



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

Newport City Council
Civic Centre
Newport
South Wales
NP20 4UR

Ein cyf/Our ref:

Eich cyf/Your ref:

Dyddiad/Date: 25 April 2014

Annwyl Syr/Madam/Dear Sir/Madam

Natural Resources Wales Planning Consultations

We have no comments to make on the following applications.

Application Reference Numbers: -

CONEX/14/0332 – Not our condition

CONEX/14/0080 – Not consulted on original application (12/0368), not our condition

CONEX/14/0264 – Not our condition. Condition asked for by NCC Scientific Officer

We refer the applicant to the attached Planning Advice Note. Please consult us should you require any further information.

Yn gywir/Yours faithfully

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Ar 1 Ebrill 2013, unodd Cyngor Cefn Gwlad Cymru, Asiantaeth yr Amgylchedd Cymru a Chomisiwn Coedwigaeth Cymru gan greu un corff, sef Cyfoeth Naturaol Cymru.

As of 1 April 2013, the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales became Natural Resources Wales/Cyfoeth Naturaol Cymru.

Planning Advice Note (100)

Natural Resources Wales/Cyfoeth Naturiol Cymru

This note provides guidance on environmental planning and regulatory issues, and may be of use at a pre-application/application stage and for the lifetime of your activities. It is not exhaustive, and if you have any other queries please contact our Natural Resources Wales Customer Contact Centre on 0300 065 3000 for further assistance.

Flooding and Flood Consequence Assessments (FCAs)

You can obtain information on which 'flood zone' your site is located through

www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Planning Policy Wales Technical Advice Note 15: Development and Flood Risk (July 2004) provides very important guidance on consideration of fluvial, tidal and surface water flood risk. It includes information on climate change; vulnerability of land use types; justification; preparation of flood consequence assessments (FCAs) (Appendix 1 E) and acceptability criteria. We have also produced a useful checklist for developers and consultants that should be submitted in support of a FCA. To request pre-application advice on FCAs please contact us. Please note the Local Planning Authority (LPA) may also have their own requirements in respect of a FCA and further advice should be sought from them.

FCAs must assess the risks of fluvial, surface water and other sources of flooding. Sustainable Drainage Systems (SuDS) should be included in development wherever possible to reduce surface water run-off. A variety of SuDS techniques are available, which also helps with protecting water quality and adding amenity value to development.

Further information sources on SuDS can be found in:

- Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004) TAN15 - Appendix 4
- CIRIA C522 document Sustainable Drainage Systems – design manual for England and Wales
- CIRIA C523 document SuDS – best practice manual
- The Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SuDS.

For guidance refer to Natural Resources Wales and CIRIA websites:

www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk; www.ciria.org.uk

You should be aware that Section 8 of TAN15 (paragraph 8.4) states that if SuDS cannot be implemented, a conventional drainage system will need to improve on the status quo.

We may not be consulted on flood risk matters by the Local Authority or provide detailed application or pre-application flood risk comments on some types of development for extensions up to 250m². Given the scale of the proposed development, and in the absence of a FCA, we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development. These may include barriers on ground floor front doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Additional guidance can be found in our Floodline publication 'Damage Limitation'. This is available on our website. A developer may also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available from the Planning Portal website: www.planningportal.gov.uk

Please be aware that this does not negate the need to submit FCAs as required by the LPA and further advice may need to be sought from them. You might also contact Local Authority Land Drainage engineers to determine any localised flooding problems from ordinary watercourses within the vicinity of your proposals, and to confirm that proposed surface water disposal would not cause or exacerbate flooding.

We may have flood level data to assist in preparing a FCA: This information may be provided for a fee and obtained from our Natural Resources Wales Customer Contact Centre on 0300 065 3000. For information: we do not recommend individual FCA consultants but the following website link is provided to help you to source a suitably qualified person <http://www.ciwem.org>.

Landfill/Landfill Gas

The location of authorised landfills is shown on our website or contact our Natural Resources Wales Customer Contact Centre on 0300 065 3000. Your Local Authority has a list of closed (historic) landfill sites. You might refer to the landfill gas website (which includes policy and guidance) for further information on proposed development within 250 metres of a landfill site. <http://www.landfill-gas.com/html/search.html>

Land affected by Contamination

Planning Policy Wales takes a precautionary approach to land affected by contamination. Before the principle of development can be determined, land contamination should be investigated to see whether it could preclude certain development due to environmental risk or cost of clean up (remediation). Where contamination is known or strongly suspected, a desk study, investigation, remediation and other works may be required to enable safe development. Minimum requirements for submission with a planning application are a desk study and preliminary risk assessment, such as a site walkover or conceptual model. Site Investigation and Remediation Strategy reports may be required for submission with a planning application for sensitive land use types or where significant contamination or uncertainty is found. We recommend that you contact the Local Authority Environmental Health team who may hold records on known/potential land contamination. If during site works, contaminated material is suspected, you are advised to stop works and seek further guidance. Remediation of contaminated land may also require an authorisation under environmental permitting legislation (formerly waste management legislation). For information: whilst we do not recommend individual environmental consultants, the following website link is provided for environmental consultants that undertake contaminated land assessments <http://www.endsdirectory.com/>

Foul Drainage

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage. For planning purposes we have provided a Foul Drainage Assessment Form to assist in your consideration of these matters, please view our website [www.naturalresourceswales.gov.uk /](http://www.naturalresourceswales.gov.uk/) www.cyfoethnaturiolcymru.gov.uk.

You may wish to submit this to the Council with your application. Alternatively, the Local Authority may have its own assessment form. Our Pollution and Prevention Guidance Note 4 'Treatment and disposal of sewage where no foul sewer is also available' also provides useful guidelines.

Biodiversity

The planning system in Wales has an important part to play in maintaining, restoring and enhancing biodiversity (Planning Policy Wales and the UK Biodiversity Action Plan 1994). Technical Advice Note 5 on Nature Conservation (TAN5) provides detailed guidance on nature conservation and includes guidance regarding wildlife corridors. A developer should conserve and enhance special features, which will also be a consideration as part of our determination of consents/licences/permits. Article 10 of the EU Habitats Directive also stresses the importance of natural networks of linked habitat corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. River corridors are particularly effective in this way. Such networks and corridors may also help wildlife adapt to climate change. Our advice is that green buffer zones should be agreed and permanently delineated alongside a watercourse, be free from structures and/or planted with UK generic provenance or left as a natural area for wildlife. River basin management planning also requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies.

If you own land or property alongside a river or other watercourse, our guide 'Living on the Edge' explains your rights and responsibilities as a riverside property owner ([www.naturalresourceswales.gov.uk /](http://www.naturalresourceswales.gov.uk/) www.cyfoethnaturiolcymru.gov.uk)

Your responsibilities include maintaining river beds and banks; allowing the flow of water to pass without obstruction; and controlling invasive alien species such as Japanese knotweed. Sometimes you will need permission from other bodies as well as from us. Should a proposal affect a designated site that has no connection to the water environment or any BAP species/habitats then please contact us. A license will be required from us to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species.

Water Resources

We encourage water efficiency in all development. For residential, we recommend a minimum standard of Level 3 of the Code for Sustainable Homes. http://www.planningportal.gov.uk/uploads/code_for_sustainable_homes_techguide.pdf. For commercial, we recommend rainwater harvesting and grey water recycling. Development should endeavour to meet the 'very good' rating under the BREEAM Standard for non-residential development. www.breeam.org

Pollution Prevention

You should incorporate pollution prevention measures to protect ground and surface waters. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice, which include Pollution Prevention Guidance Notes (PPG's) targeted at the specific activities (as listed below). Pollution prevention guidance can be viewed on our website: www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Also, the NetRegs website has guidance, specific for the construction sector, on environmental regulations and good practice. Codes of Practice on preventing pollution from agricultural activities is available on Defra's website: <http://www.defra.gov.uk/foodfarm/landmanage/cogap/index.htm>

Environmental Permits (EPs) / Consent Requirements – separate to Planning Permission

The granting of planning permission does not permit activities that require consent, licence, or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained before work commences. Consenting procedures can take several months to complete, and early contact is therefore advised. Further information can be found on our website:

www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Flood Defence Consents

Any works (including temporary works) in, under, over or adjacent to a 'main river' (including any culverting) may require us to give formal permission in the form of a Flood Defence Consent before you start any work. We operate a "no-culverting" policy and Consent for culverting will only normally be granted for site access purposes. Our Development and Flood Risk Team will be able to help with this. Please phone 0300 065 3000 - this is the general enquiries line for the Customer Services Centre and ask to be put through to the team that covers your area if you would like further advice or to apply for a Consent.

Please be aware that on 6 April 2012, when a further phase of the Flood and Water Management Act 2010 was implemented, responsibility for regulating activities (issuing consents; and undertaking enforcement action) on 'ordinary watercourses' in most areas of England and Wales transferred from the Environment Agency to lead local flood authorities, for example, Unitary Authorities, or Internal Drainage Districts (IDDs). Please refer to the relevant organisation for consent applications.

Fish Stocking

Our consent is needed before any fish can be introduced or removed from a watercourse or fishery. This applies to all waters, both public and private. The only exceptions are fish farms and domestic waters (e.g. garden ponds) which are less than one acre in area and which are not fished. Here you can find out about online methods of fish movement consenting

www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Discharge (of Effluent) to ground or surface waters

You will need to apply for a Permit, or Exemption, if you wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. You may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. You must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website

www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Environmental Permits (EPs) (formerly Waste Management Licences + Pollution Prevention Control Permits)

Waste arising from development, must be handled in accordance with relevant environmental permitting legislation. Waste must be minimised and options for reuse or recycling should be investigated before it is sent for disposal. Importation of waste material onto site (e.g. hardcore for construction) will require a waste authorisation, which may be an EP; although in most cases will be the registration of an exemption from the need for an EP. If the purpose of development is to create a waste management facility (e.g. landfill, incinerator, transfer/recycling centre, scrapyards, contaminated land remediation, anaerobic digestion or composting plant), some form of waste management authorisation will be required, in the form of an EP (previously WMLs or PPC Permits). For further information contact us on Tel. 0300 065 3000 - this is the general enquiries line for the Customer Services Centre or visit our web site at www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Environmental Permitted Sites

Under the Environmental Permitting (England and Wales) Regulations 2010 permitted sites should not cause harm to human health or pollution of the environment and any emissions should meet regulatory requirements and technical standards. The operator is required to have appropriate measures in place at the site to prevent pollution to the environment, harm to human health the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property.

Other EPs may also be required

For example, to abstract surface or groundwater, to impound water bodies, and for Industrial and Intensive Pig & Poultry (formerly Integrated & Pollution Prevention Control Permits). Contact us on Tel. 0300 065 3000 - this is the general enquiries line for the Customer Services Centre. To apply for an EP please view our website at: www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Further Information

Information on protecting and enhancing the environment, and the location of features such as Source Protection Zones, can be obtained from our website: www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Pollution Prevention Guidance Notes (PPG's) are available on the following topics:

PPG01 General guide to the prevention of water pollution

PPG02 Above ground oil storage tanks

PPG03 The use and design of oil separators

PPG04 Disposal of sewage where no mains drainage available

PPG05 Works in, near or liable to effect watercourses

PPG06 Working at construction and demolition sites

PPG07 Refuelling facilities

PPG08 STORAGE AND DISPOSAL OF USED OILS

PPG13 High pressure water and steam cleaners

PPG18 Control of spillages and fire fighting run-off

PPG20 Dewatering underground ducts and chambers

PPG21 Pollution incident response planning

PPG22 DEALING WITH SPILLAGES ON HIGHWAYS

PPG26 Storage and handling of drums and immediate bulk containers

PPG27 Installation, decommissioning and removal of underground storage tanks

PPG28 Controlled Burn

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Website: www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk