

Planning Statement:

Land adjacent to the River Ebbw –

At Jubilee Park:

between the footbridge and
Rogerstone Welfare Ground

On behalf of:

Jubilee Park Management Company

Prepared By:

**Hannaby Planning
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April 2025

- Applicant:** Jubilee Park Management Company
- Location:** Land adjacent to the River Ebbw – At Jubilee Park: between the footbridge and Rogerstone Welfare Ground
- Proposal:** Full planning application for proposed engineering works for the repair and reinstatement of the collapsed bank of the River Ebbw.
- .Disclaimer:** This report has been prepared for the use by the applicants and Newport City Council and may not be relied upon by any other party.

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1. Introduction:

1.1. Background

- 1.2. This Planning Statement has been prepared by Hannaby Planning Solutions Ltd on behalf of the Jubilee Park Management Company in support of a FULL planning application to Newport City Council for engineering works to repair and reinstate the partially collapsed bank of the River Ebbw where it adjoins the Jubilee Park residential estate; as shown edged in RED on the submitted site location plan, with other land in the ownership of the applicants edged BLUE:

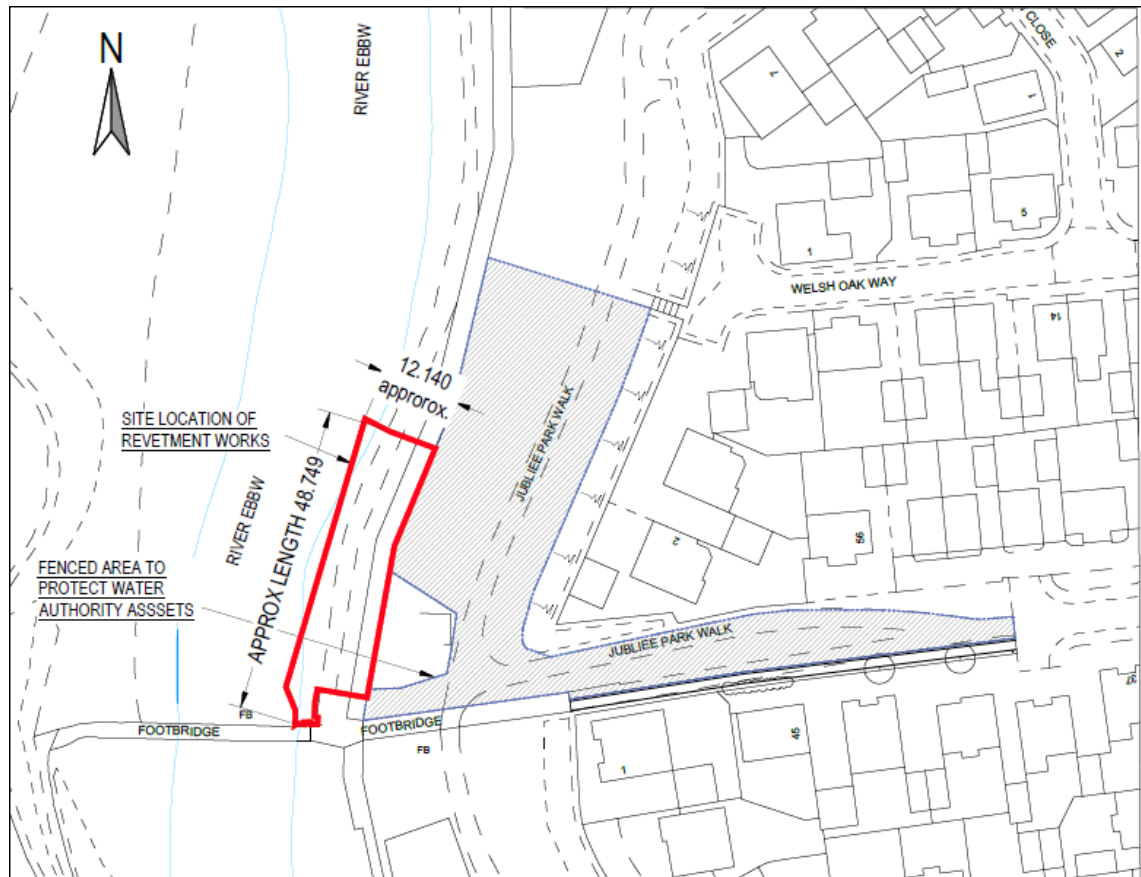


Figure 1: Site location edged red

- 1.3. All drawings in this report are for illustrative purposes only. The drawings which constitute the application are submitted separately and are listed below and in the covering letter.
- 1.4. The proposal is for:
'Proposed engineering works for the repair and reinstatement of the collapsed bank of the River Ebbw.'
- 1.5. The need for the proposed works is because a stretch of the river bank, approximately 25-35m long X 3m-4m wide, has collapsed after being eroded by the River Ebbw over a series of years.

- 1.6. Jubilee Park was previously the site of the Alcan manufacturing site until it was redeveloped to form a housing development; Jubilee Park. When the 1.6 km long mass concrete flood wall was constructed along the western boundary of the Jubilee Park Development in 2014-2015, the riverbank was approximately 5m from the flood wall at its closest point.
- 1.7. Footpath 406/58/1 runs along the land between the riverbank and the flood wall and it has been well used to access the Welfare ground and wider countryside on the the western side of the river.

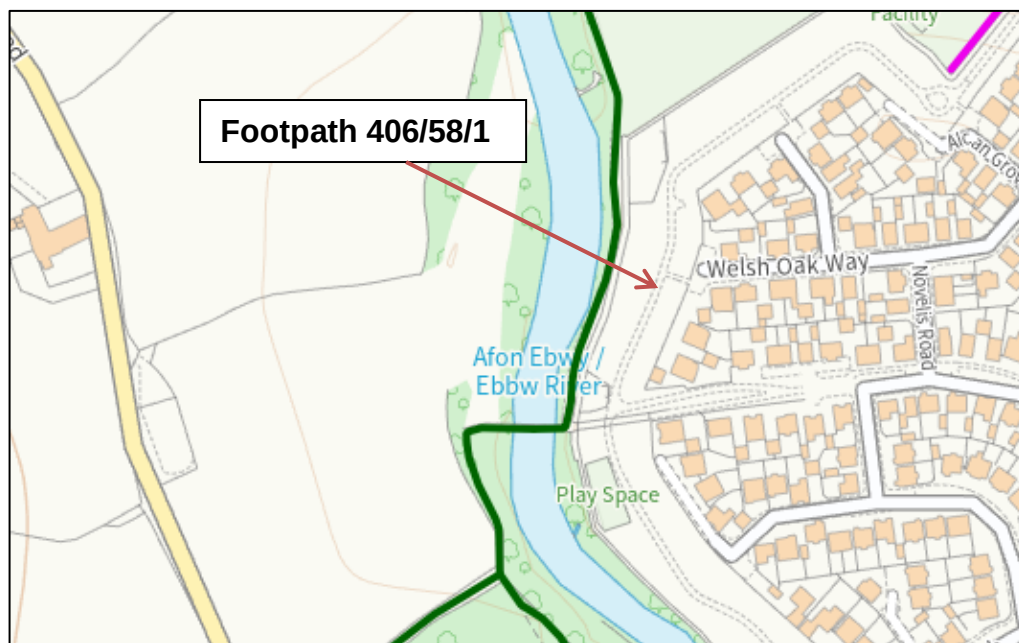


Figure 2: Public Rights of Way

- 1.8. In December 2021 the footpath was the subject of a temporary closure order because of significant erosion of the riverbank which supported the path.
- 1.9. On 11th January 2023 a further short length of the footpath alongside the River Ebbw, between the footbridge and Rogerstone Welfare Ground collapsed into the river.
- 1.10. The land immediately to the west is owned by Rogerstone Community Council and to the north by Welsh Water. However, the section adjacent to Jubilee Park is unregistered and investigations by the council were unsuccessful in identifying a responsible landowner. The Council sought information from the former owners and developers of the Alcan site, Walters UK, from the Jubilee Park Management Company and from Natural Resources Wales; who all confirmed they do not own the land.

- 1.11. The river bank collapses have been noted by a number of public bodies but none have accepted any responsibility nor are prepared to carry out or fund any remedial works. The Council were unwilling because the footpath loss was as a result of a natural event and therefore there is no duty on the Council as highway authority to reinstate the riverbank. The Council sought funding from the Welsh Government; who declined as the loss did not directly affect Welsh Government property. Similarly, Natural Resources Wales would not take responsibility for the reinstatement as the issue does not affect the main river flows.
- 1.12. This has meant that Jubilee Park (Rogerstone) Management Company Ltd (comprised of the owners of dwellings in the adjacent Jubilee Park residential estate) decided that they need to provide the revetment works to reinstate the riverbank, protect the flood prevention wall and ultimately safeguard their homes.
- 1.13. Since the construction of the flood wall there has been a 3.5m-4m wide loss of riverbank which will no doubt continue to erode. Indeed, the application plans were ready to submit in the autumn of 2024 but due to an additional collapse following heavy rainfall, the plans had to be redrawn; to include a total collapse over a 25-35m length of riverbank.
- 1.14. The two photographs below show the extent of the collapse. Photograph 1 is a view from the west bank looking south-eastwards towards the footbridge. It clearly shows the eroded bank collapsed into the river.



Photograph 1: View from west bank of river

- 1.15. Photograph 2 is a view northwards along the collapsed bank. The narrowness of the remaining bank running alongside the floodwall can clearly be seen, as can some of the debris from the river bank that remains in the now widened river.



Photograph 2: View northwards

- 1.16. The positions from which the photographs were taken is shown on the Existing Survey Plan (Ref: 17957_101_r04).
- 1.17. The flood wall is a mass gravity structure founded on alluvial gravels and any further erosion in front of the wall will impact its stability. A solution is proposed to both reinstate the bank and protect it from further erosion without adversely impacting on protected species or local environmental considerations.
- 1.18. Although the owners of the red edged application site are not known, the blue edged land is owned by the applicants and will be used to provide access to the site and as a compound for contractors to work from.
- 1.19. This document sets out details of the proposals for the site and how they are consistent with relevant national and local planning policies to demonstrate the justification for the grant of full planning permission. It should be read in conjunction with the suite of application documents.

1.20. Content of the Application

- 1.21. A FULL planning application is submitted and this Statement forms one of a composite suite of documents submitted as part of the application, the others being:
- Covering Letter
 - Application Forms
 - Ownership Certificate 'D' and accompanying press notice
 - Site location plan (Ref: 17957_100_r07)
 - Existing survey plan with levels – (Ref: 17957_101_r04)
 - Existing layout plan – (Ref: 17957_500_r03)
 - Existing Sections – (Ref: 17957_503_r03)
 - Proposed Layout Plan – (Ref: 17957_501_r07)
 - Proposed Sections – (Ref: 17957_504_r07)
 - Specification for Revetment Repair Works (v4)
 - Revetment Repair Works Outline Method Statement (v6)
 - Ecology Report
 - Green Infrastructure Statement
 - Salix Rock-Mattress-brochure
- 1.22. As the application does not fall within the definition of major development as set out in Article 2 of the DMPO (Wales), it is classed as a minor development and therefore neither a Design and Access Statement nor a PAC report is required.
- 1.23. An Environmental Statement has not been submitted as the proposal does not fall within schedule 1 nor schedule 2 developments. Even if it were considered to fall within schedule 2, it falls well below the threshold (5ha or more than 2km long) as the site is less than 0.06ha and less than 40m long.

2. The Site and Context:

2.1. Site Location and Surroundings

- 2.2. The site falls within the jurisdiction of Newport City Council. It is approximately 0.059ha and is located on the western side of the Jubilee Park development.
- 2.3. The Rogerstone Welfare Grounds are to the north of the application site with the Jubilee Park Playground to the south; just past the footbridge. To the east is the Jubilee Park development, bounded by a 1.6km mass concrete flood wall, constructed in 2014-2015 to protect the Jubilee Park Development. Footpath 406/58/1 runs between the application site and the flood wall before turning west to cross the river via the footbridge.
- 2.4. The application site is part of the eastern bank of the River Ebbw extending northwards approximately 40m from the footbridge. The river

runs from north to south along the western edge of the site, beyond which lies open countryside.

- 2.5. The extent of the development site is clearly indicated in red on the Site Location drawing which accompanies the Planning Application, with other adjoining land in the ownership of the applicants edged BLUE.

2.6. Landscape

- 2.7. Most landscape features that were within the site have been lost due to the erosion of the bank, parts of which remain in the bed of the river.

2.8. Public Right of Way:

- 2.9. The application site was previously used as a public footpath (Footpath 406/58/1) but, following the collapse of the river bank, Newport City Council decided to close the section of footpath affected by the collapse and re-route it. However, the Council declined to confirm a PROW closure order but instead retained the unaffected sections of the path and advise the public to use the alternative route instead. This means that the Public Right of Way remains and there is potential for its reinstatement in the future.
 - 2.10. At the location of the riverbank collapse the public footpath has been compromised and narrowed to about 60cm wide with underground electricity cables exposed; making it unsafe for public use. However, the public have continued to use the original footpath route nonetheless.
- 2.11. Planning History:**
- 2.12. None relevant. The site was a former aluminium works which was redeveloped for residential use in 2014-15.

3. Proposed Development:

3.1. Proposals

- 3.2. The proposed development is based on a thorough and detailed analysis of the site and its context.
- 3.3. The rate of erosion has been determined by site surveys, measurement and photographs to review the extent of the damage and assess the feasibility and potential of an appropriate technique for remedial works.
- 3.4. This has included reviewing the survey of the site by ARUP in 2014 as part of the construction of the flood defence wall (Ref Drg229671-CG1556). This plan indicates that the top of the riverbank was approximately 5 metres from the face of the flood wall.

- 3.5. The progressive loss of a 3.5m-4m width for 25-35 metres of river bank directly upstream of the footbridge has followed winter storm events since 2014, with the latest loss following a storm in December 2024. It is clear that this pattern could well continue depending on the frequency and severity of storm/river flood events over coming years.
- 3.6. Since the collapse unrecovered sections of the embankment lie within the river channel. It is considered by the applicants' Civil Engineers that the probable cause of the collapse was due to the hydraulic action of the swollen river against that section of riverbank which undermined and eroded the bottom of the bank; creating a steeper angle and bank overhang; resulting in a localised collapse. However, it is possible that the trench excavation and backfill in the footpath for the HV electrical cables could have contributed to the instability of the riverbank by the vertical cut along the footpath.
- 3.7. This has led to the conclusion that a non-engineering solution is not a viable option and that an engineering solution is necessary to restore the collapsed revetment works to the river bank and reinstate it in a manner that will protect it and the flood wall from further erosion.
- 3.8. The proposed works are set out in detail in the accompanying reports; Specification for Revetment Repair Works (v4), Revetment Repair Works Outline Method Statement (v6) and the Salix Rock-Mattress-brochure. The Outline Method Statement also includes details about health and safety protocols etc that will be applied during the project.
- 3.9. The face of the existing embankment will be prepared by the removal of any loose or sharp debris, any voids will be filled with compacted gravel and a filter cloth will be laid over to create a smooth and even surface. The filter cloth will be a "welded" non-woven material that is permeable and resistant to degradation from all naturally occurring minerals and bacteria.
- 3.10. Pre-filled 2 tonne "AquaRock" bags (2m diameter and 500mm high) will be laid on the filter cloth. The bags are made of a high strength, UV-resistant, high density polyethylene (HDPE) material. HDPE is long-lasting with exceptional resistance to degradation.
- 3.11. The bags will be brought in and filled onsite from a stockpile of stone fill that will also be brought in and stored in the laydown area. The stone will be Class 6G (180mm-50 mm stone size); clean, natural, hard and durable granite or equivalent that is free from cracks or impurities. It will include no more than 1% sand and dust by weight.
- 3.12. The primary advantage of using the bags is that their structure and shape allow for a quick and efficient installation and the construction is both

simple and time efficient and not reliant on any large scale equipment or manpower as they can be brought in and filled onsite from the stockpile of stone fill in the laydown area.

- 3.13. The bags will fill the eroded area to reinstate the riverbank to its former extent to protect it and prevent any further erosion. They have lifting rings which enable fast placement with a mobile crane capable of lifting and slewing the bags from the laydown area on the other side of the flood wall.
- 3.14. The bottom Aqua Rock bag will be anchored to form a secure base, with the remainder being tied together to provide a flexible and sustainable engineering solution. The use of these bags allows for a safe, quick and efficient installation in flowing water which is not reliant on large scale equipment and manpower.



Photograph 3: Aquabags

- 3.15. The Aqua Rock bags provide a strong defence against water erosion and high-water levels. They have a long-term material strength and durability which will provide a permanent solution. The angular stone filling provides an interlocking fit but will also provide an ecological benefit by creating a habitat for invertebrates.
- 3.16. Salix Rock Mattresses will be fixed to the aqua bags along the base of the slope (See Proposed Sections plan Ref: 17957_504_r07). They are a tubular shaped high strength polyethylene net bag filled with small stones. They will provide additional protection against erosion. The small stone size in the filled bags allows water to flow but also traps sediment; which

will help to improve water quality and provide an opportunity for vegetation to easily establish and so become a vegetated system. The mattresses have been designed to provide invertebrate habitat and to enable vegetation to become established within the intervening spaces between the stones to create a fully vegetated revetment.

- 3.17. The bags above high-water levels will be landscaped and will enable the restoration of the footpath. A machine-produced composite turf reinforcement mat (C-TRM) will be laid on top of the above water bags. The composite mats are formed using a 100% coconut fibre matrix incorporated with turf matting; stitch bonded between three layers of heavy-duty UV stabilized netting stitched together with UV stabilised polypropylene thread to form a permanent three-dimensional turf reinforcement matting.
- 3.18. The proposed sequence of the works will be as follows:
- a) Removal of the existing/redundant electric cables prior to the commencement of the works
 - b) Removal of concrete sections of collapsed riverbank from within the river channel and vegetation removal
 - c) Preparation of the works area
 - d) Reinstatement of the embankment by the installation of 2 tonne "AquaRock" bags
 - e) Armouring of bridge abutment
 - f) Placement and fixing of the reinforced turf
 - g) Installation of pre-filled rock mattress fixed to the toe of the embankment
 - h) Reinstatement of the footpath and laydown area.
- 3.19. Access to the site area will be via Jubilee Park Walk with possible limited access for plant via the welfare ground. A construction laydown area will be located behind the existing flood wall as shown in the site layout plan (Ref: 17957/100 -r07). All equipment and materials will be stored in this area. The bags will be filled within the laydown area and placed into position by being hoisted over the flood wall and placed into position.
- 3.20. The bags will be placed so as to reinstate the bank to its former position, as shown on the Proposed Site Layout plan (Ref: 17957_501 r07).
- 3.21. The revetment works do not encroach into the river channel beyond the 2014 line of the bank, nor do they raise the top of the footpath above its original height.
- 3.22. Topography:**
- 3.23. Sectional drawings show the site levels as they are currently (Existing Sections plan Ref:17957_503_r03) and as proposed (Proposed Sections

plan Ref: 17957_504_r07). The Proposed Site Layout plan (Ref: 17957_501_r07) is marked with the positions of the various sections:

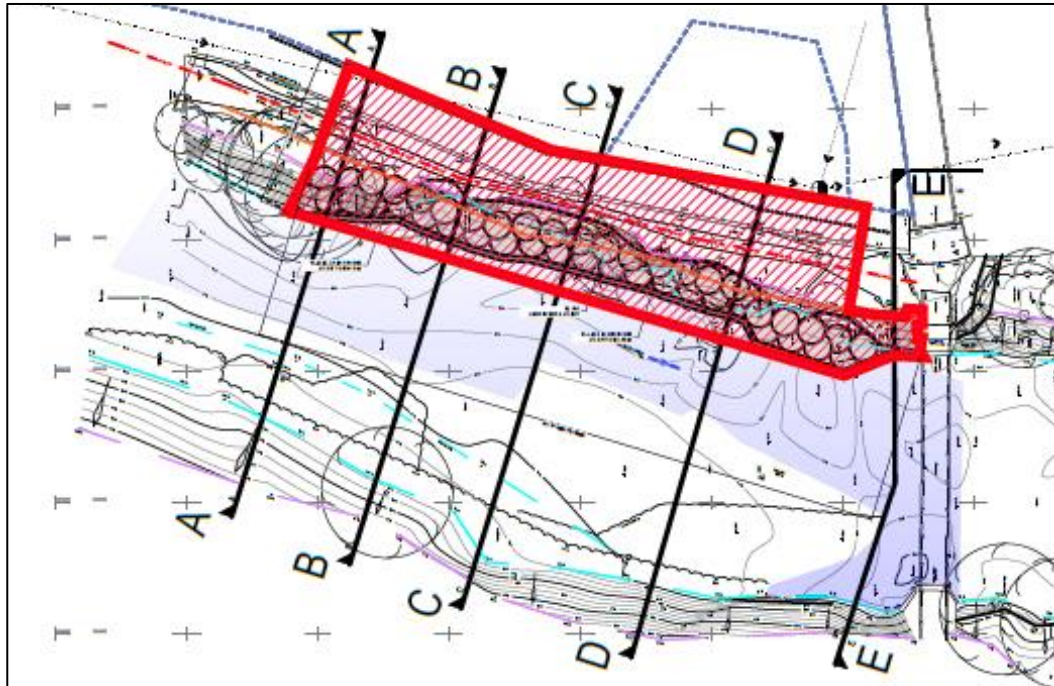


Figure 3: Position of sections

- 3.24. The following drawing extract shows the section (C-C) through the centre of the site following the proposed development:

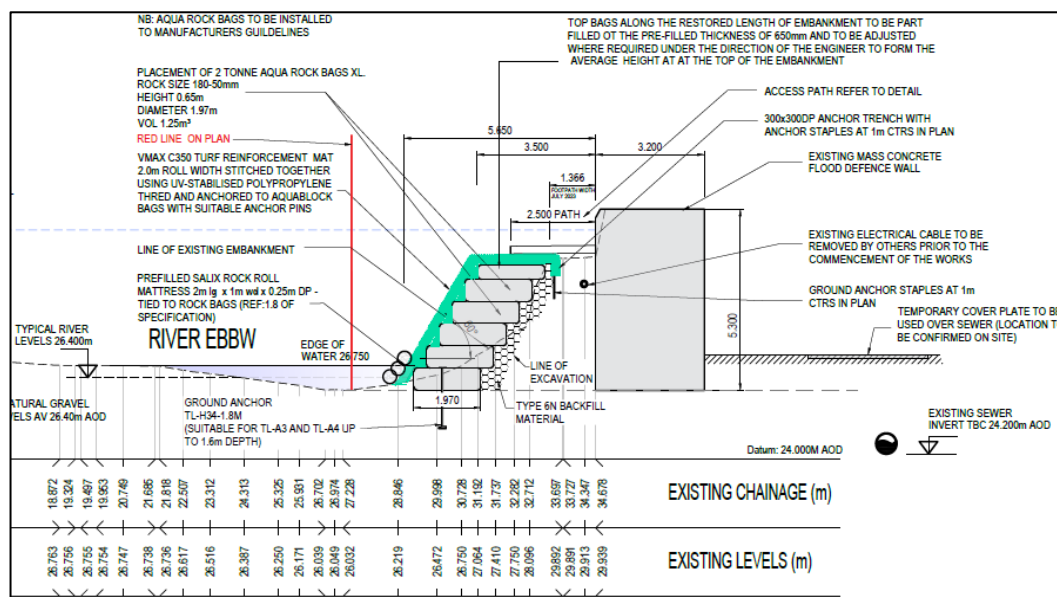


Figure 4: Proposed Section C-C

- 3.25. This drawing shows that the width between the flood wall and the edge of the existing bank has been reduced to 1.366m; which will be increased to 3.5m by the placing of the bags. This will allow for a 2.5m wide footpath with a 1m buffer. It also shows the 'rock mattresses' laid and tied in at the

base of the bags to prevent erosion and create a fully vegetated revetment.

- 3.26. Figure 4 also shows the reinforced turf mat that will be laid over the top of the bags and anchored at the top and pinned to the slope.

3.27. Landscape and Ecology

- 3.28. The 'step-wise' approach advocates the avoidance of ecological impacts when carrying out development. However, in this case, the river bank has been damaged by a natural event and the majority of landscape features within the site have already been lost by the erosion of the river bank. As such, the proposed development is purely restricted to engineering works to restore the damaged bank and protect it from further future erosion.
- 3.29. If the restored bank were to be covered with soil and planted it is likely that it would be quickly eroded as a result of storms over a short time which would not only result in the loss of landscaping but also result in silt and debris being washed into the river. Therefore, any landscaping must be resistant to erosion as well as the revetment itself.
- 3.30. As previously stated, landscaping above high-water levels will be provided by the installation of a composite turf reinforcement mat fixed on top of the bags. The composition of the mats is described at paragraph 3.15. The mat will form permanent three-dimensional turf reinforcement matting that will provide an immediate soft landscaped surface and enable naturally occurring seeding in the future. Crucially, it will also be resistant to erosion. Similarly, it is proposed that below the surface of the water the installation of erosion resistant rock mattresses will enable silt to be captured that is already in the river; to create a naturally vegetated revetment.
- 3.17. The Preliminary Ecological Assessment (PEA) only identified a small Sycamore on the edge of the bank and a small Alder at the back of the footpath, as shown at page 39 of the PEA. However, since the PEA was carried out in June 2024 there has been further collapse and as a result the area of bank where the Sycamore is located has been further eroded (see Site Survey plan Ref: 17957_101_r04). It is likely that further erosion will see the loss of the Sycamore. The PEA identified no signs of Otters within the site area but did identify birds foraging close to the site.
- 3.18. The PEA (page 41-42) identified a number of possible impacts from the proposed works including debris in the river that may affect its flow, disturbance to Otters, damage to bird nesting sites, spreading invasive plants, damage to trees from construction vehicles, loss of reptile habitat and harm to animals from stored equipment or materials.

- 3.19. However, the PEA also identified an ecological positive impact as the bags and mattresses will provide micro habitats for aquatic plants and invertebrates below and above the water and sediment trapping will have a localised water quality benefit.
- 3.20. The PEA recommends a number of ecological precautionary, mitigation and protection measures (pages 42-44). These include timing works to protect migratory fish, nesting birds and other breeding wildlife, project oversight by an ecologist, any lighting used to minimise wildlife impact and management of material and equipment storage.
- 3.21. A number of biodiversity enhancements are proposed in the PEA: seeding the turf matting with a wildflower mix, installing bird and bat boxes at the recreation grounds, planting a 5m x 5m area native species grassland, planting 3 x crab apple trees and the removal of non-native invasive plant species to surrounding areas along the river bank. The applicants' have no objections to providing these enhancements although the latter recommendation has already taken place with treatment along the riverbank adjacent to the Recreation Ground.
- 3.22. Normally a development would be expected to reinstate any lost habitats and then provide ecological enhancements. However, it is fair to say that this development is somewhat unusual in that any ecological damage to the site and loss of habitat has already occurred as a result of a natural event. The 2 remaining small trees and the possible habitat for nesting birds within the bank is likely to be lost with future storm and flooding events if no action is taken. Therefore it is submitted that the reinstatement and protection of the bank and its proposed landscaping will in itself result in an ecological benefit; in addition to the offsite enhancements set out in the PEA.
- 3.23. Overall it is considered that the development represents a biodiversity net gain.

4. National And Local Planning Policy

4.1. National Planning Guidance

Future Wales: The National Plan 2040 (Feb 2021);

- 4.2. Future Wales provides national spatial context for the delivery of development in Wales over a 20 year period (up to 2040) to ensure development contributes to the broader ambitions of the Welsh Government and to the well-being of communities.

- 4.3. Future Wales identifies three national growth areas which will focus on the delivery of employment, housing and infrastructure. The application site is within the Cardiff, Newport and the Valleys growth area.
- 4.4. Future Wales recognises the threat to communities from flooding from rivers and the sea is a major issue across the south west region. Newport is an estuarine city and as such, many communities are at risk of flooding. Policy 8 sets out the national strategic approach to flood risk management and is clear that flood risk management which enables sustainable growth will be supported; whilst ensuring that development does not adversely affect designated nature conservation sites.

Planning Policy Wales (Edition 12, 2024):

- 4.5. Planning Policy Wales (PPW) sets out national planning policies supported by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together provide the national planning policy framework for Wales.
- 4.6. Chapter 1 establishes a presumption in favour of sustainable development and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the policies of up to date Development Plans unless material considerations indicate otherwise; to ensure that social, economic, cultural and environmental issues are balanced and integrated.
- 4.7. Chapter 2 sets out a strategic approach to place-making to ensure that planning decisions not only deliver sustainable development but also support the well-being of local communities; to maximise social, economic, environmental and cultural benefits. It also sets out a series of 'key principles,' to ensure that planning facilitates the right development in the right place.
- 4.8. These 'key principles' include making the best use of resources such as land and therefore making development resilient to climate change.
- 4.9. At chapter 6, PPW recognises the threat from increased flooding that will result from increased rain and storms caused by climate change. Whilst PPW seeks to keep flood plains free from development it also recognises that whilst new flood defences in areas of floodplain is not sustainable, existing developments should be protected, stating at paragraph 6.6.25 that '*development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself.*'
- 4.10. Chapter 6 sets out that planning authorities must seek to maintain and enhance biodiversity when exercising their functions. This means that

development should not cause any significant loss of habitats or populations of species, locally or nationally.

- 4.11. Development is required to provide a net benefit for biodiversity by following the 'step-wise' or mitigation hierarchy approach, whereby impacts should be '*avoided, then minimised, mitigated and as a last resort compensated for*' (para 6.4.11). Enhancement measures to provide this net benefit can include onsite or offsite habitat creation and can be part of the development itself.
- 4.12. However, para 6.4.12 is clear that enhancement must be proportionate to the '*scale and nature of the development.*'

Technical Advice Notes (TANs)

- 4.13. PPW is supplemented by a number of topic based Technical Advice Notes (TANs) which together are material considerations when determining planning applications. The following are relevant in this case:

TAN 5: Nature Conservation and Planning (2009)

- 4.14. TAN 5 contains guidance regarding nature and geological conservation that should be taken into account by Welsh LPAs. It states that ignoring or inadequately addressing the potential of a development to affect important wildlife habitats or species could lead to delay in the processing of the application or refusal of permission.
- 4.15. Paragraph 4.3.2 states that applications should be carefully prepared with all material considerations addressed in the layout, design and related access, drainage and infrastructure. Landscaping proposals should show how the design enhances, avoids, mitigates or compensates for potential effects on nature conservation.
- 4.16. Section 5 of the TAN identifies SINC sites as being of local importance that have an important role in meeting biodiversity targets as well as contributing to the quality of life and well-being of the local community. Paras 5.5.2 – 5.5.3 advises that developers should set out how proposals could affect designated sites and should avoid harming those interests where possible. Where harm is unavoidable it should be mitigated by compensation measures to ensure there is no reduction in the overall nature conservation value of the area.

TAN 15: Development and Flood Risk (2025)

- 4.17. A new TAN15 came into effect at the start of April, replacing the 2004 version, as the starting point for the consideration of flood risk. The previous Development Advice Maps have been replaced with the Flood Maps for Planning; which is important as, generally, they show more land at risk of flooding than the previous Development Advice Maps.

- 4.18. The TAN provides guidance in relation to development and flood risk and provides a framework within which risks arising from flooding can be assessed in order to achieve sustainable development; including guiding development to locations that are not at risk from flooding.
- 4.19. The TAN recognises at para 2.5 that, due to climate change, there will be increased frequency and intensity of storm events resulting in an increase in the risk of and seriousness of flooding. The TAN outlines ways planning can help communities to avoid being affected by flooding and to develop more resilience. However, para 3.2 recognises that *'even if flood defences are in place, there is no guarantee that they will not themselves be breached.'*
- 4.20. As such TAN 15 is clear at para 3.5 that it is important that LPAs give full consideration to the risks of flooding. It also recognises at para 9.1 that *'flooding in residential areas can result in a traumatic impact on lives;'* classifying residential development as being *'highly vulnerable development.'*
- 4.21. The TAN references Future Wales as being part of the strategic context for development, reinforcing the point that the Welsh Government *'will focus on enhancing defences to improve protection of developed areas.'*

4.22. Local Planning Policy

The Development Plan

- 4.23. The site and its surroundings are located within Newport City Council, where the development plan consists of the *Newport Local Development Plan up to 2026*; adopted in 2015.
- 4.24. The LDP Constraints Map was drafted prior to the Jubilee Park development being constructed. It shows the river itself as being a SINC site, Jubilee Park and the eastern bank as being within flood zone C1, the river and western bank as being within flood zone C2 with a strip of land immediately beyond the west bank as being within flood zone B.
- 4.25. The LDP Proposals map identifies the site as being partially within the Urban Development Boundary and partially within the open countryside, **Policy SP5**.
- 4.26. It also identifies the application site as being part within the Special Landscape Area, **Policy SP8(ii)**. Jubilee Park is shown as a housing commitment, **Policy H1(54)**, with the area between the flood wall and the river as being an environmental space that is part of the Ty Du (Rogerstone) Recreation Ground.

- 4.27. The footpath is identified as part of the network of long distance walks or cycleways, **Policies T14, ED15, CF6 and CF10**.



Figure 5: Extract from LDP Proposals Map

Supplementary Planning Guidance

- 4.28. The following adopted Supplementary Planning Guidance have been prepared within the context of the Newport City LDP and are considered relevant:
- Wildlife and Development (Aug 2015):
- 4.29. This SPG provides guidance on how to conserve and enhance biodiversity throughout the development process.
- 4.30. It identifies SINC sites as being of local importance; underpinned by PPW. It also sets out a flow chart to achieve best practice in the submission of a planning application and the SPG follows through this process in detail.
- 4.31. The SPG advocates a principle of 'Avoid, Mitigate, Compensate, Enhance and Manage' that has now been further developed in PPW by the step-wise approach.

5. Planning Assessment

5.1. Material Considerations:

- 5.2. This section assesses the most relevant issues to the determination of the application which, in addition, are also addressed in the supporting documents submitted with this application. The main issues are:
- Flood Risk
 - Ecology
 - Landscape
 - Access
 - Public Safety and Amenity

Flood Risk:

- 5.3. The key issue concerning this proposed development is flood risk. Housing is defined as '*highly vulnerable development*' by TAN 15 and, whilst the development does not propose housing, it is relevant as the proposal is to protect the flood defences for the existing residential estate.
- 5.4. As previously set out, the bank of the River Ebbw has been eroding over a number of years to the point where the flood wall that was designed to protect the Jubilee Park development is in danger of being damaged or breached by the ground beneath it being literally washed away. That is perhaps best illustrated by photographs 4 & 5, which clearly shows how the bank and footpath have already been eroded:



Photograph 4: View upstream from the footbridge along the flood wall



Photograph 5: View downstream towards the footbridge

- 5.5. Both photographs clearly show that the remains of the footpath are unsafe to use and yet are still in regular use. Photograph 4 also clearly shows that further damage to the flood wall is simply a matter of time.
- 5.6. The Proposed Sections plan (Ref: 17957_504_r07) is marked with a line just below the top of the flood wall showing the 'River Ebbw flood level 30.7250m AOD (100yr +CC)' which is a flood risk assessment considering a 1 in 100-year flood event, plus an allowance for future climate change.
- 5.7. Local and National Planning guidance seeks to guide development away from areas that flood, recognising that, as stated in TAN 15, residential development is '*highly vulnerable development*' and that '*flooding in residential areas can result in a traumatic impact on lives.*'
- 5.8. Unusually, this application is to carry out development that will protect existing flood defences. If the development is not permitted the erosion will continue, the wall will fail and the houses behind the wall will cease to be protected will become inundated during flooding events.
- 5.9. Future Wales and TAN 15 both state that the Welsh Government '*will focus on enhancing defences to improve protection of developed areas.*' This application is a proposal by local residents to do just that for themselves as no public body has been willing to take on that responsibility.
- 5.10. As such it is considered that the proposals are in accordance with local and national policy guidance.

Ecology:

- 3.24. With regard to ecological issues, the main aim with development proposals is to avoid any harmful ecological impacts. Development is also required to provide a net benefit for biodiversity in accordance with the 'step-wise' approach, with harmful impacts '*avoided, then minimised, mitigated and as a last resort compensated for*' (PPW para 6.4.11). Therefore normally a development would be expected to reinstate any lost habitats and also provide ecological enhancements.
- 5.11. It is usual to carry out surveys to identify an ecological baseline and from that identify any harm caused by the development and the value of any proposed enhancements. However, this development is somewhat unusual in that any ecological damage to the site and loss of habitat has already occurred as a result of a natural event; with the 'development' limited to restoring the damaged river bank and protecting it from further erosion. It should therefore be considered that the existing situation forms the ecological baseline rather than the situation prior to the erosion.
- 5.12. In this case the PEA did not identify any wildlife habitats within the site. It did identify a Robin in the overhanging bank that 'may' have been nesting there; although none was observed. If there was one it is conceivable that the area of overhanging bank would be lost in a future storm event.
- 5.13. Similarly, there was a singular lack of flora within the site; the PEA only identifying a small Sycamore on the edge of the bank and a small Alder at the back of the footpath. The small Alder can be seen in photograph 5 standing against the flood wall. In the event of further erosion both the Alder and Sycamore will be lost.
- 5.14. PPW para 6.4.12 is clear that enhancement must also be proportionate to the '*scale and nature of the development.*' In this case the development may only result in the loss of 2 trees that will likely be lost in the future if the development is not permitted. It is considered that as such there should not be a significant requirement for ecological enhancement.
- 5.15. That being said the development does include a net biodiversity benefit. Enhancement measures to provide a net benefit can include onsite or offsite habitat creation and can be part of the development itself. The PEA identifies a positive ecological impact as the bags and mattresses will provide micro habitats for aquatic plants and invertebrates both below and above the water and sediment trapping will have a localised water quality benefit; creating a naturally vegetated revetment.
- 5.16. In addition the PEA sets out a number of biodiversity enhancements: seeding the turf matting with a wildflower mix, installing bird and bat boxes at the recreation grounds, planting a 5m x 5m area native species

grassland, planting 3 x crab apple trees and the removal of non-native invasive plant species to surrounding areas along the river bank. The applicants' have no objections to providing these enhancements although the latter recommendation has already taken place with treatment along the riverbank adjacent to the Recreation Ground.

- 5.17. In terms of any impacts beyond the site boundaries, the PEA recommends a number of precautionary, mitigation and protection measures (pages 42-44). These include oversight by an ecologist, timing works to protect migratory fish, nesting birds and other breeding wildlife, any lighting to minimise wildlife impact and management of material/equipment storage.
- 5.18. Therefore it is submitted that the reinstatement of the bank, the proposed landscaping, in addition to the offsite enhancements and precautionary measures set out in the PEA, will result in a biodiversity net gain that is in accordance with local and national planning policy.

Landscape:

- 5.19. The impact of the development on the wider landscape character and landscape features within the site is considered to be negligible. The PEA identified 2 trees as set out previously which will be lost in the event of further erosion of the river bank. The reinstated river bank is not suitable for planting new trees but, as set out above, it is proposed to plant 3 x crab apple trees and a 5m x 5m area native species grassland at the nearby Recreation Ground.
- 5.20. The area of river bank is visible to the public from the footbridge and the footpath passing through the site (albeit that the public should not be using this section). As a result of the development the river bank will cease to be eroded and will be reinstated. Its turfed appearance is appropriate in the landscape and is not considered to be visually harmful.
- 5.21. Overall the landscape impact from the development is considered to be considerably less than the visual impact of further river bank collapses.

Access:

- 5.22. Construction access will be a temporary matter and will be via the existing road network and from there to the laydown area via Jubilee Park Walk. Jubilee Park Walk is not part of the PROW network. There may be possible limited access for plant via the welfare ground. It is not considered that this raises any highway safety issues.

Public Safety and Amenity:

- 5.23. National guidance acknowledges that '*flooding in residential areas can result in a traumatic impact on lives.*' If the flood wall is lost there will be

significant flood damage to the existing residential development that is currently protected by the flood wall.

- 5.24. The economic and social impact if the flood wall is damaged or lost will be severe and the proposals seek to prevent that in as sensitive and efficient way possible. However, it is considered that the severe harm that will occur if this development is not permitted should in itself carry significant weight and outweigh any other harm that may be identified by the LPA when considering this application.
- 5.25. All residents of Jubilee Park will be affected and that is why the applicants are proposing to carry out these works themselves in light of the fact that no public bodies have offered to help.

6. Conclusions

- 6.1. It is considered that the proposed development is acceptable in principle and there are no site specific or detailed reasons why the development should not be permitted.
- 6.2. As can be seen from the above assessment, the proposed development has been carefully designed to achieve the vision for the site for a well-designed scheme that is sensitive to its location, will benefit local residents and the environment, and positively addresses all material considerations.
- 6.3. The proposal seeks to address all issues and is considered to result in an acceptable development when weighing all the various material considerations. The submitted application, supporting documents and plans all clearly demonstrate that there would be no significant or demonstrable harm from the proposed development and any technical and environmental issues can be satisfactorily dealt with by condition.
- 6.4. There are no significant or demonstrable adverse impacts to weigh against the clear benefits that would result from permitting the scheme. It is also considered that the severe harm that will occur if this development is not permitted should be determinate and outweigh any other identified harm.
- 6.5. Consequently, it is clear that there are no negative issues that would justify a refusal of permission and the planning balance weighs very firmly in favour of granting planning permission without delay so that the development can be carried out before any further erosion of the river bank takes place.