

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0335/FULL 15.05.2015	Natural Resources Wales (NRW) C/O Arup N Queffurus 4 Pierhead Street Capital Waterside Cardiff CF10 4QP	Construct two new flood defences, together with the improvement and modification of one existing flood defence, along the River Ebbw as part of the Risca Flood Risk Management Scheme, plus associated engineering operations and landscape works Land On Northern Bank Of River Ebbw Between Crosskeys And Pontymister Risca Newport

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land adjacent to the River Ebbw at three locations on the Risca/Pontymister side of the river.

Site description and development: It is proposed to construct the following new flood defences.

1. New Defence (Waunfawr Park) - new 41m length flood bund and new flood gate along land that is at the boundary of the park at the corner of Waunfawr Park Road and Blackvein Road. The land includes a cycleway and landscaped areas.
2. New Defence (New Park) - 170m length shallow mass concrete wall along the New Park Road boundary and new 140m length flood bund. The wall runs along the landscaped and fenced boundary with New Park Road. Where the wall meets the Fire Station it becomes a bund that that runs a long the Park side boundary of the Fire Station and then around the riverside boundary of the Fire Station that is currently a vegetated embankment.
3. Bund Modification (Commercial Lane) - 80m length of raised bund on existing bund at boundary of land adjacent to river previously used as a car park.

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Dimensions:

1. New Defence 01 (Waunfawr Park)- Construction of new flood wall (81m long, 1m height above ground level and 0.36m wide). Erection of new flood bund (41m long, 1m in height and 3m crest width). New flood wall and bund to be connected via proposed flood gate (4m wide, 0.9m high).
2. New Defence 02 (New Park)- Construction of new shallow mass concrete flood wall (170m long, 0.4m height above ground level and 0.35m wide). Erection of new connected flood bund (140m long with crest width of 3m adjacent to the park, reducing to 1.5m adjacent to the river). Flood bund to include ramp and handrail to enable access over bund.
3. Bund Modification 05 (Commercial Lane)- 80m length of existing defence height to be increased by 0.5m. Bund footprint to be increased in width by 1.5m.

Materials: Walls to be constructed concrete mass with brick facing. Bunds formed with cohesive material top soiled and grass seeded.

PLANNING HISTORY

2/09012 - Infrastructure and location of 29 no. demountable dwellings on existing playing fields to provide temp decent facilities for a maximum of 3 years - Granted 10.10.89.

2/09095 - Construction of infrastructure and location of 29 no. demountable Park Homes for use as decent accommodation with adjacent storage containers for 3 years - Granted 10.10.89.

2/10864 - Retention of 29 no. demountable Park Homes for decent accommodation with adjacent storage containers for a further period to 31st December, 1994 - Granted 18.09.92.

2/12726 - Demolish existing pavilion and construct new pavilion and meeting hall - Granted 13.03.96.

P/98/0770 - Erect light industrial unit for multiple tenancy occupancy - Refused 11.12.98.

P/99/0229 - Erect light industrial unit for multiple tenancy occupancy - Granted 01.07.98.

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P/02/0229 - Construct dugouts, car park and enclosures - Granted 13.06.02.

11/0446/FULL - Erect care home (Use Class C2), retail (Use Class A1 and A3) and office (Use Class B1 and A2) units with associated parking, engineering and landscaping works - Granted 03.11.11.

14/0611/FULL - Construct flood defences, improve and maintain existing flood defences along the River Ebbw as part of the Risca Flood Risk Management Scheme plus associated engineering operations and landscape works - Granted 03.11.14.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The bulk of the land to which this application relates is leisure land within two parks. Part of the site is an embankment to the rear of the fire station. The final part is an embankment within a former/unused car park opposite the Tesco site allocated for housing - HG1.54. All the land is within the settlement boundary.

Policies: HG1 - Land Allocated for Housing, CW5 - Protection of the Water Environment, NH3 - Sites of Importance for Nature Conservation and MN2 - Mineral Safeguarding.

NATIONAL POLICY TAN 15 Development and Flood Risk.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? – No.

Was an EIA required? – Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? - Yes - At New Park, however the proposed development does not create any floor space or significantly intersect the ground.

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CONSULTATION

Principal Valuer - No objection.

Transportation Engineering Manager - No objection subject to conditions requiring further detail regarding ancillary engineering works.

Head Of Public Protection - No objection. Advice is provided regarding the previous land use.

Senior Engineer (Land Drainage) - No objection is raised.

Dwr Cymru - No objection is raised and advice is provided regarding the proximity of services in the affected areas.

Countryside And Landscape Services - No objection is raised. Conditions regarding knotweed and landscaping are recommended. Ecological conditions are also recommended regarding protected species and invasive weeds.

Senior Arboricultural Officer (Trees) - No response.

Natural Resources Wales - No objection subject to conditions.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and 50 neighbouring properties have been consulted.

Response: One response has been received.

Summary of observations:

- 1 The low wall adjacent to New Park Road is concrete, elsewhere Hanson Blue bricks and should be used at this location.
2. "Absolute objection" to any plan that involves the removal of any of the trees adjacent to the low wall.

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SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

It is not considered that the proposed development will have a material effect on crime and disorder.

Is this development Community Infrastructure Levy liable? This development is not CIL liable.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? - No.

ANALYSIS

Policies: TAN 15 shows the majority of the site is within Flood Zone C1 i.e. where flooding is most likely. The scheme is for the improvement of the flood defences in the Risca area. The works are proposed by NRW as a statutory undertaker responsible for flood risk management. NRW's Project Appraisal Report has assessed the flooding consequences and has justified the project with reference to clauses within TAN 15 as follows:

Objectives of the Assessment

A1.2 The assessment has been undertaken with the objective of:

- Developing a full appreciation of the alleviation of flooding from the development
- Developing a full appreciation of the consequences of the development on flood risk elsewhere
- Establishing whether mitigation measures is required to be incorporated within the design to minimise risk to life and property resulting from flooding.

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Assessing the Flood Consequences

A1.3 The primary mechanism of flooding is the rising levels of the River Ebbw that outflank current defences in a Q100 flood event. The floodwater leaves the channel at Waunfawr Park and New Park and flows down Crescent Road, through Risca town, returning to the channel at the B4591 bridge when the flood subsides and the river levels recede. The secondary mechanism of flooding is due to Pontymister Bridge restricting the flow of the River Ebbw, causing it to back up and leave the channel, flooding the Rowecord site, travelling over land and eastward through residential properties in Fields Road, the cricket ground, the former Suflex site and residential properties at Tanybryn.

A1.4 As the primary flood mechanism is defended against in this proposal up to the Q100 event, the water that would otherwise have flowed through Risca town is kept in channel. This reduces flood risk to the Risca community and is the principal objective and benefit of the scheme. 760 properties will have a lower onset of flooding and 1,877 properties will have reduced flood damages due to the scheme. However, the additional flow kept in channel exacerbates the secondary mechanism of flooding at Pontymister Bridge, causing detriment relative to the baseline model in a number of areas. This detriment is an increase in the depth of flooding and/or an earlier onset of flooding. 43 properties will have an earlier onset of flooding, compared to 760 properties with a lower onset. 163 properties will have increased flood damages, compared to 1,877 that have reduced flood damages. The overall benefit provided by the scheme is considered to outweigh the impact in managing flood risk (detriment).

A1.5 There is an overall net avoidance of economic damages provided by the scheme, due to the high probability of flood events being protected against compared to the low probability of detriment being caused. NRW have thoroughly analysed the impacts arising elsewhere from the scheme and sought, where possible and practical to do so, to minimise detriment. However, avoiding detriment in a heavily urbanised, steep, narrow, valley catchment is very difficult to achieve and hence compromises and risk based decisions have had to be made. The mitigation measures considered are listed as follows:

- Numerous possible attenuation areas upstream of Risca were investigated and modelled to seek to reduce the peak flows evident in high return period events and the associated downstream detriment. Unfortunately extensive ground lowering would be required, which is cost prohibitive as the community open space areas in Risca are made ground with high contamination risk. Alternative upstream areas investigated were not large enough to attenuate sufficient volumes of water to affect the peak flow.

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- Natural Flood Management (NFM) case studies are currently being developed to establish how effective they could be to attenuate runoff in high return period flood events. Forestry infected with Larch disease is being felled in the Cwmcarn area immediately upstream of Risca on the River Ebbw. The deforested land needs to be managed to control runoff and its effect on flood risk at Risca and further downstream. NFM measures are being investigated to mitigate against increased runoff and may potentially prove effective as attenuation features for the climate change scenario, Q100CC, decreasing peak flood responses and associated risk in areas downstream.

A1.6 In high flow flood events, Pontymister Bridge will throttle the River Ebbw causing flooding in the adjacent sites along the left bank. Pontymister Bridge is a Grade II Listed structure and hence Cadw is very unlikely to approve its modification or removal. Its removal may also have adverse flood management impacts downstream, such as additional detriment. The strength and stability of the existing bridge has not been assessed for flood events, however, based on historic flood events the bridge appears to have previously withstood these, so it is assumed to be adequate in its present condition.

A1.7 The refurbishment of existing defences as part of the first stage of the scheme improves their stability up to a Q100 flood level (including freeboard), reducing the risk to life due to a sudden failure and breach of a defence in an extreme flood event. The refurbishment works complement the new defences at the upstream end of the scheme. The new defences keep flood water in channel, which would otherwise flow through Risca town.

A1.8 The acceptability criteria for flooding consequences are shown to be satisfied.

A1.9 The FCA will be submitted to NRW through the planning process for their comment and agreement.

A1.10 The FCA has been prepared by a suitably qualified competent engineer with previous experience of preparing FCAs.

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A1.11 The improvements works are to existing defences that are outflanked in the Q100 flood event. The new defences proposed at the upstream boundary of the scheme will prevent flood water from Waunfawr Park and New Park establishing a flood route into Risca town. The completed scheme will manage flood risk to the town of Risca. However, there is no attenuation for the flood water removed from the town and, as a result, the increased volume of water kept in channel causes detriment in downstream areas.

- On 9th December 2014, NRW Projects Delivery presented an update on the Risca detriment issue to the NRW Flood and Operational Risk Management Programme Board. The Board supported the team's recommendation to promote the scheme with detriment.
- On 22nd December 2014, NRW Projects Delivery presented the Risca scheme to Welsh Government. The benefits and issues were highlighted. Welsh Government confirmed their support to promote the scheme with detriment.
- At risk residents in the current situation who will still be at risk following the construction of the scheme have been contacted by NRW and informed of their risk.
- Properties that are predicted to incur detriment by having increased flood depths and/or an earlier onset of flooding in modelled return periods have been consulted and advised of their pre and post scheme risk.
- Caerphilly County Borough Council and NRW are working with vulnerable residents in at risk properties in Fields Road to develop flood warning and evacuation plans to protect them.
- NRW is investigating providing individual property protection (IPP) measures to residential properties with a risk of flooding at or above a 1% chance of occurring in any one year (1 in 100).

A1.12 The following technical requirements have been met in assessing the flooding consequences.

- A site location plan showing the locations of the proposed refurbishment works and the Ebbw River is included within the planning application.
- The proposed defence levels are to protect properties from a Q100 event including freeboard, calculated using the WRc Fluvial Freeboard Technical Guidance Note (R&D Technical Report W187).
- The provision of 150mm of topsoil to the proposed bund improvements is in addition to the defence level being provided.

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- The flood defences present in this area will be maintained by Natural Resources Wales
- The mechanisms of flooding have been described above in A1.3
- Climate change allowance has been included in accordance with current DEFRA guidance.
- Risk evaluations for all affected properties and sites have been assessed and communicated with the respective members of the public in accordance with guidance received from Welsh Government and NRW.

FCA/TAN 15 Conclusion

A Flood Consequences Assessment (FCA) has been undertaken for the proposed new defences and defence improvements as part of the Risca Flood Risk Management Scheme. This FCA has been undertaken in accordance with guidelines provided in TAN 15: Development and Flood Risk.

The scheme provides flood alleviation to the Risca community. This does however result in some detriment elsewhere, which NRW have thoroughly investigated and assessed possible mitigation for. Where residual detriment persists, NRW have communicated this to affected property owners. NRW and Welsh Government are supporting a risk managed approach to enable the scheme to progress with detriment, as the scheme benefits outweigh this impact. NRW is continuing to investigate NFM measures to incorporate in upstream forestry areas. Case studies are being completed to establish if NFM is an effective method to mitigate against increases in run off from forestry land. If NFM is successful it could be used as a climate change mitigation measure to reduce the peak flood volumes evident in the River Ebbw as it flows through the Risca catchment of Caerphilly County Borough Council and downstream into Newport City Council.

The LDP sets out a number of Countywide Policies. Of most relevance to the proposed development is Policy CW5, which refers to the protection of the water environment. Policy CW5 states that development proposals will only be permitted where they do not have an unacceptable adverse impact upon the water environment and where they would not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water). The proposed development is required to provide essential flood defence work and has been designed to ensure that there would be no adverse effects on the river or water quality. Reducing the impact of flooding is also a key objective of the LDP, which requires developments to be planned in such a way as to provide increased protection for existing vulnerable urban areas (Paragraph 1.40).

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The LDP recognises that there are opportunities for redevelopment and regeneration in the Southern Connections Corridor, but notes their location in flood risk areas. The proposed development aims to improve the flood defences for the Risca area and would therefore contribute to the delivery of the Southern Connection Corridor strategy.

Policy NH3.12 identifies the River Ebbw as a SINC and states that SINC's will be protected. The accompanying text, in Paragraph 3.25 states that development will normally be permitted where it would not cause unacceptable harm to the particular features of the SINC. Where harm is unavoidable it should be minimised by effective mitigation measures to ensure that there is no reduction in the overall nature conservation value of the area or feature.

During the scheme construction, a Construction Environmental Management Plan would be followed ensuring best practice nature conservation and appropriate management and enhancement for the SINC. As a result, it is considered that the proposed development is compatible with Policy NH3.12 and it would not cause any unacceptable harm to the particular features of the SINC.

The application area also lies within a mineral safeguarding zone protected by Policy MN2.9- the southern outcrop, Caerphilly/Lower Islwyn Coal. The Coal Authority designates this area as high risk for development. However, intrusive investigation works undertaken in the locations of the proposed defences encountered no coal seams, voids or evidence of workings in these locations. Additionally, although published information indicates that there is a potential for mining related instability at the ground surface within the vicinity of proposed New Defence 01 and 02, investigations have found no evidence of mine workings within influencing depth of the ground surface.

Policy LE1.21 protects the formal open space at Waunfawr Park where the entirety of New Defence 01 would be located and a small section of New Defence 02 would also be located. The policy states that formal parks and gardens are attractive civic spaces for public enjoyment and should be protected as such. It is considered that proposed defences would not detrimentally impact on the public enjoyment of the park. Their designs would be of a sensitive nature, which would reflect the surroundings and would incorporate appropriate landscaping to minimise visual impacts. As such it is considered that the proposed development would have no detrimental impact on Waunfawr Park.

Policy HG1.54 allocates the Eastern part of the land adjacent to the River Ebbw, where Bund Modification lies, for 48 housing units. As previously stated the works proposed for Bund Modification consist of enhancing an existing flood bund. As such, it is not considered that the proposed alterations would have any effect on the housing allocation; in fact the proposals would enhance the flood mitigation to the allocation and therefore would provide a benefit to any housing proposals.

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The application is supported by an Environmental Report, which concludes that the development would only have a minor effect on local habitats due to vegetation clearance and tree removal in the medium term as the mitigation landscape planting establishes. The proposed development is in accordance with national planning policy, which recognises the need for improved resilience to the effects of climate change through the provision of flooding and coastal defences. In addition, the proposed development is in line with the policies of the adopted LDP and strategic aims and objectives of the first revision LDP for the area.

The reason for the proposal is that large areas of Risca and Pontymister are at risk of flooding. The key purpose of the proposed scheme is to remove residents in Risca from High/Medium risk. For some the risk will remain unchanged at High/Medium. As a consequence of the scheme there may be detriment to residents downstream. The detriment is small and does not change their risk; they still remain at low risk. The proposed development would provide essential flood defence works in order to protect existing and proposed development.

Comments from Consultees: Natural Resources Wales raises no objection subject to conditions to require that the development be carried out in accordance with the Flood Consequences Assessment and working practice conditions relating to contamination, invasive species & pollution. Advice is provided regarding the recommended conditions and biodiversity, this should be passed to the applicant.

Transportation Engineering Manager - No objection is raised subject to conditions requiring further detail regarding ancillary engineering works. Those conditions relate to the works where they affect footpaths and cycleways.

Head of Public Protection - No objection is raised. Advice is provided regarding the previous land use that advice should be passed to the applicant.

Senior Engineer (Land Drainage) and Property Services - No objection is raised.

Dwr Cymru - No objection is raised and advice is provided regarding the proximity of services in the affected areas that advice should be passed to the applicant.

Countryside and Landscape Services - No objection is raised. Conditions regarding knotweed and landscaping are recommended. Ecological conditions are also recommended regarding protected species and invasive weeds.

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Comments from public:

1. The proposed low wall adjacent to New Park Road is concrete the other wall to which it has been compared is finished in Hanson Blue bricks. It is suggested that the same finish is used with regard to the low wall but this comparison is not like for like. The low wall is knee height or lower and has open railing attached to it. The brick wall is chest height with no railings. The low wall will have only very limited visual impact and its engineering function is to offer support to the railings.
2. "Absolute objection" has been expressed with regard to any plan that involves the removal of any of the trees along the same adjacent to the low wall. The submitted details indicate the retention of the trees in question. The trees are 16 in number and currently form part of a very attractive avenue of young trees. Whilst the works will be carried out in accordance with British Standards and the shallow intersection of the ground should enable the trees to be retained, all works close to the root spread of a tree do carry risk. A condition to require replacement trees within five years in the event that any are adversely affected should be a reasonable precaution.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Prior to the commencement of the development hereby approved engineering details of the works to affected footpaths/cycleways, details of the proposed site access points, a traffic management and method statement for the works for each of the flood defence locations, shall have been submitted to and agreed in writing with the Local Planning Authority. The works shall thereafter be carried out in accordance with the agreed details.
REASON: To confirm and complete the above mentioned details in the interest of highway safety.

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- 03) Prior to the commencement of any site or vegetation clearance, in, adjacent to or impacting on the river, a pre-construction otter survey shall be carried out and the results of the survey together with any proposed remedial measures shall be submitted for the agreement of the Local Planning Authority. The measures shall be complied with as agreed.
REASON: To ensure adequate protection for protected species.
- 04) Works associated with the development hereby approved, in, adjacent to or impacting on the river, shall be carried out during daylight hours only, and operations shall cease one hour before sunset and not commence until one hour after sunrise.
REASON: To minimise disturbance to otters moving along the river at night.
- 05) If mature trees originally identified to be retained require felling or tree management work as part of the development hereby approved, a climbing inspection for bats shall be carried out before such works take place, and the results of the survey, together with details of any proposed mitigation measures shall be submitted for the approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved measures.
REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.
- 06) Details of tree protection associated with the 4 identified trees with potential for bats identified on page 9 of the submitted Risca Flood Risk Management Scheme, Environmental Report dated May 2015, before and for the entire duration for the development shall be submitted for the approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved measures.
REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.
- 07) No work shall take place until a detailed method statement for removing Japanese Knotweed, Himalayan Balsam and Giant Hogweed from the site has been submitted to and agreed in writing by the Local Planning Authority. The method statement shall include measures that will be used to prevent the spread of invasive species during all operations. It shall also contain measures to ensure that any soils brought to the site are free of the seeds, roots, or stems of any invasive plant listed under the Wildlife and Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000). Development shall be carried out in accordance with the approved method statement.
REASON: To prevent the spread of invasive species.

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- 08) Works of vegetation clearance associated with the development hereby approved shall not take place during the bird-breeding season, March to August inclusive in any given year, unless otherwise approved in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 09) The development hereby approved shall not commence until a working method statement to cover all channels and bank works has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.
REASON: The construction phase of development affecting the bank or channel of a watercourse poses significant risks of diffuse pollution of the water environment arising from ground works.
- 10) Where any of the retained trees shown in Plan B Drawing No L04 issue C01 becomes damaged and die as a result of the works hereby approved within a period of five years from the date of completion of those works. They shall be replaced in the next planting season in accordance with details that shall have been agreed in writing with the Local planning Authority.
REASON: In the interest of the visual amenity of New Park Road.
- 11) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) produced by Arup, Reference 235250, dated 13th May 2015.
REASON: To reduce the risk of flooding.
- 12) If, during development hereby approved, 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, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
REASON: Given the size and complexity of the site it is considered possible there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

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Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water, Natural Resources Wales and Head of Public Protection that are brought to the applicant's attention.

