



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: SE/2014/117546/02-L01
Eich cyf/Your ref: RECONEX/13/1279

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Geraint N Roberts
Newport City Council
Regeneration & Regulatory Services
Civic Centre
Newport
NP20 4UR

29th July 2014

Annwyl Mr Roberts/Dear Mr Roberts

DEVELOPMENT OF 248 DWELLINGS AND ASSOCIATED WORKS ETC AT LAND TO SOUTH OF GLAN USK PRIMARY SCHOOL, HERBERT ROAD, NEWPORT

We refer to your letter of 30th June 2014 in regard to additional/amended information for the aforementioned development;

- A letter dated 28th May 2014 from Waterman Transport and Development Ltd (ref. FCA 01F_Addendum 01).

We also refer the Local Planning Authority and applicant/consultants to the following correspondence;

- Natural Resources Wales letter to Newport City Council on 5th February 2014 (Our ref. 1962690/C.38.07.02/AH).
- Natural Resources Wales letter to Waterman Transport and Development Limited on 20th May 2014 (Our ref. SE/2013/117112/03-L01); and Natural Resources Wales letter to Newport City Council on 21st May 2014 (Our ref. SE/2014/117443/01-L01).
- Correspondence (emails) between Waterman Transport and Development Ltd and Natural Resources Wales dated 22nd May 2014.
- Correspondence (emails) between Newport City Council and Natural Resources Wales dated 15th, 22nd and 23rd May 2014.
- Natural Resources Wales letter to Waterman Transport and Development Ltd on 19th June 2014 (Our ref. SE/2013/117112/04-L01) and our current letter (Our ref. SE/2014/117546/02-L01).

- Natural Resources Wales letter to Asbri Planning Ltd on 3rd July 2014 (Our Ref. SE/2013/117687/01-L01) and our current letter (Our ref. SE/2014/117546/02-L01).
- Newport City Council letter of 18th July 2014 (which includes reference to the Appropriate Assessment).

We provide our representation on the additional information below; and we refer your Authority and the applicant/consultants to our advice given in previous letters of 5th February 2014 (1962690/C.38.07.02/AH) and 21st May 2014 (Our Ref. SE/2014/117443/01-L01), whereby some of our previous advice remains relevant and these aspects are cross-referenced in this letter.

Summary of Natural Resources Wales representation

Our advice is that we have no objection to the development as submitted and provide the following advice;

- We recommend that an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010 (as amended) be undertaken by your Authority with regards to the possible impacts on the integrity of the River Usk Special Area of Conservation (SAC). We will write to you separately in respect of the Appropriate Assessment.
- We agree with the landscaped bund details (cross sections) submitted and we request that the agreement of mitigation and/or compensation for ecological interests including responsibilities and long-term plans for maintenance is controlled through the planning permission (conditions or agreement) and/or Appropriate Assessment.
- We request that the development is carried out in accordance with the updated flood consequence assessment (FCA), whereby the raising the site to 9.8m Above Ordnance Datum (AOD) with Finished Floor Levels (FFLs) set at 9.95mAOD will seek to manage the risk of flooding. It has been assessed that there is no increase in flooding elsewhere and betterment will be provided. It has been assessed that a flood free route (pedestrian) is available. Our view is that it is for the Local Authority to seek advice from other professional advisors on emergency plans, procedures and measures, on matters which we are not in a position to advise you on.
- We agree that discussions should be advanced with the Local Authority's Drainage Engineers in regard to surface water management.
- We support proposals for an open watercourse and we do not support proposals for culverting.

- We provide advice on the Construction Environmental Management Plan (CEMP), remediation of potential contamination, surface water management, Drainage Ditch, Water Features, Water Supply, and Water Efficiency, Landscape, Nationally Protected Species and Local Biodiversity.
- We refer the applicant to our regulatory advice on Environmental Permitting and Abstraction Licence requirements.

Natural Resources Wales representation

Our fuller representation is given below;

Conservation of Habitats and Species Regulations 2010: River Usk Special Area of Conservation

We will write to you separately on the Appropriate Assessment being undertaken by Newport City Council (as the competent authority). We also refer you to our letters of 5th February 2014 (Our ref. 1962690/C.38.07.02/AH) and 21st May 2014 (Our Ref. SE/2014/117443/01-L01).

The purpose of the Appropriate Assessment would be to assess the implications of the proposed development with respect to the conservation objectives of the River Usk Special Area of Conservation (SAC). The conclusions of the Appropriate Assessment should enable Newport City Council to ascertain whether or not the proposed development would adversely affect the integrity of the SAC.

Landscaping

We agree with the details submitted in the form of (amended) cross sections showing exact distances from the landscaped bund to the top of the bank.

We request that the agreement(s) of mitigation and/or compensation, responsibilities and long terms management plans are controlled through the planning permission (conditions or agreement).

We request that the off-site ecological mitigation as described in Section 7.120 of the Environmental Statement (April 2014) and as annotated on the drawing entitled '*Herbert Road. Possible off-site enhancement options for discussion*' (20/6/14) is conditioned through the planning permission so that the details can be agreed with the Local Planning Authority, in conjunction with us; and/or addressed through the Appropriate Assessment. We would ask that relevant conditions in respect of detailed proposals be attached should development be permitted in order to ensure the measures are implemented within a suitable timescale. How mitigation measures will be maintained (and in the longer term) will need to be suitably controlled. We also refer you to our comments in respect of the Appropriate Assessment, which will be sent under separate cover.

Construction Environmental Management Plan

We refer you to our advice is given in our letter of 5th February 2014 (1962690/C.38.07.02/AH), copy enclosed. We would be pleased to review and advise on the Construction Environmental Management Plan (CEMP), allowing a reasonable time for us to review.

Potential for Contamination

We refer you to our advice given in our letter of 5th February 2014 (1962690/C.38.07.02/AH) and we maintain our request for conditions. This includes condition(s) to prevent the infiltration of surface water drainage into ground other than that which is given prior approval.

Other Environmental Material Planning Considerations

We refer you to our advice given in our letter of 5th February 2014 (1962690/C.38.07.02/AH) in regard to other environmental matters, they are, Drainage Ditch, Water Features, Water Supply, and Water Efficiency, Landscape, Nationally Protected Species and Local Biodiversity.

We also refer the applicant to our regulatory advice on Environmental Permitting and Abstraction Licence requirements.

Extant Planning Permission and ordinary watercourse

A layout plan attached to the extant permission refers to culverting of the existing ordinary watercourse. The current FCA (March 2014) supports proposals for an opened watercourse. We support the latter proposals for an open watercourse and do not support proposals for culverting.

Flood Consequence Assessment

As you are aware, we have been in communications with the applicant's consultants and Newport City Council, whereby we have agreed parameters to be included in the flood consequence assessment (FCA), which includes consideration of the extant planning permission.

Our advice is that we have no objection to the development as submitted on flood risk management grounds. Should the Local Planning Authority be minded to grant planning permission then we would request conditions to be included to ensure that development is carried out in accordance with the FCA, as amended.

In summary, the Flood Consequence Assessment (Dated March 2014, Reference 13980/FCA01F and letter dated 28th May 2014, ref. FCA01F_Addendum 01) assesses the baseline scenario and demonstrates that;

- The site is subject to depths of flooding of 1.6-3.2 metres in a 0.5% tidal event (with application of upper confidence limits) and 1.8-2.8 metres depth of flooding in a 0.5% tidal event (without application of upper confidence limits). Raising the site to 9.8m Above Ordnance Datum (AOD) with Finished Floor Levels (FFLs) set at 9.95mAOD will manage this risk, which complies with the requirements of Technical Advice Note 15 Development and Flood Risk (TAN15).
- The risk of flooding is within the tolerable conditions for the 0.1% (1 in 100 year extreme tidal event), applying 100 years lifetime of development factor.
- There is no increase in flooding elsewhere and betterment will be provided.
- A flood free route (pedestrian) is available to the north of the site via the Glan Usk School grounds and onto Bank Street. Our view is that it is for the Local Authority to seek advice from other professional advisors on emergency plans, procedures and measures.

We also agree that discussions should be advanced with the Local Authority's Drainage Engineers in regard to surface water management. The proposed works will require the

prior formal Flood Defence Consent of Natural Resources and/or Ordinary Watercourse Consent from Newport City Council as the Lead Local Flood Authority (LLFA).

Our fuller advice and explanation on the FCA, as amended, is provided in our letter below;

Newport City Council on 22nd May 2014

We refer to the emails from Newport City Council dated 15th and 22nd May 2014, which confirms the following:

- i. A factor of 100 year lifetime of development must be assessed, having regard to the 0.1% flooding event. This accords with the requirements of Technical Advice Note 15 Development and Flood Risk (TAN15).
- ii. The extant scheme approved levels have been used as a baseline scenario. It appears that the Glan Usk School site has been raised above 9.8m Above Ordnance Datum (AOD) and the school is above the 10.4m AOD Finished Floor Level (FFL) requirement. The levels used in the development of the School therefore meets the condition in the outline planning permission. These requirements could be implemented in respect of the extant residential scheme (that is, 9.8m AOD with FFL 600mm above this level). These levels therefore are a reasonable baseline scenario for the FCA.

We provide our advice in consideration of correspondence 20th, 22nd, 23rd and 28th May and comments made in the above points (i) and (ii). For ease of reference, our current advice follows the format of our previous letter to you 21st May 2014. Our current advice and recommendations are shown in bold font.

1. Noted and agreed.
2. Referring to the letter from the Welsh Government dated 9th January 2014 to all Chief Planning Officers in the Local Authorities "*it is necessary to take account of the potential impact of climate change over the lifetime of development including a flood event, which has a 0.1% probability of occurrence*".

The Local Planning Authority have confirmed in point (i) above that such factors should be considered in assessment. The letter from Waterman Transport and Development dated 28th May 2014 (ref. FCA01F_Addendum 01) confirms that:

“The critical mechanism of flooding is the 0.5% probability tidal event in 2114, with a predicted peak tide level of 9.894 mAOD (including the upper confidence interval). The 0.1% probability tidal event in 2114 is 9.824 mAOD. The Upper Confidence Interval is not applied to the 0.1% probability event. Therefore, it can be concluded that the impact of climate change has also been assessed for the 0.1% probability event as part of the FCA”.

Comparing the proposed development levels with the above flood levels, the tolerable conditions are likely to be below the thresholds contained within A1.15 of TAN 15. We have no further adverse comments to make regarding this because the consequences of flooding (within the development site itself) are considered to be manageable for the 0.1% (1 in 1000 year) extreme tidal flood event with 100 years of climate change.

Please be aware that during the above events flooding outside the development site (to the south in particular) is likely to exceed the tolerable conditions of A1.15. As it is for the Local Planning Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we would recommend consulting other professional advisors on the acceptability of the developer’s proposals, on matters that we cannot advise on including emergency plans, procedures and measures to address structural damage that may result from flooding.

3. Our data indicates that during the 0.5% probability tidal event (with Upper Bound Confidence Limit) depths would be in the range of 1.6 to 3.2 metres. These reduce to 1.3 to 2.8 metres (without Upper Bound Confidence Limit applied). If the Local Planning Authority is minded to consider the existing “undeveloped” site as opposed to the suggested “baseline scenario,” that is, the extant Scheme, it is highly likely that based on the depths of flooding above, the removal of this tidal floodplain by raising existing ground levels will displace a substantial volume of floodwater and increase flooding elsewhere.

The Local Planning Authority have confirmed that they consider the extant scheme to be the “baseline scenario” in assessing flooding elsewhere and this is also confirmed in the consultant’s letter of 28th May 2014.

This information is currently reflected within the FCA. Natural Resources Wales has no further requirements for the FCA to be updated in relation to this matter.

4. The water surface elevations in the UNDEFENDED scenario (Table 3 – Appendix D) do not materially vary for the events specified.

Natural Resources Wales seeks clarification why the “mean” velocities have been stated whereas the “maximum” depths have been used in this table. We would expect these parameters to correspond and be of the same magnitude.

We agree and have no further comments to make following the information provided in the consultant’s letter of 28th May 2014.

5. Section 4.4 (paragraph 4) states that the road levels will be set at circa 9.5 mAOD whereas Section 4.5 (final paragraph) states that the road infrastructure will be 350mm lower than the site levels (9.8 mAOD) with corresponding levels in the range of 9.45 to 9.8 mAOD.

The FCA must provide clarity with the proposed road infrastructure levels within the development.

We have considered the details submitted by the applicant’s consultant, they are, Indicative Site Layout showing finished floor levels and Natural Resources Wales therefore has no further comments to make regarding this aspect.

6. **No further comments because the extant scheme has been confirmed to be the Baseline Scenario.**

7. **No further comments because the extant scheme has been confirmed to be the Baseline Scenario**

8. Noted. The proposed works will require the prior formal Flood Defence Consent of Natural Resources and/or Ordinary Watercourse Consent from Newport City Council as the Lead Local Flood Authority (LLFA).

Comments made in item 8 remain applicable, give requirements of flood risk legislation, which is outside of the town and country planning regime.

9. Noted.

10. Comments in Section 6.3 (final paragraph) propose to discharge surface water at an unrestricted rate, whereas in Section 7 (bullet point 6) comments are that surface water will be discharged into the land drainage ditch (Ordinary Watercourse) in the northern half of the site. Discussions regarding the rate of runoff should be advanced with Newport CC during the detailed design stage.

The consultant has confirmed that the discharge of surface water will be to an unrestricted rate into the land drainage ditch. We agree that discussions with the local authority's drainage engineers should be advanced and agreement sought on this issue.

11. It is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend that other professional advisors are consulted 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, Natural Resources Wales does 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.

Please refer to the above comments with point (2) above.

12. Please refer to comments in item (11) above.

In considering of the above information, we request that the development is carried out in accordance with the updated flood consequence assessment (FCA) and controlled through the planning permission if your Authority is minded to permit development.

Other Regulatory Regimes outside of the Town and Country Planning Process

Please be aware that any advice and comments which may have been made by Natural Resources Wales within the planning process should only be looked at in the context of that regime within which they fall and should not be construed as having any bearing or binding effect on other regulatory processes.

Future Communications

Should the developer require any consents/permits from us then application forms should be submitted to us as soon as possible and in advance of development because this may take several months to determine.

Should you have any further queries, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Mrs Jackie Walters
Senior Development Planning Advisor / Uwch Ymgynghorydd Cynllunio Datblygu
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Ein pwrpas yw sicrhau fod adnoddau naturiol Cymru yn cael eu cynnal, gwella a'u defnyddio yn gynaliadwy, yn awr ac i'r dyfodol / Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

cc. Jon Wilks, Associate Director, Asbri Planning
Laura Clements, Engineer, Waterman Transport and Development Ltd