

FAO: Geraint Roberts

Newport City Council
Regeneration, Investment and Housing
Civic Centre
Godfrey Road
Newport
NP20 4UR

21 May 2018

Annwyl Syr/Madam / Dear Sir/Madam,

DEVELOPMENT OF 206NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1 AT LAND TO SOUTH OF GLAN USK PRIMARY SCHOOL, HERBERT ROAD, NEWPORT.

Thank you for consulting us on the above application, which we received on the 9 April 2018.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified, and we would not object provided you attach them to the planning permission.

Summary of conditions

Condition 1: Flood Risk

Condition 2: European Protected Species (EPS)

Condition 3: River Usk, Special Area of Conservation

Conditions 4-7: Land Contamination

Flood Risk

The application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15). We confirm the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, a designated main river.

We have reviewed the submitted Flood Consequences Assessment (FCA) produced by Waterman dated March 2018. The FCA has been informed by the latest NRW tidal model and is therefore fit for purpose.

Advice on A1.14

Based on a proposed finished floor levels of 9.95m AOD in the southern area of the development and 10.40m AOD in the northern area of the development the site will remain flood free during the predicted 0.5% plus CCA event and is therefore designed to meet A1.14 criteria. We therefore advise a condition to set the finished floor levels is included on any permission your Authority is minded to grant.

Condition 1: The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequence Assessment (FCA) produced by Waterman, Reference WIE12961-101-R-1-5-1-FCA dated 26th March 2018, and the following mitigation measures detailed within the FCA:

- Finished Floor Levels are set to 10.40 metres Above Ordnance Datum (mAOD) and 9.95 mAOD within the northern and southern areas of the development respectively.

Advice on A1.15

During the 0.1% plus CCA the site is predicted to flood to 10.8m AOD and a depth of approximately 620mm. Further to this we note the following:

- The maximum rate of rise is 0.15 m/hr (>0.1 m/hr)
- Maximum speed of inundation is 15 hours (<4 hours)
- Maximum velocity of flooding is 1.5, mainly 0.2 metres/sec (>0.15 metres/sec)

Aside from speed of inundation, the above values exceed the tolerable limits of A1.15 criteria of TAN 15. However, we note these are based on 'Version 3' model outputs. These figures are more conservative compared to 'Version 6' (current NRW model). Based on the current model the site is predicted to flood to a depth of 9.8m AOD. Based on the proposed finished floor level, the site is predicted to be flood free during the 0.1% plus CCA event.

The FCA states that an evacuation route is proposed for pedestrians via the north of the site through the underpass beneath the railway embankment leading to Charnwood Road. Emergency access will be through Glan Usk school to Bank Street.

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 the acceptability of the developer's proposals, on matters we cannot advise you on such as emergency plans, procedures and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations. Please note, we do not normally comment on or approve the adequacy of flood emergency response 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

Please note the applicant will require a Flood Risk Activity Permit (FRAP) from Natural Resources Wales. Further information on the FRAP application process is available on our website: <https://naturalresources.wales/apply-for-a-permit/flood-risk-activities/?lang=en>

European Protected Species

We have reviewed the submitted otter survey report entitled 'Land at Herbert Road Newport Otter Mitigation Strategy', prepared by David Clements Ecology Ltd, dated March 2017 and 'Land at Herbert Road Newport, Wildlife Protection Plan and Environmental Management Plan' prepared by David Clements Ecology Ltd dated April 2017.

We note from the survey report that the application site was concluded as having limited potential for otter resting sites, however, the site is adjacent to a Special Area of Conservation with otters as a designating feature.

We note a series of mitigation measures are included under section 2.0 of the submitted ecology report. We therefore note there will not be a detriment to the maintenance of the favourable conservation status of the otters present, providing that the mitigation measures outlined are implemented. We therefore advise the following condition is attached to any permission your authority is minded to grant.

Condition 2: The development permitted shall be carried out in accordance with the mitigation measures set out submitted 'Land at Herbert Road Newport Otter Mitigation Strategy', prepared by David Clements Ecology Ltd, dated March 2017.

River Usk Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSS)

The application site is within close proximity of the River Usk SAC/SSS. We note that the rare fish species present, Allis and Twaite Shard, which are a feature of the SAC, are especially sensitive to vibration. We therefore recommend the following condition to be included on any permission you are minded to grant.

Condition 3: Any construction works of any type in the river channel or any works that result in vibration e.g. drilling, boring, piling or demolition works on or adjacent to the riverbank must be timed to avoid the migration period between March – June inclusive.

We recommend that Newport City Council, as the competent authority, carry out an appropriate assessment of the proposal.

Land Contamination

In line with our comments provide at Statutory Pre-Application we advise the following conditions as previously secured under planning permission 13/1279 are included on any permission your authority is minded to grant.

Condition 4: Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation for that part shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: In order to demonstrate that the remediation criteria relating to controlled waters have been met. In order to (if necessary) secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition 5: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

Condition 6: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with any details that may be submitted.

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

Condition 7: Piling or any other foundation designs using penetrative methods below 1m in depth shall not be permitted other than with the express written consent of the Local

Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

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

Other Matters

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website at this link (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

If you have any further queries, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Lindy Marshall

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