

1. Protection of Natural Heritage.

What evidence demonstrates that all development allocations in the Plan affecting SSSIs and other statutory natural heritage designations and protected habitat/species interests have been adequately assessed for their acceptability in principle in this respect?

No comment.

Have the allocations raising natural heritage issues identified by NRW in its consultation response dated 26 July 2013 (and also by others) been the subject of further joint discussion - what is the present position concerning these sites? In particular, are changes needed to make the Plan sound as regards:

- i) SP16(iii) southern distributor road western extension (Gwent Levels - St Brides SSSI/Percoed Reen);**
- ii) H1(47) Glan LLyn (potential impacts on adjacent SSSIs);**
- iii) EM1(i) Duffryn (Gwent Levels - St Brides SSSI);**
- iv) EM1(ii) East of Queensway Meadows (potential impacts on adjacent SSSIs);**
- v) EM1(iv) Solutia (potential impacts on adjacent SSSIs);**
- vi) EM1 (v) Gwent Europark;**
- vii) EM2(ii) Llanwern former tipping area, south of Queensway (potential impacts on adjacent SSSIs);**
- viii) T1 proposed rail station at Coedkernew (Gwent Levels - St Brides SSSI);**
- ix) CF13(v) Duffryn High (potential impacts on adjacent SSSI);**
- x) CF13(vii) School south of Percoed Lane, Duffryn (Gwent Levels - St Brides SSSI);**
- xi) SP16(ii) Queensway eastern extension?**

Although Natural Resources Wales (NRW) requested further discussion, no discussion has been held between NRW and Newport City Council (NCC) with regard to the allocations and natural heritage issues identified by NRW in its response to the Revised Deposit LDP.

NCC forwarded NRW a copy of the council's response to the representations made by NRW to the Revised Deposit Plan on the 12th March. In response to a request by NCC, and in light of their response to representations, we submitted further comments to NCC on the identified sites on the 24th March 2014. We also submitted comments to the Focussed Changes consultation on 7th of April, which included some of the sites listed above.

Our comments below are informed by the NCC response to our representations to the Revised Deposit Plan in their Revised LDP

Consultation Report, and by amendments proposed in the Focussed Changes consultation. Following our concerns about the implications of the allocations for each of the sites, we set out how we think the LDP should be amended if it is decided to proceed with the allocations in the Plan.

SP16(iii) southern distributor road western extension

As advised in our comments on the Deposit and Revised Deposit LDP, the allocation is located within the Gwent Levels – St Brides SSSI, and has the potential to have significant adverse effects on the features for which the SSSI has been notified.

Given the duty under Section 28G of the Wildlife and Countryside Act 1981(as amended) for competent authorities, in this instance NCC and the Inspector, to take reasonable steps to further the conservation and enhancement of the features of SSSIs for which it is of special scientific interest, the area allocated for the road in SP16(iii) should be amended to avoid the SSSI. This would also ensure that the allocation is consistent with, and represents a coherent flow from, the Revised Deposit Plan's objective to protect and enhance protected habitats.

However, should it be decided to retain the boundary of the safeguarded area set out in Focused Change 1, the Plan should be amended to include a clear statement that identifies the natural heritage interests of the route and requires development to minimise adverse impacts on:

- the SSSI, and the
- adjacent Gwent Levels Landscape of Outstanding Historic Interest in Wales (LOHIW).

To achieve this, we recommend that the Revised Deposit LDP is amended to include an annex that lists the sites that are allocated in the Plan, and that identifies the key issues and constraints associated with each allocation that will need to be considered and addressed by potential developers. The relevant text relating to SP16(iii) should specify that any development at the site will be required to minimise adverse impacts on the SSSI and Gwent Levels (LOHIW). The inclusion of such text will ensure that potential developers at the site are aware of the importance of the site and the key considerations associated with protecting its interests at the earliest opportunity.

The recently adopted Bridgend and Torfaen LDPs have followed a similar approach to clearly identify constraints and opportunities that will need to be taken into consideration when developing allocated sites, and have included a similar annex in their respective Plans.

H1(47) Glan Llyn

This site is adjacent to the Gwent Levels- Nash and Goldcliff, SSSI. Development at this site has the potential to cause changes to the hydrological regime at this location, which is likely to have a significant adverse effect on the features for which not only the Gwent Levels- Nash and Goldcliff SSSI has been notified, but also the features of the Gwent Levels -

Whitson, and Redwick and Llandeveyeny SSSIs, given the interconnected nature of the Gwent Levels drainage system.

We note the protection afforded to SSSIs under Revised Deposit Plan Policy G5, and the need to read the Plan as a whole. However, as outlined above, NCC has a duty, under the Wildlife and Countryside Act 1981(as amended), to take reasonable steps to further the conservation and enhancement of the features of SSSIs for which it is of special scientific interest. To satisfy this duty the Plan should therefore clearly identify that any application for development at this allocation will be required to demonstrate how it will avoid adverse impacts on the adjacent SSSI.

The site currently operates a closed drainage system with a dedicated outfall system into the Severn Estuary, to manage any potential water contamination from the site. This avoids the potential discharge of contaminated water into the Gwent Levels- Nash & Goldcliff SSSI. This provision should be retained as part of any new development at the site.

As identified above in relation to our comments for the southern distributor road western extension, the Revised Deposit LDP could be amended to include an annex that lists the sites that are allocated in the Plan, and identifies the key issues and constraints associated with each allocation that will need to be considered and addressed by potential developers. The annex should specify that any development at this site will be required to retain the current outfall system or a similar system, as part of any wider measures required to avoid adverse impacts on the Gwent Levels SSSIs.

An annex detailing the individual features that will need to be addressed will ensure that potential developers at the site are aware of the key considerations associated with the site at the earliest opportunity.

EM1(i) Duffryn

We welcome the Focussed Change proposal to reduce the area of land allocated for employment under Policy EM1(i). However, 0.8% of the Gwent Levels – St Brides SSSI remains within the employment allocation. Development on the SSSI will lead to the direct loss of an area of the SSSI, and has the potential to have an adverse effect on a wider area of the SSSI, including an adverse effect on the features for which the SSSI has been notified. As indicated on our response to the Revised Deposit LDP (letter dated 26 July 2013), NCC has a duty under the Wildlife and Countryside Act 1981(as amended) to take reasonable steps to further the conservation and and enhancement of the features of SSSIs for which it is of special scientific interest.

We acknowledge the need to ensure there is sufficient supply of quality employment land within the Plan, however we note that the *Employment Land Review: Final Report* (March 2013) suggests that the level of employment land allocated under Policy SP 17 represents a provision that is very likely to be a maximum delivery rate for Newport in the future, and includes an

allowance for an optimistic one off inward investment. Additional land for B Class uses is also allocated in the Plan under Policy EM3.

On the basis of the likely delivery rate for Newport indicated in the *Employment Land Review*, we consider there is an adequate supply of land allocated within the Plan to deliver its objectives and strategy, without developing part of an SSSI through the allocation of EM1(i).

Given NCC's duty under the Wildlife and Countryside Act 1981(as amended) to take reasonable steps to further the conservation and enhancement of the features of SSSIs for which it is of special scientific interest, the area allocated for employment purposes under EM1(i) should be amended to exclude all areas of the SSSI from the allocation.

However, should it be decided to retain the boundary of the employment allocation as set out in this Focused Change, the Plan, either in the supporting text of the policy, or as part of an additional annex that is added to the Plan, should include a clear statement that:

- development within the allocation will be limited to the area of the site outside of the SSSI boundary; and
- development at this allocation will be required to avoid adverse impacts on the SSSI.

This would ensure that the Plan and allocation has some regard to the Council's duty under the Wildlife and Countryside Act, and would logically flow from the Revised Deposit Plan's objective to protect and enhance protected habitats through to the allocation and its supporting text.

EM1(ii) East of Queensway Meadows

We welcome the proposal to reduce the area of land allocated for employment under Focused Change 2. However, development at this site has the potential to cause indirect loss and damage to SSSI features over a wide area of the Gwent Levels – Nash and Goldcliff and Gwent Levels - Whitson SSSIs. Development which would cause changes to the current hydrological regime at this location, or cause pollution entering the SSSI has the potential to have a significant adverse impact on the features for which Gwent Levels - Nash and Goldcliff SSSI and the Gwent Levels – Whitson SSSI have been notified.

We note the protection afforded to SSSIs under Revised Deposit Plan Policy G5, and the need to read the Plan as a whole. However, given NCC's duty, under the Wildlife and Countryside Act 1981(as amended), to take reasonable steps to further the conservation and enhancement of the features of SSSIs for which it is of special scientific interest, the Plan should specify the requirement for any development at this allocation to avoid adverse impacts on these SSSIs.

To achieve this, the Revised Deposit LDP could be amended to include an annex that lists the sites that are allocated in the Plan, and that identifies the key issues and constraints associated with each allocation that will need to be

considered and addressed by potential developers. The text relating to EM1(ii) should specify that any development at the site will be required to minimise adverse impacts on the SSSIs. The inclusion of such text will ensure that potential developers at the site are aware of the key considerations associated with the site at the earliest opportunity.

EM1(iv) Solutia

We welcome the proposal to reduce the area of land allocated for employment at this site under Focussed Change 3.

However, as previously advised in our response to the Revised Deposit Plan, development at this site has the potential to cause changes to the hydrological regime at this location, which is likely to have a significant adverse effect on the features for which the adjacent Gwent Levels - Nash and Goldcliff SSSI has been notified.

We note the protection afforded to SSSIs under Revised Deposit Plan Policy G5, and the need to read the Plan as a whole. However, as already stated, given NCC's duty, under the Wildlife and Countryside Act 1981(as amended), to take reasonable steps to further the conservation and enhancement of the features of SSSIs for which it is of special scientific interest, the Plan should specify the need for any development at this allocation to avoid adverse impacts on the adjacent SSSI.

Similar to our comments above for other sites where there is a potential impact on an SSSI from development, we recommend that an annex is added to the Plan identifying the key issues and constraints associated with each allocation that need to be taken into consideration when developing the site.

For EM1(iv) the annex should specify that any development at the site will be required to avoid adverse impacts on the SSSI. This will ensure that potential developers at the site are aware of the key considerations associated with the site at the earliest opportunity.

EM1 (v) Gwent Europark

No comment.

EM2(ii) Llanwern former Tipping Area, south of Queensway

We welcome the proposal to reduce the area allocated for employment purposes under Focussed Change 4. However, notwithstanding the proposed reduction in the size of the allocation at the site, development at this site still has the potential to have a significant adverse effect on the features for which the Gwent Levels- Nash and Goldcliff SSSI, and Gwent Levels – Whitson SSSI have been notified.

We note the protection afforded to SSSIs under Revised Deposit Plan Policy G5, and the need to read the Plan as a whole. However, given NCC's duty under the Wildlife and Countryside Act 1981(as amended), to take reasonable steps to further the conservation and enhancement of the features of SSSIs for which it is of special scientific interest, the Plan should specify that

proposals for development at this allocation will be required to demonstrate how adverse impacts on the adjacent SSSIs will be avoided.

The site currently operates a closed drainage system with a dedicated outfall system into the Severn Estuary, to manage any potential water contamination from the site. This avoids the potential discharge of contaminated water into the Gwent Levels SSSIs. This provision should be retained as part of any new development at the site.

The environmental issues associated with the allocation could again be identified in an annex to the Plan. For EM2(ii) the relevant text should specify that any development at the site will be required to retain the current outfall system/ or similar at the site, as part of wider measures that will be required to avoid adverse impacts on the SSSIs.

T1 proposed rail station at Coedkernew

The Focussed Changes consultation proposes to replace allocation T1 of the Revised Deposit Plan Policy with an 'Area of Search' for the location of the new Coedkernew station.

The proposed 'Area of Search' is located within the Gwent Levels – St Brides SSSI. Development within this area will lead to the direct loss of an area of the SSSI, and given the interconnected nature of the drainage system has the potential to adversely affect the features of a wider area of the SSSI.

Although a railway station at Coedkernew is proposed in the Regional Transport Plan (RTP), the RTP does not specify the location for the proposed scheme. Further, the appraisal document of the RTP recognises that the development of the station is reliant on associated development to provide sufficient catchment, and on the Newport Area resignalling project.

Given the direct loss of an area of the SSSI that would result from the proposal and the potential impact to the features for which the SSSI has been notified, we consider that the 'Area of Search' proposed would be contrary to NCC's duty under the Wildlife and Countryside Act 1981(as amended) to take reasonable steps to further the conservation and enhancement of the features of SSSIs for which it is of special scientific interest.

Further, in light of the likely adverse impact on SSSI features and the direct loss of an area of the SSSI we do not consider that the proposed 'Area of Search' represents a coherent flow from the Revised Deposit Plan's objective to protect and enhance protected habitats. Additionally as the proposed 'Area of Search' is located a notable distance away from existing or planned development and is likely to be accessed by car, we do not consider that it is consistent with the rationale to minimise the need to travel as set out in Objective 2 of the Plan.

Alternative locations should be considered, which are outside of the SSSI, and in closer proximity to existing or planned built development, to capitalise

on sufficient catchment to justify the scheme and to deliver a scheme that delivers the concept of sustainable development.

CF13(v) Duffryn High

As previously advised in our comments on the Revised Deposit Plan, development at this site has the potential to cause changes to the hydrological regime at this location, which is likely to have a significant adverse effect on the features for which the adjacent Gwent Levels – St Brides SSSI has been notified

As stated in our comments above, we note the protection afforded to SSSIs under Revised Deposit Plan Policy G5, and the need to read the Plan as a whole. However, given NCC's duty, under the Wildlife and Countryside Act 1981(as amended), to take reasonable steps to further the conservation and enhancement of the features of SSSIs for which it is of special scientific interest, again the Plan should specify the need for any development at this allocation to avoid adverse impacts on the adjacent SSSI.

An annex identifying the environmental issues associated with allocation CF13(v) should specify that any development at the site will need to avoid adverse impacts on the SSSI.

This will ensure that potential developers at the site are aware of environmental considerations associated with the site at the earliest opportunity.

CF13(vii) School south of Percoed Lane, Duffryn

We understand that NCC intends to delete this allocation from the LDP. We welcome and support this amendment to the Plan.

xi) SP16(ii) Queensway eastern extension

No comment.

Have all other matters concerning the natural environment raised by NRW been the subject of further consideration and dialogue - to what extent is there now an agreed way forward on these matters? What changes are needed to the Plan as a result?

No discussion has been held between Natural Resources Wales (NRW) and Newport City Council with regard to issues identified by NRW in its response to the Revised Deposit Plan.

NCC forwarded NRW a copy of the Council's response in the Revised Deposit LDP consultation Report to the representations made by NRW to the Revised Deposit Plan on the 12th March 2014. In response to a request by NCC, we submitted further comments to them on the 24th of March on the sites listed in Question 1 above, having reviewed their comments in the Revised Deposit LDP consultation Report. No further dialogue has been had between NCC and NRW following the submission of our comments to them, and the

subsequent submission of our Focussed Change comments on the 7th April 2014.

The changes we consider that are required to the Plan are set out in response to the questions on the specific allocations above.

Should natural heritage designations such as SSSIs and SINCs be marked on the Proposals Map?

Paragraph 5.4.6 of Planning Policy Wales (Edition 6, 2014) (PPW) requires the areas to which policies for the conservation and enhancement of the natural heritage apply to be clearly identified, wherever practical, on the proposals maps or be capable of being identified from clear criteria in environmental protection policies.

This is also required in *Local Development Plans (LDP) Wales* (2005) where it states in Paragraph 2.24 that: *“The proposals map must illustrate each of the policies and proposals with a spatial component including land uses and the areas to which specified development control policies will be applied. Boundaries of locally or nationally designated areas... should be shown to illustrate that a range of particular policies apply there”*.

Criterion (ii) of Revised Deposit Plan Policy GP5 seeks to ensure there are no significant adverse effects on nature conservation designations, including SSSIs, and Policy CE9 seeks to protect SINCs. As areas specifically afforded protection in the Plan, and to comply with national policy in the form of PPW and LDP Wales, Natura 2000 sites, SSSIs, and SINCs should therefore be clearly identified on the Proposals Map so that the relationship between allocations and areas where protection and enhancement is required can be accurately assessed.

The identification of SSSIs on the constraints map as currently proposed, rather than the proposals map, enables the person viewing the map to get a general idea of where SSSIs are located. However, for many of the allocations in the Plan it does not enable the viewer to understand where the finer details are, such as where the boundary of the SSSI is, in relation to the development allocation. This is particularly apparent with some of the allocations in proximity to the Gwent Levels SSSIs, where it is difficult to assess the development allocation boundary and its juxtaposition with the relevant SSSI. Notable examples are the allocations EM1(i); EM1(ii); EM2(ii); CF13(v).

To ensure that developers have a clear understanding of the sensitivities surrounding the site they are considering developing and thereby avoid harm to nationally designated sites and other features of acknowledged importance; and to comply with national policy, we consider that natural heritage designations should be included on the Proposals map.

Are the provisions of policy GP5 sufficient to safeguard the natural heritage interest of sites which are also the subject of development allocations in the Plan? If not, what further safeguards are necessary?

Although we generally support the provisions contained within Policy GP5, as currently drafted we do not consider it is sufficient to safeguard the natural heritage interests of nationally designated sites which are also the subject of development allocations in the Plan.

As indicated in our comments to revised Deposit Plan Policy GP5, we consider that criterion (ii) of the policy should be amended to improve clarity on what is protected under the policy.

Additionally, as set out in our comments above, if the allocations with the potential to result in the loss of areas of a SSSI and harm to them are to be allocated in the Plan, greater clarification is required in the plan for each of the allocations. That should identify the environmental issues associated with the allocations that will need to be managed and protected to ensure that development avoids adverse impacts on the relevant SSSI. This will ensure that potential developers at the sites are aware of the relevant environmental considerations associated with the allocation at the earliest opportunity.

This information could either be provided for each of relevant allocations in the main body of the Plan, or provided as an annex to the Plan.

2. Allocations and Flood Risk.

What evidence demonstrates that all development allocations in the Plan (including those with extant planning permissions) have been fully assessed against the requirements of TAN 15 Development and Flood Risk, taking account of current Development Advice Maps?

What evidence demonstrates that, where a development allocation in the Plan involves land within zone C (either C1 or C2), all of the requirements of sections 6 and 7 of TAN 15 are satisfied in relation to each such allocation for the lifetime of the development?

What evidence demonstrates that surface water flood risk issues have been properly considered in relation to all development allocations in the Plan?

What evidence demonstrates that NRW is now content that all of the allocations in the Plan are sound in respect of flood risk matters? Have the allocations identified by NRW in its consultation response dated 26 July 2013 been the subject of further joint discussion - what is the up to date position concerning these sites?

Allocations and Flood Risk

a) What evidence demonstrates that all development allocations in the Plan (including those with extant planning permissions) have been fully

- assessed against the requirements of TAN 15 Development and Flood Risk, taking account of current Development Advice Maps?
- b) What evidence demonstrates that, where a development allocation in the Plan involves land within zone C (either C1 or C2), all of the requirements of sections 6 and 7 of TAN 15 are satisfied in relation to each such allocation for the lifetime of the development?
 - c) What evidence demonstrates that surface water flood risk issues have been properly considered in relation to all development allocations in the Plan?
 - d) What evidence demonstrates that NRW is now content that all of the allocations in the Plan are sound in respect of flood risk matters? Have the allocations identified by NRW in its consultation response dated 26 July 2013 been the subject of further joint discussion - what is the up to date position concerning these sites?

In response to questions raised by the Planning Inspector, Natural Resources Wales refers to our letter of representation dated 26th July 2014 (ref. 1898716/C.09.90.07). In our letter we raised concerns with the management of flood risk at a number of allocations, these included;

- H1 Housing Sites with extant permissions (H1, H4, H5, H6, H9, H15, H16, H18, H21, H27, H31, H32 and H34)
- H1 (35) East Usk Road
- H1 (49) Mill Street
- H1 (50) Herbert Road and Enterprise House
- H16 (i) Hartridge Farm Road
- EM2 (vii) Crindau Gateway
- CF13 School Sites

Subsequently, Natural Resources Wales has provided advice and comments on;

- H1 housing sites with extant permission (H5, H9, H15, H16, H21 and H32; plus H23), we refer you to our advice and comments given in this letter.
- H16 (i) Hartridge Road, we refer you to comments and advice given for Session 5 including Statement of Common Ground.
- H1(50) Herbert Road and Enterprise House (62 units), we refer you to our response in respect of Session 12.

H1 Housing Allocations with Extant Planning Permissions

In regard to H1 Housing Sites, we refer to your email of 12th March 2014, which informed us that your Council was investigating flood risk matters further in regard to item 2, allocations and flood risk of Session 10. On 20th March 2014, Natural Resources Wales received a Stage 3 SFCA for additional sites;

- SFCA. Stage 3 Additional Site Assessments. March 2014. Ref. 47069846. Prepared by URS for Newport City Council.

We have now reviewed the SFCA Additional Site information and respond as follows;

Stage 3 Strategic Flood Consequence Assessment Additional Sites Summary

In summary, Natural Resources Wales view is that all the additional sites subject of Stage 3 Strategic Flood Consequence Assessment (SFCA) demonstrates degrees of flooding and in some cases with significant depths of flooding. The majority of the development sites are deemed to pose a significant danger to most when considering Flood Hazard. The Stage 3 SFCA report identified that site specific flood consequence assessments should be undertaken at the planning application stage where extant permissions lapse. Mitigation measures are proposed that may permit development and demonstrate compliance with the requirements of TAN15. Natural Resources Wales would be consulted as part of the planning application process and our advice sought on individual FCAs. Our advice is that any existing FCA's would need to be revised to reflect the best up to date information, for example, the Newport Tidal Model data.

Our fuller explanation is given below;

Stage 3 Strategic Flood Consequence Assessment Additional Sites

On 20th March 2014, Natural Resources Wales received a Stage 3 SFCA for additional sites;

- SFCA. Stage 3 Additional Site Assessments. March 2014. Ref. 47069846. Prepared by URS for Newport City Council.

We have now reviewed the SFCA Additional Site and note the following;

As part of the Stage 3 assessment, seven sites have been assessed, which also have extant planning permission for housing. Our advice is given in relation to those sites presented to us. We understand that the same approach has been adopted as within the Stage 3 SFCA undertaken in March 2013 with some minor alterations.

A summary of the methodology is used to assess flood risk for each of the additional sites:

The Newport Tidal Model will be utilised to inform the flood consequences at an appropriate spatial scale for the additional sites. This approach allows efficient use of best available existing data whilst providing sufficient information to Newport City Council to inform decisions in the allocation of future development sites where extant planning permission exist.

The dominant risk to sites is from tidal flood sources. Due to the additional sites having extant planning permission, information regarding proposed finished floor levels (where available) was also reviewed. For the purposes of assessing the additional sites only Scenarios 1, 3, 4, 6, 7 and 9 (please refer to Table 3.1 for details) have been used within this report to account for a 100 year lifetime of development factor for housing.

The Scenarios are as follows, and will be referred to the scenario number in our letter for ease of reference:

Scenario 1 – Overtopping in 200 year flood event

Scenario 3 – Overtopping in 200 year plus 100 year lifetime of development (2111)

Scenario 4 – Overtopping in 1000 year

Scenario 6 – Overtopping in 1000 year plus 100 year lifetime of development (2111)

Scenario 7 – Breach and Overtopping 200 year flood event

Scenario 9 – Breach and Overtopping in 200 year plus 100 year lifetime of development (2111)

The Review of the Newport Tidal Model identified five breach locations that were modelled. The Newport Tidal Model does not include potential breach locations on the right hand bank of the River Usk and therefore sites located on the right bank are unlikely to be affected. It is likely that the reason for no breach locations on the right hand bank of the River Usk is because there is limited potential flood extent under overtopping conditions when compared with the potential flood extent on the left hand bank.

We agree with the limitations and assumptions stated within in the report (Section 3.4) and would offer no adverse comment on the methodology used to assess the flood risk for each site.

For ease of reference, we provide our advice on each of the additional sites using their site location name.

Former Sainsbury's (H32)

The site lies partially within Zone C1 as defined by the Development Advice Map (DAM) referred to under 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 partially within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, which is a designated main river.

Former Sainsbury's Site (H32) – Eastern Region

Under all scenarios the development site will experience a degree of flooding. With the minimum amount being experienced during the current day 200 year flood event of 0.35m expected to occur on the site. The maximum amount of flooding is expected during scenario 6, the 1000 year with climate change, with 1.54m of flooding expected.

Flood Hazard Maps for the site during the 200 year flood event with climate change is considered significant (danger for most) and during the 100 year event with climate change this changes to extreme (danger for most).

Former Sainsbury's Site (H32) – Western Region

Under all scenarios the development site will experience a degree of flooding. With a minimum amount of flooding being experienced during the 1000 year current day flood event. There is no flooding experienced during scenarios 1 or 7. The maximum flood level on site is 1.5m and is experienced during the 1000 year event with an allowance for climate change.

Flood Hazard Maps for the site under current day conditions range from none to significant, during the climate change scenarios the predominant hazard rating is considered significant.

Overtopping occurs on the site approximately 15 hours into the model simulation, which represents the second tidal cycle. From this time it can be concluded that there is a 0.5 hour period for site evacuation via identified escape/evacuation routes, if no warning was provided.

It is concluded in the Stage 3 SFCA that substantial mitigation measures would be required to enable development on the entire site to justify development in accordance line with Technical Advice Note Development and Flood Risk 15 (TAN15) (July 2014). Mitigation measures may include raising flood defences, raised ground levels and/or finished floor levels.

We agree with the conclusions made for this site and the other considerations stated for further work. A detailed site specific flood consequence assessment (FCA) will be required to support a new or revised planning application in accordance with TAN15.

Glebelands (H5)

The site lies partially within Zone C1 as defined by the Development Advice Map (DAM) referred to under TAN15. 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 tidal flood outlines of the River Usk, which is a designated main river.

The Stage 3 SFCA assesses that in the current day 200 year tidal event no flooding is observed on this site. Existing defences (raised embankment) along the eastern bank of the River Usk provides protection from overtopping. During scenario 7, although inundation occurs at the breach location during the second and third tidal cycles flood water does not reach the development site.

With an allowance for climate change, the flood risk increases in both extent and depth. A minimum amount of flooding being experienced in scenario 3 at 2m and the maximum during scenario 6, expected to be 2.45m.

Flood Hazard Maps for the site concluded that in the current day scenarios the site remains outside of the maximum flood event and therefore no flood hazard is observed. During the climate change scenarios the flood hazard ranges from low to extreme, with the extreme rating being the dominant.

Overtopping occurs on the site approximately 15 hours into the model simulation, which represents the second tidal cycle. From this time it can be concluded that there is a 1 hour period for site evacuation via identified escape/evacuation routes, if no warning was provided.

We agree with the conclusions made for this site and the other considerations stated for further work. We would request that a site specific FCA is submitted to support a planning application where an extant planning permission lapses. At the planning application stage we would request the developer to demonstrate how the layout and design of the site will be safeguarded from the risk of flooding over the lifetime of development. We agree and recommend consultation with Natural Resources Wales and other relevant consultees on flood risk and consequences.

Victoria Wharf (H15)

The site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be partially within 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, which is a designated main river.

The Stage 3 SFCA assess that under current day conditions the majority of the site remains flood free during a 1 in 200 year tidal event. The site in its entirety, however, would be inundated with flood water during the current day 1000 year extreme flood event.

Under climate change scenarios the extent and depth of the flood risk is increased, with minimum flood levels of 1.1m being experienced in scenario 3. The maximum flood level of 1.35m will be experienced in scenario 6.

The Flood Hazard Maps for the current day 1000 year extreme event is given as predominantly low. The maps change with an allowance for climate change, and it is considered significant (danger for most).

Overtopping occurs on the site approximately 15 hours into the model simulation, which represents the second tidal cycle. If there was no advanced warning for this site, model results indicate that there is limited time to evacuate the site.

Comments in the SFCA identifies that the planning permission for this site has lapsed and that Newport City Council has indicated that minimum finished floor levels must be constructed at a level of at least 9.075m AOD. We would advise that while a minimum finished floor level is proposed, a site specific FCA may conclude that this level is not acceptable. We therefore advise that a detailed site specific FCA will be required to support a planning application in accordance with TAN15 and in order to confirm levels.

We agree with the conclusions made for this site and the other considerations

stated for further work.

Former Floors 2 Go (H21)

The site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to in TAN15. 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 tidal flood outlines of the River Usk, which is a designated main river.

The Stage 3 SFCA has assessed that under current day conditions no flooding is observed on the proposed development site during any 200 year or 1000 year flood event.

With an allowance for climate change the extent and depth of flooding at the site is significantly increased, with the entire site inundated with flood waters. The minimum flood depths are experienced during scenario 3, and are stated as 1m. The maximum is suggested as 2.21m for scenario 6.

The Flood Hazard Maps range from significant to extreme during these climate change flood events.

Overtopping occurs on the site approximately 15 hours into the model simulation, which represents the second tidal cycle. From this time it can be concluded that there is a 13.5 hour period for site evacuation via identified escape/evacuation routes, if no warning is provided.

The Stage 3 SFCA assesses that climate change factors results in significant constraints on the development at this location. The report concludes that substantial mitigation measures would be required to enable development on the entire site and in order to justify development in accordance with TAN15. Mitigations measures may include raising flood defences, raised ground levels or finished floor levels.

In terms of mitigation measures internal ground floor levels of units within the site would be 0.2m above surrounding ground levels. We would advise that while a minimum finished floor level is proposed, a site specific FCA may conclude that this level is not acceptable. We therefore advise that a detailed site specific FCA will be required to support a planning application in accordance with TAN15.

We therefore agree with the conclusions made for this site and the other considerations stated for further work.

Frobisher Road (H9)

The application site lies partially within Zone C1 as defined by the Development Advice Map (DAM) referred to under 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 partially within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, which is a designated main river.

Under current day conditions no flooding is observed on the proposed development site during any 200 year or 1000 year flood event

With the exception of the Southern Margin of the site no flooding occurs during the 200 year plus climate change scenario. The margins do not become inundated until the third tidal cycle with a maximum depth of 0.71m.

The maximum flood depth is experienced during scenario 6, with the exception of the northern part of the site. The majority of the site is inundated with a maximum flood depth of 1.1m. This flood water does not reach the site until the third tidal cycle (29 hours) after the overtopping is observed, therefore it indicates a low speed of flooding onset.

For all climate change scenarios the Flood Hazard Map indicates a significant risk, which is a danger for most.

Overtopping occurs on the site approximately 3.5 hours into the model simulation, which represents the second tidal cycle. From this time it can be concluded that there is a 15 hour period for site evacuation via identified escape/evacuation routes, if no warning was provided.

We agree with the conclusions made for this site and the other considerations stated for further work and have no further comments. A detailed site specific FCA will be required to support a planning application in accordance with TAN15.

Penmaen Wharf (H16)

The site lies partially within Zone C2 as defined by the Development Advice Map (DAM) referred to under 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 tidal flood outlines of the River Usk, which is a designated main river.

It has been assessed that under current day conditions the majority of the site becomes inundated during all flood events.

With an allowance for climate change the extent and depth of flooding at the site is significantly increased, with the entire site inundated with flood waters.

The minimum flood depth of 1.73m is experienced during scenarios 3 and 9, with the maximum flood depth of 2.03m is experienced in scenario 6.

The current day Flood Hazard Map rating is significant with the majority of the site becoming inundated. During the climate change scenarios the predominant hazard rating is extreme, a danger to all and the entire site is inundated.

Overtopping occurs on the site approximately 1.5 hours into the model simulation, which represents the second tidal cycle. From this time it can be concluded that there is a 15.5 hour period for site evacuation via identified escape/evacuation routes, if no warning was provided.

The report indicates that climate change factors result in significant constraints on the development at this location. The report concludes that substantial mitigation measures would be required to enable development on the entire site and in order to justify development accordance with TAN15. Mitigation measures may include raising flood defences, raised ground levels and/or finished floor levels.

It is noted that a FCA exists for this development site, however our view is that this would need to be revised for any future planning application on this site given the out of date information used to inform the flood risk assessment. Any changes from the previous situation to the current situation would need to be established. We also advise that the most vulnerable use in the development (Please refer to Section 5.2 of TAN15) would be assessed in terms of flood risks and consequences and against success criteria. Development would be assessed as a whole and in terms of the highest vulnerability component, so even with low vulnerability components on the ground floor a FCA is required and the development must remain flood free.

We agree with the conclusions made for this site and the other considerations stated for further work. A detailed site specific FCA will be required to support a planning application in accordance with TAN15.

Transton Lane (H23)

The site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under TAN15. 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) probability tidal flood outlines of the River Usk, which is a designated main river.

It is assessed in the SFCA that under current day conditions the majority of the site remains flood free during a 1 in 200 year tidal event. The site in its entirety however becomes inundated during a 1 in 1000 year tidal event.

Climate change and breaches of defences provide noticeable differences, for example, changes in depths of flooding. The minimum flood depth for the site is 1.04m during scenario 3 and the maximum is stated as being 1.45m during

scenario 6.

For all climate change scenarios the predominant Flood Hazard Map rating is significant, a danger for most.

Overtopping occurs on the site approximately 3 hours into the model simulation, which represents the second tidal cycle. From this time it can be concluded that there is a 16.5 hour period for site evacuation via identified escape/evacuation routes, if no warning was provided.

It is noted that a FCA exists for this development site, however this would need to be revised and updated for any future planning application for this site.

We agree with the conclusions made for this site and the other considerations stated for further work. A detailed site specific FCA will be required to support a planning application in accordance with TAN15.

Future Communications

We trust our advice as set out above is clear. If you have any queries, please do not hesitate to get in touch.

3. Policy S8 Special Landscape Areas.

Is proposed SLA designation S8(vii) Tredegar Park sound (ie coherent and consistent) as regards the inclusion of the Graig y Saeson section of the designation, in the light of the character of the land and existing permissions for development?

No comment.

4. Policy SP6 Green Belt.

Is there a clear rationale and justification for the proposed extension proposed to the existing Green Belt? Is the proposed extension based on a formal assessment of the area's contribution to urban form and the location of new development? Is the resulting Green Belt designation consistent with PPW guidance concerning the purposes of Green Belts? Is it consistent with the Green Belt designation within the adjoining authority area of Cardiff?

No comment.

5. Policy SP7 Green Wedges.

Are the green wedge designations in the Plan soundly based on a formal assessment of contribution to urban form and the location of new development? What evidence demonstrates that normal planning and development management policies cannot provide the necessary

protection? Do the green wedges include only land that is strictly necessary to fulfil the purposes of the policy?

No comment.

Policy CE1 Development in the Green Belt and Green Wedges.

Is this policy intended to add to or modify national policy concerning development in Green Belts and green wedges in any way? If not, why is an LDP policy proposed concerning this?

No comment

Are the detailed provisions of policy CE1 consistent with those in PPW? In particular, is the policy and supporting text coherent and consistent as regards:

- i) reference in criterion i) to agricultural or forestry uses rather than justified rural enterprises;**

No comment.

- ii) reference in criterion vi) to mineral working being permitted;**

Planning Policy Wales (edition 6, 2014) states that any development other than those identified in paragraph 4.8.16 of the national planning policy document will be inappropriate development unless they maintain the openness of the Green Belt or Green Wedge.

The Revised Deposit Plan does not provide a definition of “mineral working”. However, we understand mineral working to refer to the exploration, extraction, processing, and storage of mineral, and any associated development such as processing plants, site offices and weighbridges.

Certain forms of mineral working may reasonably maintain the openness of a Green belt or Green Wedge e.g. exploratory works such as bore holes. Further, whilst much mineral working will involve deep excavation, it is questionable that the scale and duration of such forms of mineral working operations can be considered to be in the spirit of retaining the openness of Green Belts or Green Wedges. We therefore consider mineral development to be inconsistent with Planning Policy Wales.

Furthermore, as the 1st Review of the Regional Technical Statement for the North Wales and South Wales Regional Aggregates Working Parties does not require NCC to make provision for land won primary aggregates in the LDP, we do not consider there is any justification to depart from national policy regarding the uses that are considered to be acceptable in Green Belts and Green Wedges.

In the absence of clarity in the Revised Deposit LDP on the forms of mineral working which may be appropriate within a Green Wedge or Green Belt, we consider that criterion (vi) should be deleted from the Plan.

Notwithstanding our comments above, should it be decided to retain criterion (vi), we consider that the supporting text to the policy should provide further clarification on the forms of mineral working which may be appropriate within a Green Belt or Green Wedge.

- iii) reference to visual amenities not being harmed by development proposals outside the designated area;**

No comment.

- iv) references in paragraph 4.1 to various types of development being considered “appropriate” and potential confusion with PPW definitions of inappropriate development;**

No comment.

- v) interpretation of 30% of original volume stipulation in paragraph 4.1 - and whether such a categorical proviso, if imposed, should be embodied within the policy wording?**

No comment.

7. Historic Environment - Policies CE5 - CE8.

What is the purpose of the references to historic battlefields in policy CE5 and paragraph 4.23? Are any such sites present within the Plan area?

No comment.

What does paragraph 4.25 (supporting text to policy CE6 Locally Listed Buildings and Sites) mean? Should this paragraph be re-worded and simplified, for clarity?

No comment.

Why is requirement i) of policy CE8 Conservation Areas different to the statutory duty concerning conservation areas - is this intentional? Is the difference in wording likely to introduce uncertainty and confusion? Should the wording be amended?

No comment.