by Vale Consultancy presented site levels that significantly exceeded the actual conditions at the site. This discrepancy arose from the use of Digital Surface Models (DSM) rather than Digital Terrain Models (DTM) for this location, resulting in an inaccurate assessment of potential flood risk. Consequently, Vale Consultancy has made an amendment to their report (Ref: 18894-FCA-02) to address the sections pertaining to Existing Topography and their review of flood risk at this site. The differences in topography and flooding can be seen within section 3.
- 8.10 23/1058: The dwelling will all have a minimum FFL of approximately 12.73m AOD.
25/1050: Finished Floor Levels (FFL) should be set at 9.64m AOD.
- 8.11 An FCA has been submitted in line with the application. Technical Advice Note 15: Development and Flood Risk (TAN 15) sets out a precautionary framework and identifies that new development should be directed away from areas which are at high risk of flooding (defined as Zone C), and where development has to be considered in such areas, only those developments which can be justified on the basis of the tests outlined in the TAN are to be located in such areas. It maintains that there should be minimal risk to life, disruption and damage to property.
- 8.12 Flood Risk Assessment
Section 6.2 of TAN 15 refers specifically to justifying the location of development and that such development should only be permitted within Zone C1 if determined by the planning authority to be justified in that location and demonstrated that:
- i) Its location in Zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
 - ii) Its location in Zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners to sustain an existing settlement or region; and,
 - iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and
 - iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable.
- 8.13 For the purposes of this report, criterion (i) to (iii) are referred to as Test 1 as this relates to the site justification and criterion (iv) which has a number of tests is referred to as Tests 2 to 12.
- 8.14 **Test 1 – Location**
- 8.15 **Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement**

The site is within countryside outside of Newport's settlement boundary. It does not support a Local Planning Authority initiative to sustain a settlement; the proposal does not generate employment opportunities apart from temporary employment during the

construction of the proposed dwelling and the site is not previously developed land. Therefore, the proposal fails to meet the justification tests outlined in TAN 15. However, Planning Policy Wales sets out a special justification for rural enterprise dwellings and so the departure from TAN 15 is outweighed by Planning Policy Wales in this instance.

8.16 **It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1)**

PPW defines previously developed land as: *Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures.*

The development does not meet the definition, however, as outlined above, Planning Policy Wales sets out a special justification for rural enterprise dwellings and so the departure from TAN 15 is outweighed by Planning Policy Wales in this instance.

8.17 **Tests 2 to 12 – Consequences of Flooding**

Moreover, criterion (iv) of paragraph 6.2 of TAN 15 refers specifically to the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable. These are referred to as tests 2 to 12 below.

8.18 ***Test 2 - Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any year).***

The FCA has briefly stated that the coastal defences are maintained by a risk management authority (in this case NRW), therefore, the risk of potential breach would be considered low. Furthermore, the coastal defences are part of the shoreline management plan (SMP) which also provides further assurances that the coastal defences will be maintained/replaced in the medium to long term future. However, this was not included in the FCA.

8.19 ***Test 3 - The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with Natural Resources Wales.***

The site is defined within a Flood Warning Area and flood mitigation measures have been detailed within section 5 of the FCA. NRW have not objected on this basis.

8.20 ***Test 4 - The developer must ensure that future occupiers of the development are aware of the flooding risks and consequences.***

Appropriate documentation should be displayed to inform any users of the site of the potential flood risk. Documentation will be displayed at an appropriate position. The documentation will indicate the risk of flooding and contain information on how prior warnings will be sent.

The site owner should undertake a Flood Evacuation Management Plan (FEMP) for implementation during an extreme event. This should be done in conjunction with the

appropriate professional bodies including and in particular Newport County Council Emergency Planning Department. The FEMP should be a written document which should outline the course of action to all occupants during a flood.

8.21 ***Test 5 - Effective flood warnings are provided at the site***

As forementioned, documentation will be displayed to inform users of flood risk and how warnings will be sent to tenants. Flood Alerts and Flood Warnings cover this area (Site owners should register to receive the service. Flood Warnings Direct is a free service that provides prior warnings of a fluvial flood event.

8.22 ***Test 6 - Escape/evacuation routes are shown by the developer to be operational under all conditions***

Section 5.2 of the FCA and Figure 2 indicates safe access and egress is provided by travelling North West from the site to an area outside the extreme flood extents.

8.23 ***Test 7 - Flood emergency plans and procedures produced by the developer must be in place***

These have been addressed within Tests 4, 5 and 6.

The local planning authority does not have the in-house expertise to judge the effectiveness of the emergency plan. Planning Officers are therefore not in a position to comment upon the effectiveness of the flood emergency management arrangements. These procedures would be the responsibility of the developer.

8.24 ***Test 8 - The development is designed by the developer to allow the occupier of the facility for rapid movement of goods/possessions to areas away from floodwaters.***

And,

Test 9 - Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.

Based on the ground levels, the site could flood up to 0.64m but the likelihood of this site experiencing these depths are low due to the presence of the coastal defences. In a potential breach during a T1000 (1 in 1000 year) plus CC (95P) event, the site would flood between 0.47 - 0.64 m. The developer has not provided any information on flood velocity and rate of rise. Access and egress have been provided and the property benefits from a first floor.

External alterations such as commercial flood guards (barriers) are available and could be fitted to doorways. They can be applied and removed as and when by site users / residents and can provide a protection and freeboard to inundation waters of up to 0.6m and will prevent the ingress of waters to properties thus minimising and avoiding internal damage. Other products which would protect the dwellings from inundation and which should be considered; include flood fences, flood doors and air bricks.

Additional internal alterations that should be introduced where practically possible to the building aspect (office) of the proposed development include:

- Raised electronic control units and sockets;
- Install smart air bricks or air brick covers;
- Provide low level flood guards on all access points;

- Use plastic and stainless-steel fixtures and fittings and avoid wooden alternatives;
- Use solid flooring (tiled, resin, concrete) at lower ground level, where possible;
- Ensure that with the time afforded by advance warning, evacuation of property via safe egress and removal of valuables from the building can be implemented;
- Clearance of the existing surface water drainage system to improve drainage of the site and follow necessary 18894 – FCA - 02 16 |
- maintenance procedures (to new & existing SW drainage) to ensure that the system functions to optimum capacity;
- The predicted depths, rise, speed of inundation and velocities are likely to satisfy the TAN 15 suggested tolerable conditions for more extreme events. All construction methods to be inherently flood resilient as and where possible. Refer to the BS 85500: 2015, Flood resistant and resilient construction. Guide to improving the flood performance of buildings (November 2015).

8.25 **Test 10 - No flooding elsewhere.**

Section 5.3 of the FCA indicates the dwelling would not be expected to impact flood risk elsewhere. Due to the size and extent of flood cell and rural nature of the landscape, any impact resulting from the development would be negligible.

8.26 **Test 11 - Paragraph A1.14 of TAN 15 identifies that the development should be designed to be flood free for the lifetime (A1.14) of development for either a 1 in 100 chance (fluvial) flood event, or a 1 in 200 chance (tidal) flood event including an allowance for climate change (depending on the type of flood risk present) in accordance with table A1.14.**

Section 5.1 of the FCA indicates Finished Floor Levels (FFL) should be set at 9.64m AOD.

Section 4.2 indicates the following sea levels:

- 0.5% (1 in 200 year) Annual Exceedance Probability (AEP) tidal flood level is 8.11 m AOD
- 0.5% (1 in 200 year) AEP plus climate change (70% percentile) is 9.24 m AOD
- 0.5% (1 in 200 year) AEP plus climate change (95% percentile) is 9.64 m AOD

The FCA has concluded that due to the coastal sea defences (Peterstone embankment) has a crest level of 10.20m AOD, which is 0.22m above the 0.1% (1 in 1000 year) AEP plus Climate Change (CC) (95th Percentile) extreme sea level, and can therefore demonstrate the site would be protected and could be deemed compliant from tidal risk.

8.27 **Test 12 – In respect of the residual risk to the development it should be designed so that over its lifetime (A1.15) in an extreme (1 in 1000 chance) event there would be less than 600mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3m/second on access roads and 0.15m/second in properties and the maximum rate of rise of floodwater would not exceed 0.1m/hour.**

Section 4.2 indicates the following sea levels:

- 0.1% (1 in 1000 year) AEP plus CC (70th Percentile) is 9.58 m AOD

- 0.1% (1 in 1000 year) AEP plus CC (95th Percentile) is 9.98 m AOD

Therefore, based on the ground levels the site could flood up to 0.64m but the likelihood of this site experiencing these depths are low due to the presence of the coastal defences. In a potential breach during a T1000 (1 in 1000 year) plus CC (95P) event, the site would flood between 0.47 - 0.64 m.

The coastal flood defences would provide protection for the site during both 0.5% Annual Exceedance Probability (AEP) and 0.1% AEP plus climate change extreme sea levels.

The FCA has briefly stated that the coastal defences are maintained by a risk management authority (in this case NRW), therefore, the risk of potential breach would be considered low. Furthermore, the coastal defences are part of the shoreline management plan (SMP) which also provides further assurances that the coastal defences will be maintained/replaced in the medium to long term future.

The breach depths specified in the FCA are based on a simple calculation of the difference between the extreme sea levels and site ground levels, when in reality these depths are unlikely to be the case. Especially when you consider the significant distance between the coast and the site in question (approximately 2.2kilometres) and the intervening infrastructure (such as the main railway between Newport and Cardiff) that may act as a secondary/informal defence that would alter these depths and any flow paths.

The extreme sea levels indicated in the FCA (specifically for the 0.5% AEP plus 95 percentile and 0.1% AEP plus 95 percentile events) would come within the 600 millimetre threshold of the defence crest level (10.20 metres Above Ordnance Datum (AOD)) for the potential risk of overtopping. The consultant should have quantified the potential risk from overtopping, however, considering the distance between the site and the coast, the flooding event would be tidal and it is unlikely that it would pose any risk to the site.

Having considered the above, the land levels on site would not need to be raised. The likelihood of flooding is extremely low, and the flood mitigation measures and access and egress would be deemed acceptable.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and

- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. **CONCLUSION**

10.1 For the reasons set out in the earlier sections of this report the proposed development is deemed to be acceptable and to comply with the relevant circular advice, LDP policies and the aims/objectives of National Planning Policies. Accordingly, this application is recommended for approval.

11. **DECISION**

GRANTED WITH CONDITIONS

01 Approval of the details of the layout, scale, appearance of the building(s), access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority.

Reason: To safeguard the rights of control of the Local Planning Authority in respect of the reserved matters and to comply with the provisions of Article 3(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

Plans condition

02 The development shall be implemented in accordance with the following plans and documents:

Site location plan July 2024

Supporting Agricultural Appraisal November 2023 by Reading Agricultural

Preliminary Ecological Appraisal by Ashley Butler dated 23 October 2023

Written Scheme of Historic Environmental Mitigation January 2024 by Cardiff
Archaeological Consultants

Flood Consequence Assessment January 2025 by Vale Consultancy 18894 – FCA - 02
Drainage Strategy and Water Quality Assessment February 2024.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

Pursuance of reserved matters

03 In pursuance of reserved matters relating to layout, details of car parking arrangements shall be provided in accordance with the Council Supplementary Planning Guidance on Parking Standards.

Reason: in the interests of highway safety.

04 In pursuance of reserved matters relating to scale, details of the proposed dwelling shall accord with the outline parameters stated in this application; namely a 'L' shaped footprint with a maximum floorspace of 185m², with a depth varying from a minimum of 9 metres and a maximum of 10.5 metres, a width varying from a minimum of 11.5 metres and a maximum of 15.5 metres and a height varying from a minimum of 6.5 metres and a maximum of 7.5 metres.

Reason: To protect the purpose of the development as an agricultural dwelling / future purpose as an affordable dwelling and help preserve the openness of the Green Wedge and protect the special landscape of the area.

05 In pursuance of reserved matters relating to appearance, the design of the building including external materials and external lighting shall accord with the recommendations set out in Section 5.10 of the Landscape and Visual Appraisal and Landscape Strategy by Enderby Associates dated October 2024.

Reason: To protect the rural character of the countryside and the special landscape of the area.

Pre-commencement

Construction Environmental Management Plan (CEMP)

06 No development or phase of 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 should 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 12.5 metre 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 and biosecurity measures; species and habitats protection, avoidance and mitigation measures.
- A suitably qualified ecologist will be on call for the duration of the work and will be informed in any European protected species is found.
- If any trenches are left exposed over night during the works, there must be a means of escape for animals. This will comprise of a shallow sloped board (of at least 30 centimetres in width) set at an angle of no more than 30 degrees.
- Silt barriers must be installed around the site to avoid run off into the reën system.

- 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.

- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

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

Reason: 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.

Drainage

07 No development shall commence until full details of the foul and surface drainage systems (including manufacturer's information, capacity, location and details of secondary treatment) has been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented fully in accordance with the approved scheme prior to the occupation of the dwelling.

Reason: To ensure adequate drainage is provided.

Boundary treatment

08 No development shall commence until full details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The design of the boundary treatments shall accord with recommendations set out in the Landscape and Visual Appraisal and Landscape Strategy by Enderby Associates dated October 2024. The boundary treatments shall be constructed in accordance with the approved details prior to the occupation of the dwelling and then retained accordingly for the duration of the development.

Reason: To ensure the development is completed in a satisfactory manner and in order to protect the rural character of the area.

Slab levels

09 No development shall commence until details and plans showing the finished slab level of the dwelling hereby approved, together with cross sections through the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of visual amenities.

Archaeology

10 No development shall take place until full details of a written scheme of historic environment mitigation has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, to mitigate the impact of the works on the archaeological resource.

Landscaping

11 Prior to the commencement of development, a landscaping and tree planting scheme (to include the proposed green roofs) indicating the number, species, heights on planting and positions of all trees and shrubs scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the recommendations set out in the Landscape and Visual Appraisal and Landscape Strategy by Enderby

Associates dated October 2024. The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the first occupation or the completion of that development whichever is the sooner. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner.

Biodiversity

12 Prior to commencement of any development, an ecological enhancement and habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall accord with the recommendations of the Preliminary Ecological Appraisal hereby approved. The enhancement measures shall be fully implemented prior to beneficial occupation of the dwelling and managed in accordance with the approved details.

Reason: In the interests of ecology.

General conditions

Occupancy restriction

13 The occupancy of the dwelling shall be restricted to:

- a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or, if it can be demonstrated that there are no such eligible occupiers,
- b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason: It is the policy of the Local Planning Authority to severely restrict the provision of new dwellings in this area. In this case the development is only justified on the grounds that the dwelling is functionally required in association with the rural enterprise that shares the site.

Permitted development rights

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order), Schedule 2, Part 1, no development within Classes A, B, C, D, or E shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To ensure that a satisfactory form of development takes place and to protect the rural character of the area.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP3, SP5, SP7, SP8, CE6 were relevant to the determination of this application.

02 Planning Policy Wales, Technical Advice Note 6 (Planning for Sustainable Rural Communities) July 2010 and the Practice Guidance relating to Technical Advice Note 6 for Sustainable Rural Communities – Rural Enterprise Dwellings (December 2011) were relevant to the determination of this application.

03 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

04 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), CIfA regulations, standards and guidance | Chartered Institute for Archaeologists and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member Looking for an archaeologist? | Chartered Institute for Archaeologists.

05 Natural Resources Wales Advice to Applicant

- **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.

- **Flood Warning Service**

The availability of a flood warning service to the development location should be confirmed by visiting the Natural Resources Wales website. NRW provides warnings where it is technically possible, but this service must not be relied on to guarantee the timely and safe evacuation of occupants. Where available, the flood warning service can be a useful means of alerting occupants who have voluntarily signed up to receive Flood Alerts and Flood Warning, enabling them to take action in advance of a flood event. Protection measures should not be wholly dependent on the flood warning service and should be implemented to manage risks and impacts of flooding.