Statement of Common Ground between Natural Resources Wales and Newport City Council

1) Newport City Council (NCC) has liaised with Natural Resources Wales (NRW) since the Scrutiny Committee’s review of Gypsy Traveller sites started in June 2012. In particular, this included general advice on the siting of caravans in terms of flood risk, consultation on the 11 shortlisted sites in September 2012, and further consultation as part of the site appraisal process in November 2012. NRW’s response to this latter consultation dated 13 January 2013 is attached at Appendix 1.

2) Both NCC and NRW consider that Gypsy and Traveller residential sites should not be located within areas at risk of flooding (Zones C1 or C2) for the reasons set out in paragraphs 5.1 and 11.22 of Technical Advice Note (TAN) 15 Development and Flood Risk.

3) The Gypsy and Traveller sites allocated within the submitted Local Development Plan are:
   a. Land at Hartridge Farm Road (proposed residential accommodation for 43 pitches to relocate three families who currently occupy unauthorised sites within the flood plain (zone C1));
   b. Land at Celtic Way (proposed transit site for 7 pitches).
   c. Land at the former Ringland Allotments (contingency site for 7 pitches for residential or transit use)

4) The sites at Celtic Way and former Ringland Allotments are not subject to flood risk and therefore NRW has no objection on flood risk grounds.

5) An area to the south and west of the Hartridge Farm Road site lies within flood zone C1.

6) NRW’s response to the June 2013 Revised LDP consultation in relation to the Hartridge Farm Road allocation is provided at appendix 2 for ease of reference.

7) Provided no caravans or buildings are located within this area of flood risk, NRW has no objection to the allocation of site H16(i) on flood risk grounds. NCC has produced an indicative site layout plan to illustrate that this area can be kept free of built development while still providing 43 pitches within three separate plots within the wider site (see page 21 of Newport City Council’s Submission Statement for Session 5).
Annwyl Mr Hand / Dear Mr Hand

NEWPORT CITY COUNCIL POSSIBLE SITE ALLOCATION FOR GYPSY AND TRAVELLER SITES WITHIN THE FORTHCOMING LOCAL DEVELOPMENT PLAN

Thank you for providing us with an opportunity to comment on possible site allocations for gypsy and traveller sites within your Local Development Plan (LDP). We have specific comments on the following sites. We also offer the following general advice.

- Yard adjacent to the A449 (Transit Only)
- Former Langstone Nursery, Magor Road (Residential Only)
- Road Safety Centre and adjacent land, Hartridge Farm Road (Residential Only)
- Former Speedway Site, Plover Close (Transit Only)
- Former Chicken Processing Plant (Residential Only)

Yard adjacent to the A449
We wish to highlight that culverted ordinary watercourse runs through the proposed site. We recommend that you consult your Authority’s drainage department for further advice.

Former Langstone Nursery, Magor Road
The proposed site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1 (1 in 100 year) and 0.1% (1 in 1000 year) annual probability flood outlines.

Should you wish to allocate this site, further work should be carried out to enable your Authority to justify the site allocation with sufficient assessment to demonstrate that risks and consequences can be acceptably managed in line with section 10 of TAN15.
We also advise that culverted ordinary watercourse runs through the proposed site. We recommend that you consult your Authority’s drainage department for further advice.

Road Safety Centre and adjacent land, Hartridge Farm Road
The proposed site lies partially within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability flood outlines.

Should you wish to allocate this site, further work should be carried out to enable your Authority to justify the site allocation with sufficient assessment to demonstrate that risks and consequences can be acceptably managed in line with section 10 of TAN15. Alternatively you may wish to consider amending the boundary to exclude all land identified as being at flood risk.

Former Speedway Site, Plover Close
The proposed site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability flood outlines of the River Usk.

Should you wish to allocate this site, further work should be carried out to enable your Authority to justify the site allocation with sufficient assessment to demonstrate that risks and consequences can be acceptably managed in line with section 10 of TAN15.

Former Chicken Processing Plant
The proposed site is adjacent to a watercourse and within 500 metres of the Gwent levels Site of Special Scientific Interest (SSSI). Due to the previous industrial use of the site we consider the site to be of high sensitivity in relation to controlled waters. Any future development at this site would require a Preliminary Risk Assessment in relation to potential risks posed to controlled waters.

General Advice

Flood Risk
TAN15 states at paragraph 11.22 that ‘caravan, camping and other temporary occupancy sites give rise to special problems in relation to flooding.’ We refer you to the remainder of this paragraph in TAN15 for further guidance. These sites would be considered highly vulnerable from a flood risk perspective (see section 5.1 of TAN15).

Allocations should only be made in zone C if it can be justified that a development has to be located there in accordance with section 6 of Technical Advice Note 15 (TAN15) Development and Flood Risk (July 2004). In accordance with TAN15 you will need to fully explain and justify allocating a site in zone C. Should you wish to
allocate a site in zone C, and you can justify such an allocation, you will need to undertake a broad level assessment of the consequences of flooding occurring at the site in order to determine whether the consequences of locating a development in such a location could be acceptable in accordance with TAN15.

**Availability and conservation of Water Resources**

New development should be located and its implementation planned in such a way as to allow for sustainable provision of water services. Design approaches and techniques that improve water efficiency and minimise adverse impacts on water resources, on water quality, the ecology of the rivers, and on groundwater should be encouraged.

We recommend that DCWW be consulted to confirm whether water will be available to supply the proposed developments.

**Foul Water Disposal**

The first option for developments discharging ‘domestic’ sewage is to connect into the public foul sewer where it is reasonable and practicable to do so. The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems. This hierarchical approach is supported by government guidance on non-mains drainage in Welsh Office Circular 10/99 (paragraphs 3 and 4), which stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer.

The Environment Agency will not normally grant discharge consent for a private sewage treatment system where it is reasonable to connect to the public foul sewer. Likewise, discharges of trade effluent will be expected to connect into the public foul sewer where it is reasonable to do so and agreement can be reached with the sewerage undertaker to issue a trade to sewer consent.

We therefore recommend that where any possible gypsy and traveller sites are within a sewered area, that Dwr Cymru Welsh Water (DCWW) should be consulted in order to establish whether there is sewerage capacity in that area. Planned upgrades to sewerage infrastructure also need to be taken into consideration and developers should consult with DCWW regarding their Asset Management Plan (AMP) programme. If improvements are needed that are not planned, or if improvements are needed in advance of when they are planned, we recommend that you discuss this with DCWW, as the LDP provides an opportunity to address this at a strategic level by way of developer contributions.

**Protection and Enhancement of Biodiversity**

In taking a precautionary approach, we recommend that development is steered away from designated sites. We also advise that any development close to a Site of Special Scientific Interest (SSSI) should be assessed to ensure that there would be no impact upon the site's features. An appropriate assessment should be completed for any proposed development close to a Natura 2000 (Special Area of Conservation
(SAC)) site in line with the Habitats Regulations. We recommend that you consult the Countryside Council for Wales (CCW), regarding this matter.

In addition, ecological corridors for species migration between designated sites and river corridors should be implemented and maintained, which contributes to a network of habitats for the movement of species throughout the authority area and neighbouring authority areas. We advise that where a site that is located alongside a watercourse a 3-5 metre habitat buffer zone is put in place to maintain habitat corridors and protect the aquatic environment.

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

Yn ddiffuant / Yours sincerely

Miss Gemma Beynon
Swyddog Cynllunio / Planning Liaison Officer

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E-bost unio nyrchol/Direct e-mail gemma.beynon@environment-agency.gov.uk
In response to the June 2013 Revised LDP consultation, NRW advised as follows regarding site H16(i) Hartridge Farm Road:

“The proposed site lies partially within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability flood outlines. TAN15 (Section 10) is clear, "allocations should only be made in Zone C if it can be justified that a development/use has to be located there in accordance with section 6 and if the consequences of locating development are acceptable, in accordance with section 7 and appendix 1. The local planning authority “will need to fully explain and justify the reasons for allocating a site within Zone C in the relevant reasoned justification for the allocation". Where a site falls partially within Zone C it will be a matter for the planning authority to judge whether to apply the tests contained in Section 6 of TAN15, although it is probable that an assessment will be required. An allocation should not be made if the consequences of a flooding event, over the lifetime of the development, cannot be effectively managed. Housing Policy H17 (iii) also comments that Gypsy and Traveller Caravan sites will be allowed provided that the site is not within areas at high risk of flooding. Our view is that for allocation H16 (i) there is insufficient detail to enable us to advise you that the risks and consequences of flooding can be managed to an acceptable level and in accordance with TAN15. Should you wish to allocate this site, further work should be carried out to enable your Authority to justify the site allocation with sufficient assessment to demonstrate that risks and consequences can be acceptably managed. Alternatively you may wish to consider amending the boundary to exclude all land identified as being at flood risk or removing the allocation from your Plan.

We therefore recommend that either;

i) further work should be carried out to enable your Authority to justify this site allocation with sufficient assessment to demonstrate that risks and consequences can be acceptably managed in line with TAN15; or alternatively,

ii) the boundary of H16 (i) should be amended to exclude all land identified as being at flood risk; or

iii) Allocation H16 (i) should be deleted and removed from your Plan.

We trust that we will have further dialogue with your Authority in attempts to resolve such matters and seek agreement prior to examination in public. We consider that the policy fails to meet Test of Soundness CE1.”