

Newport City Council
Civic Centre
Newport
NP20 4UR

Ein cyf/Our ref: CAS-280154-N2S9
Eich cyf/Your ref: 25/0333

Dyddiad/Date: 21 May 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: PROPOSED REDEVELOPMENT OF 40NO. HOMES AND ASSOCIATED WORKS.

LLEOLIAD/LOCATION: FORMER DEPOT COVERACK ROAD, NEWPORT,

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 06 May 2025.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Condition: Land affected by contamination
Condition: Contamination verification report
Condition: Unsuspected contamination
Condition: Surface water drainage
Condition: Piling
Condition: Construction Environment Management Plan

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

Land Contamination

We have reviewed the Preliminary Geo-Environmental and Geotechnical Assessment. Report Ref:0803007.001.01. June 2008 prepared by Tweedie Evans Consulting Ltd.

We agree with the recommendations in section 11.5 to carry out further site investigation and groundwater monitoring. To secure recommendations, we would request the following conditions should a full/formal application be received:

Condition: Land affected by contamination

No phase of the development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been 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 results of the site investigation and the detailed risk assessment referred to in (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 the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination

Condition: Contamination verification report

Prior to the occupation of the development a verification report demonstrating completion of 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 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. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Justification:

To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition: Unsuspected contamination

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 a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification:

To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. A site investigation may not uncover all instances of contamination and this condition ensures that contamination encountered during the development phase is dealt with appropriately.

Condition: Surface water drainage

No infiltration of surface water drainage into the ground <insert location> 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.

Justification: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

Condition: Piling

No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Justification: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

Flood Risk

The planning application proposes highly vulnerable development (Residential). The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 and /or 3 (Rivers).

We refer you to Section 10 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN15) for advice on how you should consider this application in line with current planning policy. Our role is to provide you with detailed advice on the findings and conclusions of the Flood Consequences Assessment (FCA) in relation to flooding from rivers and/or the sea, including the impact on flooding elsewhere. For advice on flood risk from surface water and or small watercourses you should consult with your Lead Local Flood Authority.

We have reviewed the supporting FCA undertaken by FCA referenced LBS-JBAU-XX-XX-RP-Z-0001-Coverack_FCA dated December 2024. The FCA shows that the risks and consequences of flooding are manageable to an acceptable level. Therefore, we have no objection to the application as submitted.

The FCA states that the site is level at approximately 10.2m AOD and there are no proposals to change ground levels for the proposed development.

During the 1 in 200 year plus climate change event the proposed development is not at risk of flooding and remains flood free. During the 1 in 1000 year plus climate change event although a significant area of Newport is at risk of flooding, the proposed development site remains flood free. The development therefore meets the requirements of A1.14 and A1.15 of TAN 15.

Access and egress to and from the proposed development site may be restricted due to the significant flood depths present across Newport in both the extreme events with climate change however there is access to a section dry land. The FCA advises that residents evacuate the site in advance of flooding or make preparations to shelter in place and that Newport City Homes and residents sign up for NRW flood warnings. It also suggests that Newport City Homes should prepare and share an emergency flood plan for the site, covering (at a minimum) adequate flood warning, evacuation and access/egress routes in the event of flooding for the lifetime of the development. This should encourage residents to evacuate site prior to a flood event. Emergency Plans should be agreed with the LPA Emergency Planners before adopted.

Given the site is not at risk of flooding, there is no potential for the proposed development to impact upon flooding elsewhere and no further requirement to consider A1.12 of TAN 15.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans 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.

Flood Risk Activity Permit

Any works a flood risk activity permit may be required from us, for example to construct an outfall structure on the bank of a main river. Further advice can be found here: [Natural Resources Wales / Check if you need a flood risk activity permit \(FRAP\)](#)

Protected Sites

The development is adjacent to the main River Usk Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and to avoid pollution incidents from the development affecting the SSSI we recommend a Construction Environment Management Plan is included:

Condition: Construction Environment Management Plan

No 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;

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- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized 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; species and habitats protection, avoidance and mitigation measures.
 - Soil Management: details of topsoil strip, storage and amelioration for re-use.
 - CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
 - Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
 - Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
 - Traffic Management: details of site deliveries, plant on site, wheel wash facilities
 - 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
 - Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.>
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The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: 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.

Habitats Regulation assessment (HRA)

We welcome the HRA and Ecological appraisal prepared by JBA, December 2024. We agree with the conclusions of the HRA that provide the mitigation measures recommended by JBA Consulting are implemented then there is unlikely to be an adverse impact on the River Usk SAC or Severn Estuary designated sites.

A robust CEMP (as advised above) should safeguard the SAC features from potential impacts from pollution/site run off and any ground contamination from historical industrial use of this land.

While we agree with the conclusion, we recommend the potential impacts of lighting spill during operation (not just during construction) is recognised in the HRA and the potential impacts of this on otters using the bankside habitat of the Usk.

This area has relatively high disturbance by noise and lighting due to the main road over St George bridge but lighting after the construction period is completed should still be considered. We note the site plan shows that only 4 small windows towards the Usk are proposed on the building plans. The lighting proposals for the buildings including any

security lighting and the balconies near the Usk should be addressed by a lighting condition.

Protected species

We have reviewed the Preliminary Ecology Appraisal (PEA) prepared by JBA, December 2024.

Bats

We satisfied that there is a negligible risk to Bats and we agree with the recommendations in paragraph 4.3.2 of the PEA

Otter

Whilst otter are known to be present on the River USk and are a feature of the SAC and SSSI designation, we agree the site does not provide habitat suitable for Otter holts or resting otter. The site currently has a relatively high disturbance level by noise and lighting due to the main road over St George bridge, however we advise the recommendations in paragraph 4.3.4 are included in the CEMP to control lighting and disturbance of the opposite bank during the construction phase.

Informative/ advice to applicant:

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the [CL:AIRE Definition of Waste: Development Industry Code of Practice](#). This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterized both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays

Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in [Land contamination risk management \(LCRM\)](#)
2. Refer to '[Land Contamination: a guide for developers](#)' (WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health
3. Refer to the [Environment Agency's \(2017\) 'Approach to Groundwater Protection'](#)

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Rhian Isaac

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.