

Delegated Decision Report

Application No:	25/0328	Statutory Period Expires:	25th June 2025
Site:	<i>Land Adjacent To 7 Ebbw Close Rogerstone Newport South Wales</i>		
Proposal:	<i>PROPOSED ENGINEERING WORKS FOR THE REPAIR AND REINSTATEMENT OF THE COLLAPSED BANK OF THE RIVER EBBW</i>		
Applicant:	<i>C Atyeo</i>		
Type:	Full	Ward:	Rogerstone West
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 This application has been submitted in response to a section of the riverbank of the River Ebbw being eroded over a number of years with sections of the riverbank having been lost.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises of a section of the eastern bank of the River Ebbw adjacent to the Jubilee Park residential development located north of the existing pedestrian bridge that crosses the river adjacent to Jubilee Park Walk/Welsh Oak Way. A flood defence wall separates the site from the residential development to the east.
- 2.2 The defined Urban Boundary as shown on the proposals map that accompany the Newport City Council Local Development Plan (LDP) runs adjacent to the application site, therefore, for the purposes of planning the site is within the countryside. The site falls within the limit of the West of Rhiwderin Special Landscape Area (SLA) and is part of a long-distance walking/cycle route however currently a diversion is in place due to the collapsed bank.
- 2.3 The site is part of a Mineral Safeguarding Area for Sub-alluvial Superficial and gravel deposits. The River Ebbw is a Site of Importance for Nature Conservation (SINC). The site is within a zone 3 flood zone as shown on Natural Resources Wales (NRW) Flood Map for Planning (FMfP).

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks planning consent for engineering works for the repair and reinstatement of the collapsed section of riverbank of the River Ebbw. The area proposed to be repaired/reinstated comprises a total length of 35M, 4M in width and height 3.9M.
- 3.2 To reinstate the riverbank it is proposed to utilise pre-filled 2 tonne “AquaRock” bags that will be topped with composite turf reinforcement mats. Details of the means of construction, pollution control and construction timings are contained within the supporting information submitted to accompany this application.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

5.1 Future Wales - the National Plan 2040

- Policy 1 - Where Wales Will Grow
- Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking
- Policy 4 – Supporting Rural Communities
- Policy 8 – Flooding
- Policy 9 - Resilient Ecological Networks and Green Infrastructure
- Policy 12 – Regional Connectivity
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

5.2 Planning Policy Wales (Edition 12) 2024

3.13 Existing infrastructure must be utilised and maximised, wherever possible.

Where new infrastructure is necessary to mitigate transport impacts of a development and to maximise accessibility by sustainable non-car modes, it should be integrated within the development layout and beyond the boundary, as appropriate. This could include works to connect cycle routes within a site to a wider strategic cycling network or provision of bus priority measures on highway corridors serving a new development.

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.

4.1.26 Walking and cycling are good for our health and well-being. They support valuable social and recreational opportunities and are integral to placemaking, creating life and activity in public places and providing the opportunity to meet people. Sustainable places invite people to walk and cycle as part of their everyday routine.

4.1.29 The planning system has an important role to play in promoting and supporting the delivery of the Active Travel Act and creating the right environments and infrastructure to make it easier for people to walk and cycle, including new and improved routes and related facilities.

5.14.22 It is essential to the economic health of the country that the construction industry is provided with an adequate supply of the minerals it needs. The main sources of aggregates are crushed rock and sand and gravel both land-won and marine-dredged..... The importance to the UK of aggregates should be taken into account when planning applications are being considered together with other policies in this guidance and relevant Minerals Technical Advice Notes (MTANs) and Technical Advice Notes (TANs). In order to conserve natural resources, particular emphasis should be given to increasing the use of alternative products to primary materials where appropriate.

6.6.6 The ability of the planning system to protect water features and foster sustainable water management as key attributes of attractive and resilient places to live is closely aligned with securing the multiple benefits of green infrastructure. Ensuring the

implementation of nature based solutions through green infrastructure provision is a key preference and the multiple benefits of protecting river corridors should be maximised.

6.4.31 Although non-statutory designations do not have a statutory process for their protection, Sites of Importance for Nature Conservation, Local Wildlife Sites, Local Nature Reserves, and Regionally Importance Geodiversity Sites make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given protection in development plans and the development management process. Non-statutory sites can form the core of a vital network of threatened habitats, play an essential role in protecting, maintaining, connecting and restoring biodiversity and contribute to nature recovery and a net benefit for biodiversity.

6.6.22 The climate emergency is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.

5.3 Technical Advice Notes

- Technical advice note (TAN) 5: nature conservation and planning
- Technical advice note (TAN) 6: planning for sustainable rural communities
- Technical advice note (TAN) 15: development, flooding and coastal erosion
- Technical advice note (TAN) 16: sport, recreation and open space
- Technical advice note (TAN) 18: transport

5.3 Newport Local Development Plan (2011-2026)

Policies: SP1, SP2, SP3, SP4, SP5, SP8, SP9, SP14, SP21, GP1, GP2, GP4, GP5, GP6, GP7, CE1, CE2, CE8, T5, T6, CF4, M1.

5.4 Supplementary Planning Guidance

- Sustainable Travel
- Wildlife and Development
- Mineral Safeguarding

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales: No objection.

6.2 Local Highways Authority: No objection subject to condition.

6.3 Landscape Officer: No objection.

6.4 Planning Ecologist: No objection.

6.5 Dwr Cymru Welsh Water: No objection subject to condition.

7. PUBLIC REPRESENTATIONS

7.1 In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, two site notices were displayed within the vicinity of the site. Ward member notification letters were sent and the occupiers of the

closest residential properties were directly notified. No public representations have been received in response to this publicity exercise.

- 7.2 Both Rogerstone Community Council and the Local Parish Council have provided statements of support to the proposed development.

8. **ASSESSMENT**

8.1 Principle of Development

- 8.1.1 This application seeks consent for engineering works required to reinstate the eroded section of riverbank to the River Ebbw which in turn would allow the long-distance walking/cycle route to be reinstated as well as reliving pressures on the existing flood defence wall.
- 8.1.2 The development site is located outside of but adjacent to the defined urban boundary and is therefore for the purposes of planning located within the countryside where development is strictly controlled and only development requiring a countryside location or one that is compatible with such a location will be considered favourably. In this case the proposed development is proposed in this location due to the course of the River Ebbw therefore the development is considered to be justified and necessary within this location and no conflict with policies restricting development outside of the defined settlement boundaries has been identified. Accordingly, The Local Planning Authority raise no concern or objection to the principle of the development as it accords with the objectives and relevant policy criteria contained within the LDP.

8.2 Visual Amenity/ Character and Appearance

- 8.2.1 The application site is readily visible within the public realm and would therefore impact upon the amenity and character of the area. The development is proposed as a continuation of the existing riverbank and seeks only to reinstate the section of bank that has been lost. Therefore, no concern or objection is raised to the scale or extent of the proposed development.
- 8.2.2 The banking is proposed to be reinstated using pre-filled 2 tonne “AquaRock” bags that will be topped with composite turf reinforcement mats. The proposed means of construction will provide a semi-natural finish and allow for some re-vegetation. The visual impact of the development is considered to be acceptable avoiding any adverse visual impact that would prejudice the special character of the countryside or the Special Landscape Area.
- 8.2.3 The Councils Landscape Architect has been consulted on this application and raises no objection in relation to the visual or landscape impact of reinstating a lost section of riverbank.

8.3 Residential Amenity

- 8.3.1 The proposed development site is located several meters from the closest residential dwellings and is separated by an existing flood defence wall, therefore the proposal is not considered to result in any unacceptable impact upon the living conditions of neighbouring occupiers.
- 8.3.2 It is noted that some disturbance may be experienced by immediate residents and users of the adjacent walkways while the development is under construction,

however the over all development is considered to be limited in scale and any disturbance/disruption is considered to be acceptable. Additionally, a condition as recommended by the Local Highways Authority requiring additional details of construction phasing will provide additional safeguards to local residents.

8.4 Movement

- 8.4.1 The Local Highways Authority have been consulted on this application and raise no objection, subject to conditions as detailed in section 8.3.2 of this report.
- 8.4.2 The Public Right of Way Officer has been consulted on this application who raises no objection to the reinstatement of the banking or path.
- 8.4.3 The reinstatement of the banking would allow for this route to be utilised again for pedestrian/active travel movements, this accords with the requirements of both local and national planning policies which seeks to promote sustainable and active places and to provide access to open green/blue spaces.

8.5 Drainage/ Flooding

- 8.5.1 The Flood Maps for Planning show that application site to be within a flood zone 3, however, the proposed works will have a positive impact in relation to flooding/flood risk by reducing pressure upon the existing flood wall defence. NRW have been consulted on this application and raise no objection in respect of flooding/flood risk, however, advise that the Applicant will need to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Ebbw, a designated “main river” in accordance with the Environmental Permitting Regulations (2016).

8.6 Biodiversity

- 8.6.1 The River Ebbw is designated as a Site of Importance for Nature Conservation (SINC), accordingly the site is considered to have a high ecology/biodiversity value. The previous erosion of the riverbank has resulted in the loss of the riverine habitats and the proposal will protect against further destruction.
- 8.6.2 The application is supported by a Pre-liminary Ecological Assessment (PEA), Green Infrastructure Statement and methodologies outlining the means of construction and the measures proposed to ensure there would be no unacceptable adverse impact upon biodiversity/ecology as a result of the proposed development.
- 8.6.3 Section 5 of the PEA outlines the ecological mitigation and biodiversity enhancement measures, these are considered to be acceptable and proportionate to the scale and nature of the proposed development as to accord with the requirements of Chapter 6 of PPW12, Policy 9 of Future Wales: The National Plan and GP5 of the Newport LDP.
- 8.6.4 The Council’s Planning Ecologist has been consulted on this application and is satisfied that the proposed development would not result in any unacceptable adverse impact upon ecology/biodiversity and that the application is supported by a suitable level of survey works to inform the development. No objection is raised to the proposed development subject to a condition to secure the proposed ecological mitigation and biodiversity enhancement measures are implemented. Similarly,

NRW raise no concern in relation to the proposals impact upon ecology/biodiversity and are satisfied with the proposed methodology for construction.

8.7 Mineral Safeguarding

- 8.7.1 The proposed development site is designated as a mineral/aggregates safeguarding area for sand/gravel. In this case the proposal does not raise any concern as it would not prejudice the reserves, conflict with the requirements of local or national planning policies on this matter or sterilise the site for future extraction if necessary/appropriate.

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 The proposed development will re-instate a previously lost section of river-bank, allow the site to be used for active travel purposes again, provide a net-benefit for biodiversity and reduce pressures on the existing flood defences. The proposal is compliant with the relevant local and national planning policy criteria.

11. DECISION

GRANTED WITH CONDITIONS

1. The development shall be implemented in accordance with the following plans and documents:
 - 17957/100 rev 07 Location Plan
 - 17957/504 rev 07 Proposed Sections
 - 17957/501 rev 07 Proposed Site Layout
 - Salix Rock Mattresses Brochure
 - RIVER EBBW BANK REPAIR, JUBILEE PARK, ROGERSTONE, NEWPORT PRELIMINARY ECOLOGICAL APPRAISAL JUNE 2024 (SURVEY) (Abbey Sanders)
 - Green Infrastructure Statement (Hannaby Planning Solutions Ltd August 29, 2024)
 - Revetment Repair Works Outline Method Statement – Vale Consultancy Ref:17957 (October 2024-05)
 - Specification for Revetment Repair Work – Vale Consultancy Ref:17957 -04 October 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.

2. The development shall be carried out in strict accordance with the details contained within Section 5 of RIVER EBBW BANK REPAIR, JUBILEE PARK, ROGERSTONE, NEWPORT PRELIMINARY ECOLOGICAL APPRAISAL JUNE 2024 (SURVEY) and the proposed ecological enhancements shall be provided within 12 months of the commencement of the development hereby approved.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9 and to accord with Policy GP5 of the Newport City Council Local Development Plan.

3. No development shall commence until details of a method statement and risk assessment for the protection of the structural condition of the strategic sewer in close proximity of the site has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced and shall be retained at all times for the duration of the approved operations including the restoration works.

Reason: To ensure that the proposed development does not affect the integrity of the public sewerage system / water supply system] in the interests of public health and safety.

4. No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Council as Local Planning Authority.

The method statement shall include, but not be limited to:

- Construction traffic routes, including provision for access to the site
- Entrance/exit from the site for visitors/contractors/deliveries
- Location of directional signage within the site
- Siting of temporary containers
- Parking for contractors, site operatives and visitors
- Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of
- demolition/construction
- Temporary roads/areas of hard standing
- Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements
- Storage of materials and large/heavy vehicles/machinery on site
- Measures to control noise and dust
- Details of street sweeping/street cleansing/wheelwash facilities
- Details for the recycling/disposing of waste resulting from demolition and construction works
- Hours of working
- Phasing of works including start/finish dates

For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway. The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

02 EIA Screened – ES Not Needed: 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.

03 The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.