



**Cyfoeth
Naturiol**
Cymru
**Natural
Resources**
Wales

Ein cyf/Our ref:
1962690/C.38.07.02/AH
Eich cyf/Your ref: CONEX/13/1279

Rivers House
St Mellons Business Park
Fortran Road
St Mellons
Cardiff
CF3 OEY
Epost/Email:
angela.hunt@naturalresourceswales.gov.uk
Ffôn/Phone: 029 20772400

Mr Geraint N Roberts
Newport City Council
Civic Centre
Newport
South Wales
NP20 4UR

5 February 2014

Dear Mr Roberts

**RIVER USK SPECIAL AREA OF CONSERVATION (SAC), RIVER USK (LOWER USK)
SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)**

**DEVELOPMENT OF 248 DWELLINGS AND ASSOCIATED WORKS INCLUDING
BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING
PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1**

LAND TO SOUTH OF GLAN USK PRIMARY SCHOOL HERBERT ROAD NEWPORT

Thank you for your letter received on 24 December 2013 regarding the above planning application. I apologise for the delay in replying.

Natural Resources Wales notes that this planning application seeks full planning permission from your Council. We also note that your Council issued an opinion on 26th November 2013 that the proposed scheme constitutes Environmental Impact Assessment (EIA) development and as a result the applicant has produced an Environmental Statement (ES) for the development proposals described in planning application CONEX/13/1279. Natural Resources Wales representation on the current planning application is set out below.

NRW objects to the planning application and recommends that an appropriate assessment under the Conservation of Habitats & Species Regulations 2010 as amended be undertaken with regards to the possible impacts on the integrity of the River Usk Special Area of Conservation (SAC).

Natural Resources Wales also objects to the development as submitted on flood risk management grounds. We request the FCA/Model to assess the impacts of raising the site out of the current flood risk area (identified on NRW Data – Appendix D, Figure 4). Notwithstanding this objection we provide advice on the development as submitted in regard to other topics.

CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 - RIVER USK SPECIAL AREA OF CONSERVATION

The advice in this letter is offered by Natural Resources Wales to assist in reaching a view on the possible significant effect of the above proposals in the context of Regulation 61 (1) of the Conservation of Habitats and Species Regulations 2010 as amended. On the basis of the information provided, Natural Resources Wales is unable to state that the proposed development would not be likely to have a significant effect on the River Usk SAC. We therefore recommend that NCC, as the competent authority, carry out an ‘appropriate assessment’.

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 SAC. The conclusions of the appropriate assessment should enable NCC to ascertain whether or not the proposed development would adversely affect the integrity of the SAC.

Regulation 61 (6) states that, as part of the appropriate assessment process, the competent authority ‘shall have regard to the manner in which it (the development) is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given’. In addition we remind you of the need to consider this proposal ‘in combination’ with other developments in the vicinity, particularly the possible cumulative impacts from other proposed developments along this stretch of the River Usk SAC as part of the appropriate assessment.

Areas of concern we recommend should be addressed within the appropriate assessment are outlined below:

As was highlighted during pre-application discussions (see Section 7.1 of the ES – summary of consultation responses) a major concern is the design and location of the development, particularly the proximity to the river (see below).

A key element when assessing the significance of the design and location in the appropriate assessment will be the potential impacts of the proposals on otters. It is essential that undisturbed passage for otters is maintained along the river, together with suitable resting/lying up sites at regular intervals.

We also have concerns regarding impacts on shad migration, disturbance of contaminated land and surface water discharges. These areas of concern are expanded on below.

Otter Feature

Our concerns with respect to otters are considered under the following headings.

- Design and location of the development
- Site Clearance and Construction
- Operation
- Mitigation

Design and location of the development

We note the proposed site layout plan sw49 (04) 01 which shows the development very close to the river. We note in Bullet Point 16 of section 7.160 of the ES – it is stated the buffer strip between the road and top of the river bank would vary in width between 3 and 15 m. We note elsewhere it is stated that the path is 3m. Therefore it implies the path would be directly adjacent to the top of the bank in places. We request you seek detailed information regarding the river edge treatment including scaled plans.

We also note, in chapter 9 Flood Risk, that ‘the land will be raised to 8.4m AOD and the embankment along the western site boundary will be improved’. We seek clarification of the location of the improvement works. A key element when assessing the significance of the design and location in the appropriate assessment will be the potential impacts of the proposals on otters. All of these issues should be assessed within the appropriate assessment.

Site Clearance and Construction

Concerns include physical disturbance to the riverbank, contaminated run-off, and disturbance to otters using the river.

We welcome the proposals within chapter 7, section 7.160 particularly bullet points 2, 5, 6,7,8,9,10,11,12, 26. In particular we welcome bullet point 26 - regarding the preparation of a project management plan. We also note and welcome the reference to the preparation of a Construction Environmental Management Plan (CEMP). This should include pollution prevention and contingency measures. These issues should be addressed within the appropriate assessment.

Operation phase

As previously stated it is essential that passage for otters is maintained along the river, together with suitable resting/lying up sites at regular intervals.

We recommend that disturbance impacts on otters during operation are assessed. This should include noise impacts from people and dogs. Lighting will also be an issue, both from the walkway itself and the buildings. We note some mitigation measures have been provided by the applicant, including those in 7.124 and 7.125. These issues should be addressed within the appropriate assessment.

Mitigation

We note the proposed mitigation measures in section 7.120 and 7.123 to 7.130. We welcome the mitigation proposals in principle. However most are outline in nature, and further detail should be provided, including detailed plans as highlighted above, and details of how they would be secured. Detailed comments on the list in section 7.120 is provided in annex 1.

Mitigation measures that seek only to redress some of the impacts and which do not therefore totally avoid any adverse effects, cannot be considered in the appropriate assessment.

Fish features

The rare fish species Allis and Twaite Shad, features of the river Usk SAC, are especially sensitive to vibration. It is essential that any construction works in the river or on, or adjacent to, the riverbank that result in vibration e.g. drilling, boring, piling or demolition works or demolition works are timed to avoid the migration period between 1 March – 30

June. We note and welcome the references to avoiding the shad migration period in the Environmental Statement (section 7.160).

In addition we would point out the need to avoid undertaking in-river works when other protected migratory fish, including Atlantic salmon are likely to be present in this stretch of the Usk – as such we recommend that to avoid adverse impacts on migratory fish in-river works are confined to January-February inclusive and July-August inclusive.

As you are aware these requirements can usually be addressed through appropriate conditions as part of any permission.

Contaminated Land

We are concerned about the potential for contaminated water or material entering the River Usk and leading to adverse impacts on the features of the SAC, particularly fish. The ES indicates that land in the vicinity of the proposed development is contaminated. We recommend contamination issues are addressed within the appropriate assessment. In order to assist with your appropriate assessment and determination of the application we offer the following advice.

Potential for Contamination

We note from comments made in Section 8 of the Non Technical Summary of the Environmental Statement (ES) that a site investigation report has been undertaken and it has been assessed that the risk is considered to be low provided that mitigation measures are implemented.

From the information provided, the tanks identified in the site history are considered to be a potential source of contamination. Although a location plan of site investigation boreholes is provided, no location for the historic tanks are provided. Additionally, no inferred groundwater flow direction has been provided and therefore the relevance of sample point locations is difficult to ascertain. Without this information it cannot be concluded that all potential risks to controlled waters have been adequately assessed.

Without prejudice to the conclusions of your appropriate assessment, with respect to issues relating to contamination, we consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below. Without these conditions, the proposed development on this site possesses an unacceptable risk to the environment and we would wish to object to the application.

Condition

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons

Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity due to proximity to River Usk SAC and contamination is known/strongly suspected.

Condition

Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reasons

In order to demonstrate that the remediation criteria relating to controlled waters have been met. In order to (if necessary) secure longer-term monitoring of groundwater quality.

This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reasons

To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons

Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

Condition

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons

The water environment is at risk and there is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

Condition

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant

unacceptable risk to groundwater.

Reasons

There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

Water Quality/Hydrology and Drainage

We would wish to be assured that any discharges into the River Usk SAC during both construction and operation would be of an appropriate quality compatible with the nature conservation interests of the site. As stated above appropriate pollution prevention measures should also be considered as part of the appropriate assessment. Again, these issues should be addressed within the appropriate assessment.

It is important to note that Regulation 61 (1) of the Conservation of Habitats and Species Regulations 2010 as amended states that as part of the appropriate assessment process the competent authority 'shall have regard to the manner in which it (the development) is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given'. It should be noted that mitigation measures, that seek only to redress some of the impacts and which do not therefore totally avoid any adverse effects, cannot be considered in the appropriate assessment.

We would be happy to provide further advice on the scope of the appropriate assessment, and indeed you should in any case consult us formally as part of any appropriate assessment.

RIVER USK (LOWER USK) SSSI

We consider that your letter constitutes the giving of a notice to CCW of proposed operations likely to damage the features of a SSSI, under section 28I (2) of the Wildlife and Countryside Act 1981 (as substituted by section 75 (1) and Schedule 9 of the Countryside and Rights of Way Act 2000).

Our concerns for the River Usk (Lower Usk) SSSI are the same as for the SAC; please refer to the comments made above. In summary, we are unable to reach a view regarding the potentially significant impact of these proposals on the River Usk (Lower Usk) SSSI without further information.

EUROPEAN PROTECTED SPECIES - OTTERS

As well as being a feature of the SAC, otters are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and

Species Regulations 2010 as amended. Should any otter breeding sites or resting places come to light at any time before the development is complete, we recommend that the applicant apply to Natural Resources Wales for a licence under Regulation 44 of the 2010 Regulations, before proceeding further.

FLOOD RISK MANAGEMENT MATTERS

As you are aware the proposed development site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, which is a designated main river. Our advice therefore is that the applicant needs to demonstrate, through submission of a Flood Consequences Assessment (FCA), that the consequences of flooding can be managed over the lifetime of the development.

The FCA for Herbert Road, Newport produced by Waterman Transport and Development Limited (Reference 13980/FCA01E, Dated November 2013) confirms the following;

1. The existing site is unaffected by the 1% and 0.1% annual probability fluvial flood events in the River Usk.
2. The existing site is shown to be unaffected by tidal flooding during the 0.1% probability tidal event (8.76 mAOD) in the current day (2014) DEFENDED scenario.
3. The existing site is shown to be unaffected by tidal flooding during the 0.5% probability tidal event (8.83 mAOD) in the (2064) DEFENDED scenario.
4. It is proposed to raise the site to 8.4 mAOD above the predicted 0.5% probability level (previously development needed to be raised to 9.1 mAOD, as conditioned in the extant planning permission, please refer Section 4.4. of the FCA). This removes an area of approximately 2.5 hectares out of the 0.5% flood outline.
5. The existing crest level of the footpath to the west of the site will be raised to 9.5 mAOD for approximately 240metres to tie into an existing level of 9.47 mAOD at the north of the site. This will prevent floodwaters spilling into the site from the north western corner.

The measures outlined in items 4 and 5 above will ensure the development remains flood free even during the most conservative estimation of the 0.5% probability tidal event (9.23 mAOD) in 2064, that is, 0.5% plus climate change, plus an allowance for uncertainty using the Upper Bound Confidence Limit for this event, that is, 400mm.

6. The proposed development is not likely to be affected by pluvial and groundwater flooding.

7. The development will result in an increase of impermeable areas with a corresponding increase in surface water runoff. We note that it is intended for discussions to be undertaken with representatives from Newport City Council during the detailed design stages of the development.

8. The FCA has assessed that emergency access to and egress from the proposed development site remains compliant with the requirements of TAN 15 within the development boundary. However, the main access to and egress from the route to the south of the development will experience depths of flooding in excess of 600mm. It is proposed to retain the pedestrian link to Charnwood Road via the Railway Underpass at the north of the site, which will provide an alternative flood free access. It is intended to raise the development out of the current 0.5% flood extent and it is therefore suggested that the plateau itself would provide an appropriate point of containment for residents if necessary until floodwater within the vicinity subsides.

9. Modelling by the applicant's consultant has established that by raising the site and the existing footpath, this will not cause displacement of floodwaters and affect flooding elsewhere. This is as a result of the existing site being unaffected by flooding during the 0.5% (2064) and the 0.1% (2014) tidal flood events.

In consideration of the assessment and points raised above, the advice of Natural Resources Wales is that the FCA submitted is not sufficient for us to advise your Authority whether the risks and consequences of flooding associated with the proposed development can be managed down to an acceptable level. Maintaining the respective notation as above, we explain our reasoning for our objection below;

1. We note and agree with the assessment findings.

2. We are not in agreement with the assessment because our mapped information shown in Figures 4 and 5 (Natural Resources Wales Data – Appendix D of the FCA) identifies partial flooding of the site with an associated tidal level of 8.8 mAOD, that is, 0.5% (2011) 0.4 metres confidence limit. This level is equivalent to the 0.1% (2014) tidal flood level. This level according to our information in Appendix D results in flood depths greater than 300mm and at elevations of between 8 and 8.25 mAOD within the areas affected within the existing site.

3. We refer you to our comments in (2) above.

4. In consideration of the FCA findings and points 2 and 3, raising the existing site levels to 8.4 mAOD will displace floodwaters, which may increase flooding elsewhere.

Within a previous FCA dated June 2013, it was established that due to the proposed mitigation measure of raising the site to a level of 8.4m AOD and the existing footpath to 9.5m AOD, an area of approximately 2.5ha is raised out of the 1 in 200 year floodplain.

This is also still the case within the current FCA submitted with planning application (CONEX/13/1279). As a result of the proposed land raising shown in drawing number 13980-C-SA-90-0004-A01 (in the previous FCA, June 2013) an increase in flood depth of 110mm to the south of the site was indicated. We also note that minimal detriment is observed within the wider floodplain with floods levels on the eastern side of the railway shown to increase by 12mm. This outcome was as a result of applying the upper bound confidence limit (400mm) to the 0.5% (2063) tidal flood level of 9.2m AOD.

Whilst we have confirmed in the interim that in applying the upper bound confidence limits are not required to assess the impacts of flooding elsewhere, we request the local planning authority and applicant use the FCA/Model to assess the impacts of raising the site out of the current flood risk area (identified on NRW Data – Appendix D, Figure 4); and due to the comments made in 2 and 3 above. This information should then be submitted to the local planning authority for review in conjunction with ourselves,

While we note that a 50 years lifetime of development factor has been considered in the assessment, please be aware that if your Authority considered 100 years as being an appropriate lifetime of development (in line with our current recommendations) then we would expect increases greater than those highlighted above to occur, that is, 0.5% (2114) and where 100 years of climate change equates to a tidal level of 9.5m AOD. This is 300mm greater than tidal level of 9.2m AOD used in the June 2013 FCA.

5. Please refer to our comments in (4) above.

6. We note the findings of the assessment.

7. We note the findings of the assessment.

8. 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.

9. We note the findings of the assessment in (4) above.

Should the above matters of objection be resolved then please find our additional advice below, which you will also need to consider in determination of this planning application.

Drainage Ditch

From comments made in the FCA submitted (paragraph 4.5.1), it is noted that the existing drainage ditch that flows from east to west through the site will be retained, which will include a buffer zone for ecological and recreational purposes. We note that the conveyance capacity of the existing channel will not be changed and the proposed plateau will ensure that the new dwellings will not be affected by the minor watercourse.

We note that the low lying area proposed next to the ditch is likely to provide attenuation for flood water in the ditch, when the outfall to the river is tide locked.

We agree that the detailed design will need to ensure that proposals avoid any potential impact resulting from the loss of floodplain connectivity/storage for floodwaters associated with this ditch.

It is also noted that the desired method of surface water disposal is by means of discharge to this ditch and then into the River Usk with the appropriate rates of attenuation.

Potential Impact on Water Features

We previously advised that the ES would need to demonstrate that the development will not affect any water features (they include wells, boreholes, springs, streams or ponds) in the area, including licensed and unlicensed abstractions. Although there are no known licensed abstractions located within the vicinity of the proposed development, consideration should be given to any abstractions outside the site boundary that have the potential to be impacted and any unlicensed abstractions, particularly for domestic and/or agricultural use. The information on the location of private domestic sources is held by the local authority.

Water Supply

We previously advised that if a mains water supply is proposed, the applicant should contact Dwr Cymru/Welsh Water (DCWW). It is understood that DCWW were consulted to discuss key issues at the site. While the ES provides some detail regarding the foul drainage matters relating to public water supply does not appear to be included. We note from comments made in Section 5 of the ES (Volume 1) that the development will not result in demand for water that cannot be adequately met. However, no further information has been provided to confirm this is the case. Please note, any proposal other than mains supply must be discussed with Natural Resources Wales.

Water Efficiency

Consideration should also be given to the efficient use of water within the design of the development. For further advice the applicant should contact Natural Resources Wales:
Email: enquiries@naturalresourceswales.gov.uk
Tel: 0300 065 3000 (Mon-Fri, 8am - 6pm)

Environmental Permitting

Waste Management Matters

If any waste is to be used on site then this activity may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from Natural Resources Wales, unless a waste exemption applies. Currently, we are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used in moving the material off site to a suitably permitted facility.

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

The applicant is advised to contact Tony Bruten, Newport & Monmouthshire Environment Management Team at our Monmouth Office on (02920 582755) for further advice. We also refer the applicant to guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>.

Abstraction Licence Requirements

As previously advised, an abstraction licence is required for any proposal to abstract more than 20 cubic metres of water per day from a surface water source (for example, stream or drain) or from underground strata (via borehole or well) for any particular purpose. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

LANDSCAPE

We recommend you assess the landscape information provided against the “Landscapes working for Newport” study, which has been undertaken on behalf of NCC in partnership with the Welsh Development Agency and the CCW.

NATIONALLY PROTECTED SPECIES

We note that amphibians and reptiles are present on the site, including slow worms. Slow worms are protected from killing and injuring and trade under Sections 9(1) and 9(5) of the Wildlife and Countryside Act 1981 (as amended).

We welcome the proposed measures in Section 7.120 ‘mitigation measures’ of the ES, in particular that *‘an appropriate site clearance methodology would be agreed with the local authority, to minimise potential harm to protected species (such as wild mammals, or reptiles)’*.

LOCAL BIODIVERSITY

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan, or other local natural heritage interests. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or nature conservation organisations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

CONCLUSION

River Usk SAC, SSSI

We are unable to say there would be no significant effect on the River Usk SAC and SSSI. We therefore object to the proposals and recommend that an appropriate assessment is carried out. We can give further advice when the necessary assessments are completed.

Flood Risk

Natural Resources Wales also objects to the development as submitted on flood risk management grounds. We request the FCA/Model to assess the impacts of raising the site out of the current flood risk area (identified on NRW Data – Appendix D, Figure 4).

Planning Application Determination

If your Authority is minded to grant permission contrary to our advice, we should be informed of all matters that influence this decision, prior to granting permission, allowing sufficient time for further representations to be made.

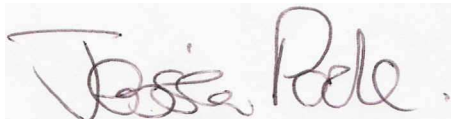
We are required to report to the Welsh Assembly Government those instances in which our recommendations for refusal on grounds of flood risk have not been accepted by Local Planning Authorities. Therefore, if planning permission is granted contrary to our recommendation, we would be grateful if you would provide us with a copy of the Committee report, relevant Committee minutes and the decision notice.

Other Regulatory Regimes

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

I hope these comments are of assistance. If you have any queries regarding anything in this letter please contact Angela Hunt at the above address.

Yours sincerely



Jessica Poole
Team Leader
Cardiff & Newport

LAND TO SOUTH OF GLAN USK PRIMARY SCHOOL HERBERT ROAD NEWPORT

ANNEX 1 – DETAILED COMMENTS ON PROPOSED MITIGATION MEASURES

Bullet point (BP) 1 – We welcome the fact that site layout and all works related to construction would be outside the SAC/SSSI boundary.

Bullet Point (BP) 2 – Welcome the statement there would be no new outfall points to the river.

BP3 – We welcome the proposals for offsite habitat enhancement. However, further details of how this is to be done should be provided. Details of how offsite works will be secured should be provided.

BP4 – We welcome the proposal for a buffer strip/series of bunds in principle. However, as stated in our feedback at the pre- application stage we would need to see detailed dimensions/cross sections before commenting further. There does not appear to be any detailed plans provided within the ES, apart from the site layout plan, which is general in nature. We are therefore unable to provide detailed comments at this time.

BP5 – We welcome the proposal to establish the buffer strip and bunds as initial enabling works.

BP6 – We welcome the commitment for no construction works that would result in ground vibration to take place between 1 March and 30 June to avoid the shad migrations period. We recommend this is addressed within the appropriate assessment.

BP7 – We welcome fencing proposals.

BP8 - welcome

BP9 – welcome

BP10 - welcome

BP11 - welcome

BP12 - welcome

BP13 - welcome

BP14 – Welcome, particularly the fact that the existing outfall to the river will be utilised, thus reducing the possibility of damage/disturbance to the riverbank.

BP15 – We welcome the commitment for a 5 year management plan to cover the off site mitigation area, the SAC buffer strip, Lottery's reed and that the developer would be responsible for maintenance of this area. However, we seek clarification as to how this would be secured.

BP16 – We note it is stated the buffer strip between the road and top of the river bank would vary in width between 3 and 15 m. We note elsewhere it is stated that the path is 3m. Therefore it implies the path would be directly adjacent to the top of the bank in places. We request you seek detailed information regarding the river edge treatment including scaled plans. We recommend care is taken regarding seeding proposals next to the River Usk SAC, SSSI.

BP 17 – We recommend you seek the advice of your ecology officer regarding this issue.

BP18 - We recommend you seek the advice of your ecology officer regarding this issue.

BP 21 - We recommend you seek the advice of your ecology officer regarding this issue.

22 - welcome

25 - welcome

26 - welcome

RESIDUAL IMPACTS – DESIGNATED SITES

7.123 – We welcome the proposal to incorporate delivery of the mitigation measures into a management plan, which would cover the first 5 years of the operational phase.

7.124 – We welcome the management will include measures to protect the River Usk SAC/SSSI.

7.125 – We welcome the proposals to protect otters during construction.

7.126 – We welcome the proposals to restrict piling and boring works to outside the shad migration period.

7.128 – In principle we welcome the proposals to create a bund adjacent to the river. However, as stated in the main body of the letter detailed proposals including plans should be provided.

7.129 – We welcome the proposals for off-site mitigation in principle. Again, as stated in the main body of the letter detailed proposals including plans should be provided.

7.130 – We welcome the commitment that the mitigation would be completed in advance of the main construction works.