

**Dŵr Cymru Welsh Water**

# Pont-y-felin Nature Based Solution Scheme

## Planning, Design and Access Statement

Reference: B16789-102503-01-XX-RP-ZA-PN6711

P1 | 20 March 2023



This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 275292

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## Document Verification































**Project title** Pont-y-felin Lane New Inn Nature Based Solution

**Document title** Planning, Design and Access Statement: Application for nature-based solution for the discharge of combined sewer overflows in New Inn, Pont-y-felin.

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# 1. Introduction

## 1.1 Background

Ove Arup and Partners Limited (Arup) have been commissioned by Dŵr Cymru Welsh Water (DCWW) to undertake a range of engineering and environmental services for the detailed design of a Nature Based Solution (NBS) scheme in Pont-y-felin, Pontypool. This Planning, Design and Access Statement (PDAS) has been submitted in support of an application for full planning permission, submitted to Torfaen County Borough Council (TCBC), here in referred to as the Local Planning Authority (LPA).

The proposed development is described as follows:

*“Proposed development of a Nature Based Solution to treat combined sewer overflow discharges into the Afon Lwyd River to improve water quality, including the provision of a primary aerated reed bed, secondary wetlands, public amenity infrastructure, educational areas, biodiversity enhancements and an associated compound on land at Pont-y-felin, Pontypool.”*

The application site exceeds 1 hectare in area (cumulatively) and therefore the NBS scheme constitutes ‘major development’ as defined within The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended). Subsequently, the application has been scoped to accord with the regulations associated with major development.

## 1.2 Need for the Development

In April 2020, DCWW undertook a Storm Overflow Assessment Framework (SOAF) for the Pont-y-felin Combined Sewer Overflow (CSO) and the water quality modelling as part of this assessment has shown that the existing impact of Pont-y-felin CSO on the Afon Lwyd is “Severe” at Water Framework Directive (WFD) Good Status and the analysis confirms that the current CSO is having an impact on river health.

The proposed development is therefore required to achieve a No Impact outcome against the WFD Good thresholds as per the SOAF Methodology. Following the typical hierarchy of solutions used to resolve overflow discharges, a NBS such as the one proposed is designed to treat discharges before releasing them into the river to achieve a No Impact outcome.

This proposed NBS project in South Wales would also provide the unique opportunity for wider socio-environmental benefits to the local community and the ability to conduct research projects on the performance of these NBS systems; the first of its kind in Wales.

The Pont-y-felin NBS proposal seeks to deliver the following scheme objectives:

- Improved water quality within the Afon Lwyd
- Improved local amenities
- Provide biodiversity enhancements

### **1.3 Purpose and Structure of the Statement**

This Statement outlines the context within which the application has been submitted, rationale for the proposed works, detailed assessment of the national and local planning policy considerations and justification for consent being granted by the LPA.

The PDAS is structured as follows:

- Section provides a description of the application site; including an overview of existing/surrounding land uses, the sites proximity to other settlements and designations and pertinent planning permissions;
- Section 3 provides a detailed description of the proposed development;
- Section 4 reviews the relevant national and local planning policies appurtenant to the application;
- Section 5 considers the key planning issues relevant to the proposed development; and,
- Section 6 provides a summary conclusion for the proposed development.

## 2. Application Background

### 2.1 The Application Site

As stated in Section 1 and illustrated in Figure 1 below, the application site is situated in the Torfaen Ward of New Inn. The county of Torfaen is situated approximately 37km northeast of Cardiff/13km north of Newport. New Inn has a population of approximately 5986<sup>1</sup> and includes key transport infrastructure serving Monmouthshire and Brecon including roads A4042 and A472.

The application site comprises a singular application area, located in Pont-y-felin, Pontypool (Ordnance survey Grid Reference: ST3026999067, nearest postcode: NP4 0QF). The site comprises a parcel of land used for cattle grazing with public access comprising an open field which is bordered by existing trees which include some trees covered by Tree Preservation Orders (TPO) and hedgerows. The site is bound on the western boundary by the Afon Lwyd river and residential properties to the east at Afon Close. Access to the site is afforded from the southwestern boundary along the existing Pont-y-felin access lane adjacent to Pear Tree Cottage. An existing Public right of way (PRoW) 421/30/1 runs through the site which accesses the site from the southwestern and north-western corner following the bank of the river. There is an informal footpath along the southern boundary which is accessed via the southwestern and south-eastern corners.

The site is located immediately south of New Panteg Rugby Football Club which comprises a series of rugby and football pitches, with associated floodlights. It is also located adjacent to the strategic green corridor along the Afon Lwyd river and currently forms part of a series of open spaces along the river providing a well used recreational walking route for the local community.

Due to the site's location adjacent to the Afon Lwyd, the application site is partially located within Flood Zone C2 and Flood Zone B. The eastern extent of the site is located within Flood Zone A upon the boundary shared with residential properties at Afon Close.

As confirmed in the Ecological Impact Assessment (EcIA) submitted in support of this planning application, the site is not located within any internationally designated sites. The closest Site of Importance to Nature Conservation (SINC) includes the Afon Lwyd river running within/adjacent to the west of the site and the Pont-y-felin Rush Pasture located approximately 402m south of the site. The River Usk Special Area of Conservation (SAC) is located approximately 7.2km east of the site and the nationally designated Llandegfedd Reservoir Site of Special Scientific Interest (SSSI) is located approximately 1.4km east. There are 15 pockets of ancient semi-natural woodland within 1 km of the site, the closest of which is located 28m northwest of the site, along the banks of the Afon Lwyd. There are three further sites recorded as "Ancient woodland site of unknown category", and an additional three sites recorded as "Plantation on Ancient Woodland site".

The application site is not designated for or within the setting of any heritage assets. The nearest Listed Building (Grade II Listed) to the application site is located approximately 0.8km southwest of the site (Church Farmhouse, east New Inn – Ref no. 18746). There are no Conservation Areas, Scheduled Monuments, Registered Parks and Gardens (RHPG) within proximity of the application site.

The application site extends to an area of 3.18ha and is illustrated in Figure 1 below for reference.

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<sup>1</sup> ONS 2011 Census Data (<https://www.ons.gov.uk/census/2011census>)







## 2.2 Optioneering

This planning application seeks full planning permission for a nature-based solution that treats storm flows to a satisfactory quality before discharging to the river. In line with the SOAF Guidance, the NBS option delivers the highest Cost-Benefit ratio and achieves a No Impact classification on the receiving watercourse. The wider benefits which contributed to the solution being progressed at the Pont-y-felin site include:

- **Amenity** – Improvements to the landscape.
- **Biodiversity and Ecology** – Creation of sites to support biodiversity and ecology.
- **Education** – Increased number of children engaged about Natural Flood Management (NFM)/NBS.
- **Flood Risk** – Reduction of risk of flooding to nearby properties.
- **Flows in Watercourse** – Retention of flows before reaching the watercourse.
- **Health** – Encourage the local community to spend more time outdoors.
- **Recreation** – Improve current recreation facilities.
- **Treating Wastewater** – Treatment of wastewater currently spilling at the CSO.
- **Water Quality of Receiving Water** – Improvement in water quality of the receiving water.

Further benefits include that this scheme would be the first in Wales where intermittent CSO discharges would be treated by an NBS. The scheme would allow DCWW to research the efficacy of constructed wetlands, collaborative working with NRW and universities to collect sample data and a landscaped area for local community to include play areas and an outdoor classroom.

As part of the SOAF process, numerous options were assessed for the site against parameters including the predicted water quality impact on the river (seeking a No Impact outcome). The following points describe the options considered.

1. **Optimisation of the existing system.** This option looked at upsizing pipework downstream of the CSO to increase the amount passed forward onto the Eastern Valley Trunk Sewer (EVTS) before spilling (reducing spills at the CSO) whilst also providing online storage. Although it provided the best value solution at the time, the option was deemed not feasible with the current hydraulic capacity of the EVTS and it did not achieve the desired environmental impact.
2. **Flow removal.** This option looked at preventing storm water getting into the network at the source, whether this being surface water disconnections in roads or laying new pipework to take surface water into green Rainscape features. Investigations showed the majority of impermeable response in the catchment is attributed to the connection of rear gardens and roofs. Diverting a portion or all these individual properties was considered not feasible due to the disruption, relatively high cost (based on previous trials of this type of solution in the Llanelli catchment) and the limited certainty on achieving the required level of flow removal. The removal of feasible/cost efficient impermeable areas in the upstream catchment was not sufficient to achieve the desired reduction in environmental impact.
3. **Grey solutions.** This option looked at routing storm overflows to an offline storage tank adjacent to the existing CSO, then returning back to the network once the storm had subsided. An offline 1,300m<sup>3</sup> storage tank was considered a suitable size for the space available without entailing excessive costs. The 1,300m<sup>3</sup> storage tank option did not achieve the desired environmental outcome. Any larger tank would erode the best technical knowledge not entailing excessive cost (BTKNEEC). Hydraulic Modelling showed that a 22,000m<sup>3</sup> storage tank would be required to achieve a 10-spill discharge performance in a typical year. Retaining the storm volume in the network would have resulted in an increase in annual treatment volume at Ponthir Wastewater Treatment Works (WwTW) and considered to be a grey solution.

4. **NBS.** The final option (subject of this planning application) identified using a NBS to treat storm flows to a satisfactory quality before discharging into the river. The use of aerated reed beds and constructed wetlands are industry proven methods of sewage treatment whilst providing new green infrastructure to the area. This option was put forward as a viable solution as the topography of the field is favourable to develop a gravity fed system of reed beds and constructed wetlands before connecting back to the existing outfall.

In summary, the NBS option performed best in terms of benefits provided and improvements to the water quality of the receiving watercourse. The preferred option would not entail excessive costs and also provides socio-environmental benefits to the local community. As such, the NBS option was taken forward and is the proposed development in which this application seeks planning permission for.

## 2.3 Pre-Application Consultation and Advice

### 2.3.1 EIA Screening Request

An Environmental Impact Assessment (EIA) Screening Opinion Request for the Pont-y-felin NBS scheme was submitted to TCBC and registered on 7<sup>th</sup> September 2022. The EIA Screening Opinion (reference 22/P/0660/SCREEN) confirmed that the proposed development does not require an EIA, as outlined in the EIA Screening response which is submitted with the application documents.

### 2.3.2 Planning Pre-application Request

Formal pre-application advice was provided by Mr Simon Pritchard on behalf of TCBC on 1<sup>st</sup> December 2022 under reference 22/PE/0596/PREAPP for the proposed development. The pre-application advice also confirmed that the site has no relevant planning history. The advice outlined the key issues relating to the scheme including: the principle of development, visual appearance, residential amenity, highway considerations, drainage, trees and ecology.

The response confirmed that the proposed NBS scheme to treat water quality with the overall aim of improvement in environmental quality would be supported by the LPA. As existing, the application site is informal recreation land comprised of publicly accessible open grassed amenity land which is used for cattle grazing and is to be lost. However, alternative recreation facilities (in the form of the proposed placemaking and amenity spaces) has been provided. This, in combination with grassed playing pitches on the adjacent land north of the site, is considered to be sufficient provision of play space.

The advice confirmed that given the scale and nature of the development it is unlikely to have a significant impact on the wider landscape in visual terms, however, its localised visual impact was identified for further consideration as part of the planning application submission.

The pre-application response identified a key issue to consider when determining the impact on the character and appearance of the area would be the retention of the trees, protected by the Tree Preservation Orders and the ancient woodland. Tree survey of the site with required buffers and an assessment of any impacts including from any excavations and surfacing should be submitted in support of the application. In addition, the retention of trees and landscaping would be important for the protection of neighbouring residential amenity.

The response identifies that there are a number of SINC's in close proximity and the Afon Llywd SINC watercourse is running within/adjacent to the site and the ecological impact of the proposed development should be assessed through the application. The Officer noted that the environmental sensitivity of the site would most likely improve with the NBS scheme, and the proposal would not have a greater wider impact than the existing CSO. However, the Afon Llywd is hydrologically connected to the River Usk SAC and the Officer detailed that a Habitat Regulations Assessment (HRA) should be submitted in support of the application.

Overall comments provided by TCBC outlined the principle of development was acceptable, subject to the provision of the aforementioned information at full application stage.

The Officer also detailed that it is a legal requirement that the PRoW (421/30/1) should be completely unobstructed and therefore a temporary closure/diversion order is required to facilitate development. The

Officer raised that the site may require a SuDS scheme and approval from the SuDS Approval Body depending on the different elements. Highlighting that it would be advisable to engage with the SuDS team in Caerphilly County Borough Council for pre-application advice at an early stage should SuDs be required.

Pre-Application responses received requesting additional information such as Habitats Regulation Assessment, PRow and SuDS detail are addressed in Section 5 of this Statement.

### 2.3.3 Highway Development Control Officer Pre-application Response

The Highway Development Control Officer's comments requested construction details of the vehicular access route within the site area provided. Also, highlighted while the intention is for users to walk to the site, there would inevitably be users that bring a vehicle. There is no available parking on site and the likelihood is that the single carriageway lane would be blocked with one or more vehicles at some point. The Officers comments queried how the applicants would intend to mitigate this risk. Queries raised by the Highway Development Control Officer is addressed in Section 5 of this Statement.

### 2.3.4 Pre-application Consultation

The scale of the proposed development means that it must comply with the Pre-Application Consultation (PAC) requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. Consequently, and in accordance with the regulations, stakeholders and the public are able to view and comment on the draft planning application documentation and plans in advance of formal submission.

The PAC will run between 20<sup>th</sup> March until 16<sup>th</sup> April 2023 and the full planning application, including drawings and technical documents are available to view online on the Welsh Water website, here: [pontyfelin.consultation.ai](https://pontyfelin.consultation.ai).

Full details of the pre-application consultation activities undertaken will be presented in the PAC Report, which will be submitted in support of the full planning application.

### 3. Proposed Development

The proposed works comprise a NBS scheme to treat storm overflow sewage that would otherwise discharge to the environment from the existing Pont-y-felin Lane CSO. The aim is for the NBS to treat this effluent to an improved standard before discharging to the Afon Lwyd via the upgraded CSO. The proposed works are illustrated in greater detail in Figure 2 including their geographical locations and the following drawings submitted in support of this application:

- General Arrangement Drawing (Drawing Number: B16789-102503-01-XX-DR-LA-PN0203)
- Proposed Compound Layout (Drawing Number: B16789-102503-01-XX-DR-CA-PN0204)
- Proposed Compound Elevations (Drawing Number: B16789-102503-01-XX-DR-CA-PN0205)

Their geographical distribution demonstrated on the General Arrangement Drawing (Drawing Number: B16789-102503-01-XX-DR-LA-PN0203). A description of the proposed works for the Pont-y-felin NBS Scheme is outlined below.

#### 3.1 Primary Aerated Reed Bed

The construction of an Aerated Reed Bed is proposed to treat storm flows, they are a proven treatment process used across the water industry in wastewater treatment and are effective at removing pollutants such as Ammonia, Biochemical Oxygen Demand (BOD) and Suspended Solids. As illustrated in General Arrangement Drawing (Drawing Number: B16789-102503-01-XX-DR-LA-PN0203) the proposed Reed Bed would cover an approximate surface area of approximately 3,250m<sup>2</sup> with the Reed Bed surface to finish approximately 1m below existing ground level. The embankments around the Reed Bed will tie into existing ground levels. The Reed Bed is to be surrounded by buffer of marginal / wet species rich planting and approximately 1.2m high timber fencing to discourage public access, including a wire frame at the bottom to deter dogs from entering the Reed Bed. Also, a proposed native hedgerow along the northern, eastern and southern boundary of the Reed Bed will be planted to provide a visual amenity buffer and biodiversity planting.

#### 3.2 Secondary Wetlands

To the west of the proposed reed bed, integrated constructed wetlands will be provided in the form of two separate basins as illustrated in General Arrangement Drawing (Drawing Number: B16789-102503-01-XX-DR-LA-PN0203). The two wetlands would provide species rich planting as demonstrated in the submitted General Arrangement Drawing (Drawing Number: B16789-102503-01-XX-DR-LA-PN0203) and Planting Schedule (To be confirmed at full planning application stage). Basin 1 (Northern Wetland) would cover an approximate surface area of approximately 1,200m<sup>2</sup> and Basin 2 (Southern Wetland) would cover an approximate surface area of approximately 1,400m<sup>2</sup>. The embankments around the wetlands are proposed to finish with existing ground levels and be surrounded by species rich planting.

Basin 1 is proposed to be fenced by an approximately 1.2m high timber fencing while Basin 2 is proposed to be accessible to the local community and would include a pontoon observation deck as shown on the General Arrangement Drawings (Drawing Number: B16789-102503-01-XX-DR-LA-PN0203).

#### 3.3 Access Track

A proposed Access Track would span a length of approximately 200m and approximately 5m width across the southern boundary of the site from the Pont-y-felin Lane existing access in the south-western corner to the proposed compound in the south-eastern corner as shown on the General Arrangement Drawing (Drawing Number: B16789-102503-01-XX-DR-LA-PN0203). The proposed Access Track is to be multi-purpose, for occasional maintenance vehicles to undertake operative visits while the day to day use for pedestrians to use by foot.

The proposed Access Track would have a total area of approximately 1,165m<sup>2</sup> of which approximately 915m<sup>2</sup> would be finished in gravel and approximately 250m<sup>2</sup> to be finished in tarmacadam.

### **3.4 Maintenance Track**

A proposed paved Maintenance Track would be located between the proposed reed bed and the proposed wetlands orientated north to south and would be approximately 120m in length with an approximate 4m width as shown on the General Arrangement Drawing (Drawing Number: B16789-102503-01-XX-DR-LA-PN0203). The track would connect to the PRow at the north of the site and the Access Track along the southern boundary of the site. The majority of Maintenance Track would not be open to the local community and would only be used for operatives to carry out maintenance. The Maintenance Track would cover a total area of approximately 1,000m<sup>2</sup> finished partially in self-binding gravel and partially in plastic matrix reinforced grass seed, bordered by a wooden fence with gated entrances at the north and south of the track to restrict public access.

### **3.5 Footpaths**

A series of proposed footpaths and walkways are proposed at the site to allow for pedestrian access between the different entry points. The footpaths shown on the General Arrangement Drawing (Drawing Number: B16789-102503-01-XX-DR-LA-PN0203) include a self-binding gravel footpath with a length of approximately 300m and approximate 3m width which would become the diverted PRow. Also, plastic matrix reinforced grass seed paths to provide alternative pedestrian walking routes which would have an approximate width of 1.5m.

### **3.6 Amenity Infrastructure and Educational Areas**

The proposed amenity infrastructure and educational areas across the NBS site include the following as shown on the General Arrangement Drawing (Drawing Number: B16789-102503-01-XX-DR-LA-PN0203):

- A proposed Local Area for Play (LAP) Space in the north-eastern corner of the site to provide natural play features and balance and climb play equipment for recreational benefit. To the west of the LAP Play Space, 2no. sculptural points of interest are also proposed.
- A proposed Seating Space including 4no. natural log benches and 2no. sculptural points of interest at the centre of the diverted PRow footpath.
- Proposed secondary Wetland would include a timber Observation Deck at the north extending south over the wetland.
- A proposed Outdoor Classroom in the southwestern corner of the site to include 10no. natural log benches, a balance play area further south and a timber Sensory Walkway.
- 3no. refuse bins are provided across the proposed site.

### **3.7 Biodiversity Enhancements**

The proposed biodiversity enhancement across the NBS site include the following as shown on the General Arrangement Drawing (Drawing Number: B16789-102503-01-XX-DR-LA-PN0203):

- Within the proposed wildflower/improved grassland seeding area along the western boundary of the site, 3no. post mounted Insect Hotels with varied habitat types are proposed.
- Area of proposed amenity grassland with smaller areas of proposed wildflower/improved grassland in the north western corner of the site.
- Area of proposed wildflower/improved grassland with proposed tree planting at the north of the site.
- Area of proposed amenity grassland with smaller areas of wildflower/improved grassland with proposed tree planting to the west of the southern secondary wetland.



- Area of proposed marginal/wet species rich seeded landscape along the majority of the southern boundary with areas of proposed tree planting.
- A collection of proposed tree planting along the southern boundary of the primary reed bed.
- Area of proposed wildflower/improved grassland seeding with proposed tree planting and proposed native hedgerow along the northern boundary of the compound.

### 3.8 Compound

In addition to the above nature and amenity based proposals, the proposed development includes the provision of a proposed compound which would be located in the south eastern corner of the site covering a total area of 520m<sup>2</sup> as shown on the General Arrangement Drawings (Drawing Number: B16789-102503-01-XX-DR-LA-PN0203) enclosed by weld mesh green fence with a length of approximately 93m and approximately 1.8m high surrounded by buffer planting to screen the compound.

The compound as shown on the Proposed Compound Layout (Drawing Number: B16789-102503-01-XX-DR-CA-PN0204) includes the following:

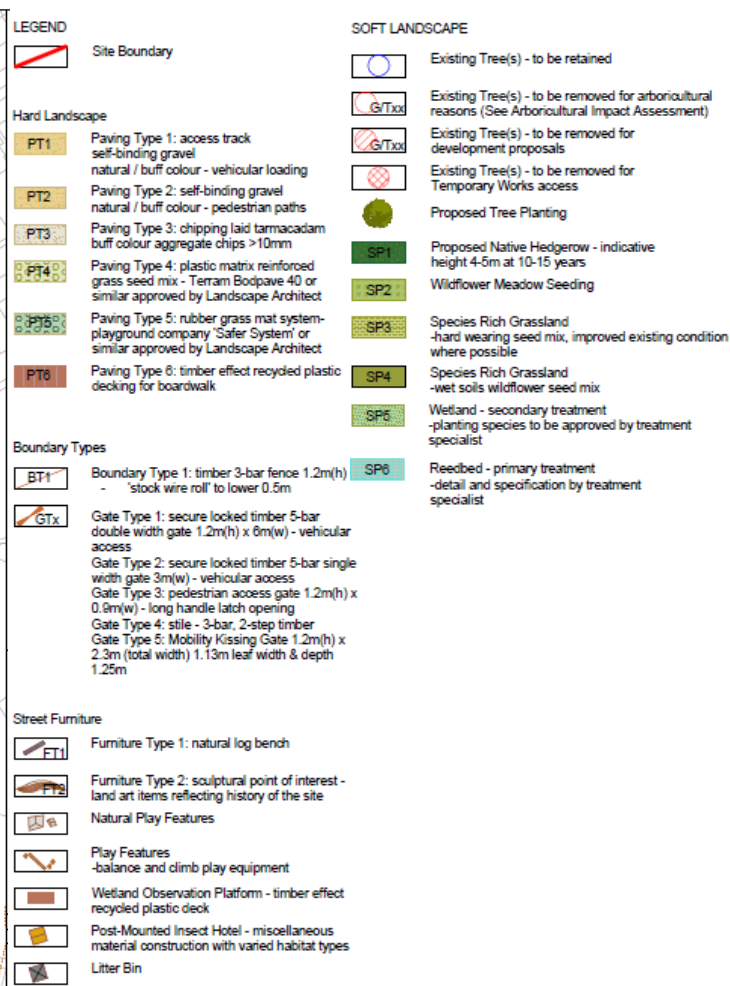
- Access would be via an approximately 4.0m Wide Double Leaf Access and Egress Gate on the compounds western elevation which would open outwards. This access gate would connect with the proposed Access Track as detailed in Section 3.3 above.
- 1no. proposed Screening Chamber which would be set within an approximately 8.6m by 6.1m raised platform, approximately 0.50m above ground level with a bordering footpath bounded by an approximately 1.1m high handrailing. The Screening Chamber would provide access to below ground level equipment.
- 1no. approximately 3.0m by 6.0m Designated Maintenance Area to the west of the Screening Chamber is proposed to enable routine maintenance activities on the mechanical screen in the compound. This area would be contained with kerbing to ensure drainage goes into the designated gully.
- 1no. Below Ground Overflow Chamber set within concrete at the north-western corner of the compound.
- 1no. Motor Control Centre (MCC) Kiosk proposed in the south-eastern corner of the compound sat on a concrete slab. The MCC Kiosk would have an approximate length of 5.0m, 3.0m width and be 3.0m high finished in BS4800 14 C 39 Holly Green made of GRP (Glass-fibre Reinforced Polyester). The MCC Kiosk would be accessed via a concrete footpath which would also lead northwards to access steps providing access to the proposed Screening Chamber platform.
- 2no. proposed Aeration Blowers to serve the Reed Bed would be located in the south-western corner of the compound which are to be located within an approximately 2.1m high acoustic enclosure. Both Aeration Blowers would sit on a concrete slab which would have an approximate length of 5.0m and 3.3m width. Each of the acoustic enclosures around the Aeration Blowers would be approximately 2.05m in length, by 1.7m in width and 2.11m high finished in Holly Green.
- In the north-eastern corner of the site, there would be an area of self-binding gravel surface.
- The proposed Below Ground Overflow Chamber, Designated Maintenance Area and Screening Chamber would be separated from the proposed MCC Kiosk and Aeration Blowers by 21no. approximately 1.1m high Heavy Duty Bollards to protect operatives and assets from vehicles. The areas would also be separated via an area of self-binding gravel surface for vehicular access in the centre of the compound which would include a temporary emergency Generator Lay Down Area (only to be used in a power outage scenario). The proposed Aeration Blowers would be further separated by 4no. approximately 1.1m high bollards along the northern boundary of the acoustic enclosure.

### **3.9 Parking and Vehicular Access**

A turning head area is proposed in the southeastern extent of the site, west of the proposed compound as part of the proposed access track. The turning head area would be finished in self-binding gravel and would be provided to allow vehicles to ingress and egress the site in a forward gear, safeguarding public safety.

Parking provision is proposed to include 1no. space within the Outdoor Classroom area adjacent to the Access Track. The other 1no. space is proposed within the proposed turning head area to be used for occasional maintenance requirements.





### 3.10 Design Statement

The main aim of the sites design is to improve water quality whilst also improving the landscape through the creation of sites to support biodiversity and ecology, encouraging the local community to spend more time outdoors and to improve current recreation facilities.

The approach to design is outlined in **Appendix A.1 ‘Placemaking Design Report’** of this Statement.

### 3.11 Access Statement

The Equality Act 2010 makes it unlawful to discriminate against all people. The Act gives rights in the areas of goods, facilities and services, the exercise of public functions; premises, work and associations. Decisions should be undertaken to reduce the inequalities of outcome which result from socio-economic disadvantage.

#### 3.11.1 Vehicular Site Access

The proposed works would not encourage vehicular access. There is an existing vehicular access in the southwestern corner of the site, this would be maintained for maintenance and educational groups to access the outdoor classroom via coordinated transport. Vehicular movements to the site would not be for public access. Increased vehicular movements to the site for maintenance and educational purposes would be negligible as to not give rise to adverse highway concerns or impact the existing highway network. As such, it is not considered there would be any significant effect on traffic and transport receptors. Local impacts on the community and businesses are likely in the short-term during construction to accommodate plant access.

#### 3.11.2 Inclusive Access

Existing access to the site via Pont-y-felin Lane in the southwestern corner and the access in the centre of the northern boundary will be maintained. The PRoW is proposed to be diverted between these two existing accesses to align with the proposed placemaking measures as part of the NBS.

An Access Track is proposed along the southern boundary of the site as detailed in Section 3.3 of this Statement. This would provide access for primarily pedestrians with. This track would connect from the existing site access in the southwestern corner of the site to the existing pedestrian access via Afon Close in the south-eastern corner of the site.

Publicly accessed tracks and gates to be suitable for wheelchair access and prams. Footpaths will be flat to ensure accessibility to all including wheelchair users in accordance with the Equality Act 2010.

#### 3.11.3 Community Safety

During construction public safety would be managed through an agreed Construction Environmental Management Plan (CEMP) with the LPA. During operation, a Maintenance Plan would be agreed with the LPA for the operational management of the proposal to ensure public safety.

The existing PRoW across the site would be diverted. The likely effected users are considered and reasonable adjustments will be made and managed through an agreed CEMP to mitigate any impacts on the local community using the site during the construction stage.

## 4. Planning Policy Framework

### 4.1 The Development Plan

Section 70(2) of the Town and Country Planning Act 1990 requires that in dealing with an application for planning permission a local planning authority “shall have regard to the provisions of the development plan, so far as material to the application”.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 adds “if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The Development Plan is defined by Section 38(3) of the Planning and Compulsory Purchase Act 2004 (in Wales) as:

- “a) the National Development Framework for Wales,*
- b) the strategic development plan for any strategic planning area that includes all or part of that area, and*
- c) the local development plan for that area.”*

The Development Plan for the planning application comprises:

- Future Wales – The National Plan 2040 – National Development Framework (2021)<sup>2</sup>;
- Torfaen County Borough Council Local Development Plan (to 2021) – Written Statement<sup>3</sup>;
- Torfaen County Borough Council Local Development Plan (to 2021) – Southern Proposals Map<sup>4</sup>; and
- Torfaen County Borough Council Local Development Plan (to 2021) – Constraints Map<sup>5</sup>.

#### 4.1.1 Future Wales – The National Plan 2040

Future Wales – the National Plan 2040 constitutes the national development framework which sets out the direction for development in Wales to 2040. The development plan sets out the strategy for addressing key national priorities including climate resilience, developing strong ecosystems, and improving the health and well-being of communities.

The National Plan states that changes in the climate and weather patterns would have a significant impact on well-being on both current and future generations. Increased temperatures and extreme weather events caused by climate change would put additional pressure on ecosystems, infrastructure, the built environment and social, economic, and ecological resilience. By 2050, it is projected that average summer temperatures would increase by 1.34 degrees and winter precipitation increasing by 5%. Pont-y-felin is situated within the ‘South East’ Spatial Strategy Area, as identified by the National Plan 2040.

**Policy 1 – Where Would Wales Grow** – This Policy states that development and growth in National Growth Areas should be of an appropriate scale and support local aspirations and needs.

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<sup>2</sup> Future Wales – The National Plan 2040 – National Development Framework (2021) (<https://www.gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf>)

<sup>3</sup> Torfaen County Borough Council Local Development Plan (to 2021) – Written Statement (<https://www.torfaen.gov.uk/en/Related-Documents/Forward-Planning/Adopted-Torfaen-LDP-Written-Statement.pdf>)

<sup>4</sup> Torfaen County Borough Council Local Development Plan (to 2021)–Southern Proposals Map (<https://www.torfaen.gov.uk/en/Related-Documents/Forward-Planning/P3-TORFAEN-PROP-MAP-SOUTH-14.pdf>)

<sup>5</sup> Torfaen County Borough Council Local Development Plan (to 2021) – Constraints Map (<https://www.torfaen.gov.uk/en/Related-Documents/Forward-Planning/P3-TORFAEN-PROP-MAP-SOUTH-14.pdf>)



**Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking** - The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure.

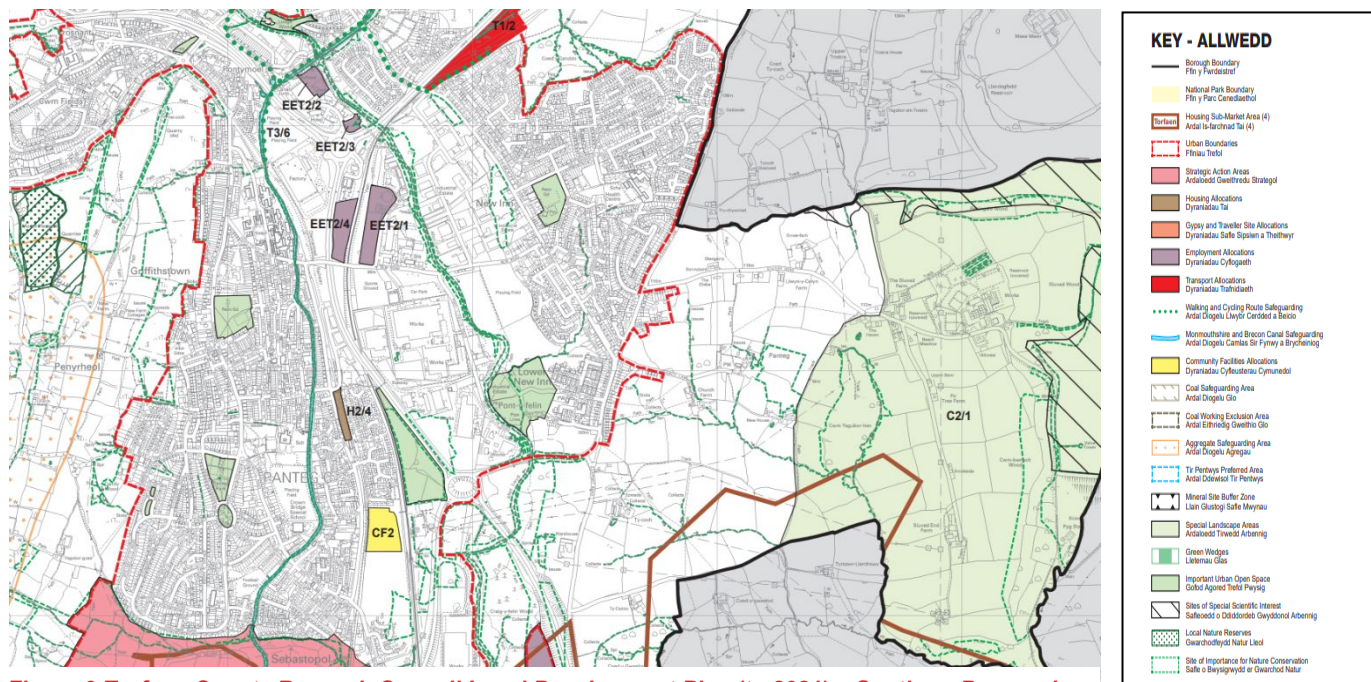
**Policy 8 - Flooding** states that flood risk management that enables and supports strategic growth and regeneration in National and Regional Growth Areas would be supported.

**Policy 9 – Resilient Ecological Networks and Green Infrastructure** requires developers to ensure the enhancement of biodiversity, the resilience of ecosystems and provision of green infrastructure. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net-benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals.

#### 4.1.2 Torfaen County Borough Council Local Development Plan (to 2021)

The local development plan document for the area comprises the TCBC Local Development Plan (LDP), which sets out policies to guide development for the plan period of 2013-2021. The LDP was formally adopted on 3 December 2013 and the LDP would remain an extant ‘development plan’ until it is superseded by the Adopted Torfaen Replacement Local Development Plan currently being prepared, expected to be adopted in October 2023.

#### 4.1.3 Torfaen County Borough Council Local Development Plan (to 2021) Southern Proposals Map

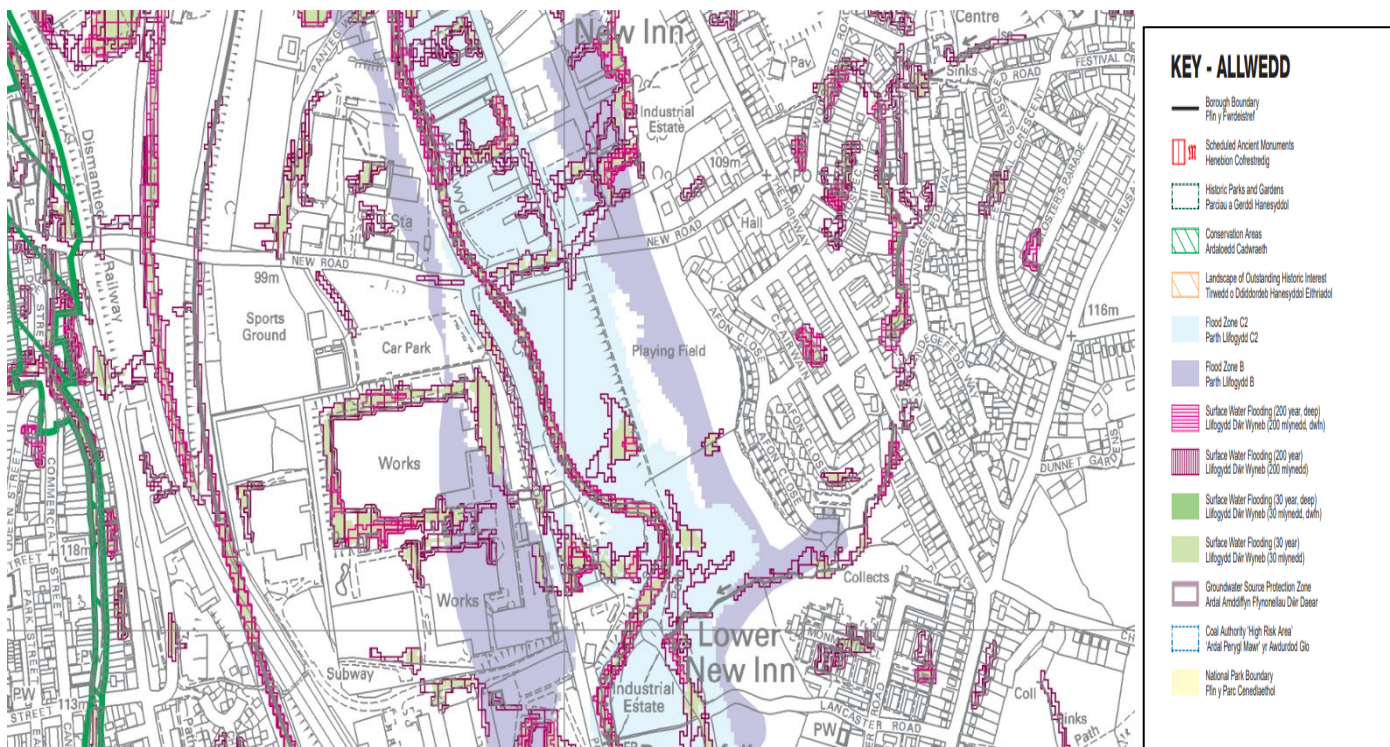


**Figure 3: Torfaen County Borough Council Local Development Plan (to 2021) – Southern Proposals Map**

As illustrated in Figure 3 above, the application site is not situated within any designated area within the TCBC LDP (to 2021)–Southern Proposals Map. To the south of the site, there is adjoining ‘Important Urban Open Space’.

The SINC designations follows the western and southern boundaries of the site. The SINC designation includes the Afon Llywd SINC watercourse is running within/adjacent to the site in accordance with the Torfaen County Borough Council Local Development Plan (to 2021) – Southern Proposals Map.

#### 4.1.4



**Figure 4:Torfaen County Borough Council Local Development Plan (to 2021) – Constraints Map**

As illustrated in Figure 4, the TCBC LDP (to 2021) – Constraints Map identifies an area of Flood Zone C2, Surface Water Flooding (200 Year) and Surface Water Flooding (30 Year) on the western side of the application site. An area of Flood Zone B is identified through the centre and partially along the southern boundary of the application site. Areas of Surface Water Flooding (200 Year) are also identified along southern and northern boundaries of the application site.

### 4.1.5 The Written Statement

**LDP Policy BW1** - provides a detailed Borough wide General Policy on Development Proposals with criterion covering 'Amenity and Design', the 'Natural Environment', the 'Built Environment', 'Utilities Provision' and 'Design and Transport', against which all planning applications would be determined in conjunction with other relevant policies of the Local Development Plan.

**LDP Policy S1 Urban Boundaries** - Defines the Urban Boundaries to promote the full and effective use of urban land, to allow for development to contribute to the creation of sustainable communities and define the urban area within which there is a presumption in favour of development. Land outside Urban Boundaries is within the Countryside where development is restricted.

**LDP Policy S2 Sustainable Development** - Gives a set of Sustainable Development criterion that should be taken into account in the design of development proposals.

**LDP Policy S3 Climate Change** - Development proposals shall seek to mitigate the causes of further climate change and adapt to the current and future effects of climate change.

**LDP Policy S4 Place Making / Good Design** - Seeks that new development must have full regard to the context of the local natural and built environment and its special features including criterion on sustainable design and promoting a mix of uses.

**LDP Policy S7 Conservation of the Natural and Historic Environment** - Seeks to ensure that development proposals promote the conservation and enhancement of the Natural, Built and Historic Environment.

**LDP Policy H5 Provision for Recreation, Open Space, Leisure Facilities and Allotments** - Provision for children's play areas, outdoor recreation, open space and leisure facilities would be sought in conjunction with new residential developments of 3 dwellings or more, based on a minimum of: -

- a) 2.4 hectares of recreational open space per 1,000 population;
- b) 0.4 hectares of on-site open space per 1,000 population;
- c) 2.0 hectares of accessible natural green space per 1,000 population; and
- d) 20 allotments (250m<sup>2</sup> each) per 1,000 households.

**LDP Policy T3 Walking and Cycling Routes**- Land is safeguarded to facilitate the following improvements to the cycle route network:

- 1. Abersychan Town Centre to National Cycle Route Network 492 at Merchant's Hill, Pontypool;
- 2. Pontypool & New Inn Train Station to Pontypool Town Centre;
- 3. Pontypool & New Inn Train Station to Mamhilad - scheme to be agreed.

**LDP Policy BG1 Biodiversity / Geodiversity: Locally Designated Sites for Biodiversity and Geodiversity** - Development proposals would not be permitted where they would cause significant adverse effects to local nature conservation designated sites (including the features of a Site of Importance for Nature Conservation, Local Nature Reserves, or Regionally Important Geological Sites unless it can be demonstrated that: -

- a) The development could not reasonably be located elsewhere and the benefits of the proposed development justifiably outweigh the nature conservation or geological value of the site; and
- b) Adequate mitigatory and / or compensatory provision is made proportionate to; or an enhancement to the value of the ecological resources or geological site lost.

**LDP Policy HE1 Buildings and Structures of Local Importance** – States development proposals affecting buildings and structures of local importance which make a valuable contribution to the character and interest of the local area would not be permitted where the distinctive appearance, architectural integrity or their settings would be significantly adversely affected, unless the benefits of the proposal would outweigh such adverse effects.

**CF5 Protection of Allotments and Recreation & Amenity Open Space:** Development would be permitted on allotments, areas of formal & informal recreation space, children's play areas and amenity open space subject to parameters.



## 4.2 Material Planning Considerations

As outlined in Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The other policy and guidance documents listed below would form material considerations in the determination of this planning application.

### 4.2.1 Planning Policy Wales: Edition 11

Planning Policy Wales: Edition 11 (February 2021) (PPW11) sets out the land use planning policies of the Welsh Government. PPW11 provides advice on a wide range of issues and is supported by a number of Technical Advice Notes (TANs) which contribute toward the delivery of improved social, economic, environmental, and cultural well-being in Wales. The Welsh Government is committed to sustainable development and PPW11 states that the planning system shall provide a presumption in favour of sustainable development.

PPW11 and the National Plan 2040 set out how the planning system at a national, regional, and local level should assist in delivering sustainable development in Wales.

Development should demonstrate suitable adaption to the existing and predicted effects of climate change. Challenges to Wales in terms of adaption include the impacts of flooding and coastal change to communities, businesses, and existing/planned infrastructure, as well as, the risk to health and well-being.

Green infrastructure is capable of providing several functions which provide multiple benefits for social, economic, and cultural as well as environmental resilience. Benefits by improving resilience can include positive well-being, flood management and climate change mitigation.

Paragraph 2.8 outlines proposals must promote sustainable development and support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven well-being goals and by using the five Way of Working, as required by the Well-being of Future Generations Act.

Paragraph 3.4 outlines that design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales. These objectives can be categorised into five key aspects of good design

Paragraph 6.4 outlines the importance the planning system in reversing the decline in biodiversity and the role biodiversity has in underpinning the structure and functioning of ecosystems. Therefore, should be considered at an early stage, including consultation and collaboration with planning authorities and other bodies. This should be considered in tangent with The Environment (Wales) Act 2016, which introduced an enhance biodiversity and resilience of ecosystems duty, aiming to help maximise contributions to achieving the well-being goals.

Paragraph 6.6 states the importance of well planned water services and explains the benefits and services for society. It also outlines the aims of Welsh Government to secure the provision of water services whilst minimising adverse impacts on the environment, amenity, health and communities, in light of the consequences of climate change. Nature based solutions should be the first consideration given the opportunity to deliver other multiple benefits, including habitat creation, biodiversity enhancement and water quality improvements. Overall, green infrastructure opportunities can benefit ecosystem resilience and provide opportunities for leisure facilities or renewable energy generation. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. They should also be located and implemented with sustainable provision of water services in mind, using design approaches and techniques which improve water efficiency and minimise adverse impacts on water resources, including the ecology of rivers, wetlands and groundwater and thereby contributing towards ecological resilience. Finally, it states that provisions should be in place for future maintenance in the short and long term.



Paragraph 6.6.22 of PPW11 states that the climate emergency is likely to increase the risk of flooding as a result of sea-level rises, increased storminess, and more intense rainfall. Development proposals should consider the potential consequences of flooding, as well as the likelihood of an event occurring.

PPW11 states that the use of Flood Defence Maps and FCA should be used to assist the understanding of how natural and manmade defences work as integral components of places and provide a means by which the cumulative effects of development can be understood.

Paragraph 6.6.25 outlines that development proposals should reduce and must not increase flood risk arising from river flooding on and off the application site.

In areas of flood plain currently unobstructed or undeveloped, where water flows in time of flooding, built development and obstructions should be wholly exceptional and limited to essential transport and/or utilities infrastructure. Technical Advice Note 5: Nature Conservation and Planning (2009)

Wildlife and its habitats are of fundamental importance to our future well-being and prosperity because a rich and diverse environment supports a long-term sustainable economy and contributes to a healthier and happier society. Biodiversity is an important indicator of sustainable development. Biodiversity and geodiversity add to the quality of life and local distinctiveness.

Section 2 of TAN5 outlines that the planning system in Wales should integrate nature conservation into all planning decisions, provide a net benefit for biodiversity conservation with no significant loss of habitats and plan to accommodate and reduce the effects of climate change.

The proposed development should identify at an early stage the nature conservation interests likely to be affected and the likely significance of impacts. It should ensure that impacts of projects likely to have a significant effect on the environment are thoroughly investigated, understood, and considered.

European Sites are defined in Regulation 10 of the Habitats Regulations which include Special Protection Areas (SPAs), SACs and Candidate Special Areas of Conservation (cSACs).

Nationally designated sites include National Nature Reserves (NNRs), SSSIs and Marine Nature Reserves (MNRs).

#### 4.2.2 Technical Advice Note 12: Design (2016)

Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion. Design is defined as:

*“the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings.”*

Section 4.13 outlines that movement and ease of access for all should be appraised in designing scheme with a view to support a shift from car use to walking, cycling and public transport. Consideration should be given to the volume and relative ease of pedestrian movements, including those with mobility and sensory impairments.

As outlined in Section 5.3.3, the Quality Act 2010 makes it unlawful to discriminate against disabled people. Developments should ensure that disabled persons are not disadvantaged through the proposed design.

Section 5.4.10 suggests that to effectively adapt to the effects of climate change, attention should be attributed to the ways in which design can minimise and manage impacts. This includes:

- An awareness and appreciation of the current and future effects of climate change;
- Responding to the effects of climate change through the structure and use of materials;
- Ensure that design solutions do not constrain current or future opportunities to adapt or a developments vulnerability to climate change; and,

- Recognise the relationship to more strategic responses to climate change such as flood risk and drainage.

A high-quality public realm can make a unique contribution to a stimulating environment and can be the focus for community activity. Carefully designed and imaginative use of surfacing, changes in level, enclosure, lighting, street furniture and planting would enhance the overall environment and define its ‘sense of place’.

Section 5.13.3 states that creating space for biodiversity can enhance the ability of developments to adapt to changes in local environmental conditions over the lifetime of the built development which may result from climate change.

#### 4.2.3 Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 15 (TAN15) provides technical guidance in relation to development and flooding and sets out the precautionary framework to guide planning decisions in respect of development in areas at high risk of flooding. It provides guidance on how to fully assess flood consequences and how to design and implement sustainable development.

Section 3.2 of TAN15 states that at least 162,000 properties in Wales face a 1 in 100 chance or greater of flooding in any given year from the sea, rivers and surface water.

On 19<sup>th</sup> January 2023 TAN 15 re-consulted on increased flexibility in the TAN to allow for appropriate regeneration and redevelopment in flood risk areas. Also, providing more detail on issues for the plan-led system and the justification for development.

#### 4.2.4 Technical Advice Note 16: Sports, Recreation and Open Space (2009)

Section 4.13 states that provision for the management and maintenance of public open space, sport and recreational facilities, including paths and lanes which facilitate walking and cycling, should be a consideration by local planning authorities in the determination of planning applications. Maintaining safe, attractive facilities and areas of open space is a fundamental aspect of long-term management, to minimise environmental impact, help meet the Assembly Government’s objectives for sustainable development, and to address issues related to climate change.

#### 4.2.5 Technical Advice Note 18: Transport (2007)

Section 3.8 states that locations that are highly accessible by a variety of travel modes offer significant opportunities to make travel patterns more sustainable. When deciding on an application planning authorities should consider which development sites have high levels of accessibility to non car modes. Development sites which are car dependent and unlikely to be well served by new public transport, walking and cycling should not be looked upon unfavourably. Where a development proposal is assessed as having relatively poor accessibility this may be sufficient grounds to refuse planning permission where this does not support the accessibility objectives set out in the development plan.

Paragraphs 6.2 and 6.3 state the importance of making sites accessible for pedestrians and cyclists, with greater consideration given to ways in which areas and developments can be made more attractive and safer for pedestrians through the arrangement of land uses<sup>67</sup>. In determining planning applications authorities should focus on promoting sustainable modes of transport and ensure access for everyone.

#### 4.2.6 Active Travel (Wales) Act 2013

The Active Travel (Wales) Act 2013 aims to make active travel the most attractive option for most short journey. The Act requires local authorities in Wales to produce active travel maps and deliver year on year improvements in active travel routes and facilities. It requires highways authorities to make enhancements for pedestrians and cyclists in all new road schemes.

<sup>6</sup> ‘PPG13: A Guide to Better Practice: Reducing the Need to Travel Through Land Use and Transport Planning’, DoE/DoT, HMSO, 1995

<sup>7</sup> ‘Encouraging Walking: Advice to Local Authorities’, DETR, 2000

#### 4.2.7 Environment (Wales) Act 2016

Section 6 of the Environment (Wales) Act 2016 places a duty on public authorities (including Statutory Undertakers) that exercise their function in Wales to maintain or enhance biodiversity and promote the resilience of ecosystems. Section 6(2) states that public authorities should consider the following in undertaking their undertakings: diversity between and within ecosystems, connections, scale, conditions and adaptability of ecosystems.

#### 4.2.8 Adopted Supplementary Planning Guidance

Although Supplementary Planning Guidance (SPG) documents do not hold the same status as the adopted LDP, Welsh Government advises that they may be taken into account as a material consideration in determining planning applications.

The following SPG documents are considered to be relevant to the submitted planning application.

#### Annex 4: Community Facilities and Regeneration

Community facilities provide a central role in meeting the needs of society and contribute towards higher standards of sustainable development by providing appropriate facilities locally. Community facilities are those used by local people for primarily social and / or leisure purposes. As such, the quality, quantity and location of provision impacts upon quality of life. Where development is likely to increase the need for such facilities or place existing facilities under pressure, the Council would seek planning obligations towards the provision of new facilities or the improvement of existing facilities. In addition to community facilities, where appropriate, the Council would seek obligations with regard to the provision of public realm improvements, community safety measures, public art, waste and recycling facilities, works to the Monmouthshire and Brecon Canal and Afon Llywd Corridor, broadband connectivity and commercial training opportunities.

#### Annex 5: Ecology and Biodiversity

Conserving and enhancing biodiversity and geodiversity is one of the key aims of sustainable development. To address the impacts of development, the Council would, where appropriate, seek planning obligations to provide for nature conservation and geodiversity interests.

There are 4 ecological Sites of Special Scientific Interest (SSSI), approximately 200 Sites of Importance for Nature Conservation (SINC) and 7 Local Nature Reserves (LNR). The Afon Lwyd is an important ecological corridor in Torfaen alongside the Monmouthshire and Brecon canal.

#### Annex 6: Recreation and Public Open Space

The Council recognises that opportunities to access open space, use allotments and participate in good quality recreational activities are essential to the health, mental, physical and emotional wellbeing of children and adults. Where development is likely to increase the need for such facilities or place existing facilities under pressure, the Council would seek planning obligations to provide appropriate new facilities or the improvement of existing facilities to facilitate the additional capacity.

#### CSS Wales Parking Standards 2014 (Adopted September 2016)

Parking Standards seek to ensure a transparent and consistent approach to the provision of parking, submission of travel plans and sustainability considerations that would inform developers, designers and builders what is expected of them and from them at an early stage of the development process.

## 5. Scheme Appraisal

Key issues to consider in the determination of the planning application, in accordance with the identified planning policy framework include:

- Is the principle of development acceptable?
- Would the proposed development result in any unacceptable hydrological or flooding impacts?
- Would the proposed development give rise to any unacceptable transport or highways impacts?
- Does the proposed development impact the character and setting of the application site?
- What are the proposed environmental and ecological impacts associated with development?
- Does the proposed development impact upon the arboriculture of the application site?

### 5.1 Principle of Development

An assessment of the planning application data evidences that there are no extant or committed developments upon the application site.

The application site comprises open grassed amenity land used for cattle grazing and informal recreational public access however it is not identified within the LDP for Important Urban Open Space. Despite this, the proposed development has sought to mitigate the loss of this informal open space through the provision of an enhancement scheme with areas of public amenity space including an outdoor classroom, recreational walkways and areas for members of the local community to sit, rest and observe on the site. The proposal would also not have an impact on the adjacent grassed playing pitches and ancillary land to the north of the application site which are considered to be sufficient provision for play for the local community. The proposal would result in the loss of informal recreation space but provides replacement green space which has a far greater amenity value, quality and demonstrates satisfactory compensatory provision, which is of equal community benefit, value and quality in accordance with Policy CF5 of the LDP.

The Well-being of Future Generations (Wales) Act 2015 sets out seven well-being goals including ‘A Resilient Wales’ which is defined as “*A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change*”. In addition, the Act defines ‘A Healthier Wales’ as “*A society in which people’s physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.*” It is considered that the provision of a NBS would constitute a resilient scheme, while safeguarding the existing recreational use and achieving increased community engagement as outlined in Table 1 below. As such, the proposed development also aligns with the requirements of The Well-being of Future Generations (Wales) Act 2015 and is acceptable in principle.

**Table 1: Summary of how the proposed Pont-y-felin NBS contributes towards the achievement of The Well-being of Future Generations (Wales) Act 2015**

| Well-being Goals  | Project Opportunities   |
|---|---|
| <b>A Prosperous Wales</b>                                     | A low carbon option for waste management.<br>Creating a sustainable NBS.  |
| <b>A Resilient Wales</b>                                      | Maintaining and enhancing the natural environment through a NBS to waste management.<br>Including natural green space to support well-being.<br>Creating cleaner water for wildlife and people. |
| <b>A Healthier Wales</b>                                      | Water quality improvement.<br>Creating a space for a more active nation.<br>Open green space with community health and well-being at the forefront.   |
| <b>A More Equal Wales</b>                                     | The NBS offers an attempt at tackling health inequalities.<br>Site is accessible for all so there are no barriers to access including disabled access.  |
| <b>A Wales of Cohesive Communities</b>                        | The NBS offers an area that people and communities can use to come together.<br>The site is accessible, ensuring everyone has access.   |
| <b>A Wales of Vibrant Culture and Thriving Welsh Language</b> | Educational uses will be bi-lingual. All signage will be provided in both Welsh and English languages.  |
| <b>A globally Responsive Wales</b>                            | Water quality improvement.  |

The application site comprises land which falls within Candidate Site CS038 of the Replacement Local Development Plan (LDP). Plot CS038 comprises three plots with a cumulative area of 7.8ha and a development potential of 232no. dwellings on agricultural land. A Stage 2B draft assessment of candidate sites was undertaken and published by the LPA in March 2020, assessing each site against 17no. predetermined criteria to provide an overall score. As outlined in the Stage 2B Assessment<sup>8</sup>, any site with a negative score is unlikely to be considered acceptable to be taken forward as strategic site. Site CS038 scored -13 (negative thirteen) and is therefore not considered to demonstrate potential to support residential development. As such, it is considered from the findings of the LPA that the early consideration of the land parcel as a Candidate Site should not preclude the proposed development which is in keeping with the recreational and greenfield nature of the site.

The proposed development would provide a NBS scheme to treat intermittent CSO discharges, demonstrating a proactive approach to utilities infrastructure and improved resilience. Notwithstanding the above, the development would safeguard and enhance the existing recreational benefits of the land whilst providing biodiversity enhancements and improving the water quality in the Afon Lwyd in accordance with the WFD. As such, the principle of development is acceptable.

The proposal is consistent with the aims and objectives of the Well-being of Future Generations (Wales) Act 2015 and therefore acceptable.

<sup>8</sup> <https://www.torfaen.gov.uk/en/Related-Documents/Forward-Planning/Replacement-LDP/Stage-2B-Draft-Assessment-of-Candidate-Sites-against-RLDP-Objectives.pdf>

## 5.2 Hydrology and Flood Risk

As set out in the Flood Consequences Assessment (FCA) submitted in support of this application, a minor part of the proposed wetland, amenity space, the central seating area and tree planting area is located in Zone C2 in accordance with the existing TAN 15 guidance. The application site demonstrates a surface level watercourse along the southern boundary which has a medium risk to surface and small watercourse flooding. By virtue that the application site is used for informal recreation and would be used to accommodate utilities infrastructure appurtenant to DCWW undertaking, alongside wider community benefits, it is considered that the proposed development would constitute 'less vulnerable development,' as defined under the existing TAN15.

Given the provision of utilities infrastructure and the nature of landscaping and minimisation of impermeable surfaces used (use of permeable material to aid drainage in required areas), it is considered that the development would not give rise to an adverse impact on flooding. The proposals would include the installation of wetlands and an aerated reedbed, constituting inundations within the existing topography.

The potential sources of flooding which could affect the proposed development have been considered and assessed to be either negligible, low or very low. The sources include Groundwater flood risk (low), Tidal flood risk (negligible), surface water flood risk (low), artificial flood risk (low), breach and blockage flood risk (very low) and fluvial flood risk (low). Flooding from the Afon Lwyd forms the primary source of flood risk to the site.

The development has been shown to pass the justification test as it would provide regeneration of the existing area, including an improvement of recreational facilities for the local community and additional benefits in terms of ecology and wildlife, in keeping with the objectives set out in the Torfaen Economy and Enterprise Strategy and PPW. The scheme cannot be relocated as it pertains to the existing CSO that discharges to the Afon Lwyd in this location. The wetland impinges only minorly on Zone C2, and the vast majority of it is located outside of the 0.1% AEP flood extent. Additional amenity features located within Zone C2 have been designed so that they do not require any change in ground elevation, and are therefore unlikely to impact the existing flood risk.

The access track parallel to the southern site boundary would require minor ground raising, approximately 100-200mm. As flood depths typically exceed this, it is anticipated that there would be no significant change to flow paths in this area and therefore no anticipated change to flood risk as a result of the track.

Hydraulic modelling has been undertaken to assess the potential impact to flood risk of the wetland area and this has shown there are no disbenefits to the surrounding area in terms of flood risk. The rest of the development site is located outside of the flood extent. As such, it is considered that the site passes both the justification test and the acceptability of consequences test under the existing TAN15 guidance.

The development has also been assessed in accordance with the updated TAN15 guidance. Under the updated guidance, the development is considered to be "less vulnerable". The wetland is located in Flood Zone 2, and therefore development can proceed subject to the justification test and acceptability of consequences. As with the existing guidance, it is considered that the development would pass the justification test due to the benefits it provides in terms of regeneration for the area, and additional benefits in terms of the environment. Hydraulic modelling has been undertaken and used to show that the development does not cause any disbenefit in terms of flood risk, including in the 0.1% AEP with an allowance for climate change. The majority of the development is flood-free during the 1% AEP event with an allowance for climate change, and therefore the overall risk of flooding to the site is considered to be low. Based on this assessment of flood risk, it is considered that the development satisfies all requirements including both the justification test and the acceptability of consequences test.

Taking the above into consideration, the proposal would not give rise to unacceptable level of flood risk on site or elsewhere and complies with TAN15.

## 5.3 Accessibility

The proposals include a single vehicle access point at the southwestern boundary of the site, connecting to Pont-y-felin Lane. The development would accommodate infrequent operative vehicles along the southern internal access road to the compound at the south-eastern boundary eastern extent of the site. A turning head



area would be provided to allow vehicles to ingress and egress the site in a forward gear, safeguarding public safety.

Pedestrian access to the site would be afforded through stile access points (2no.), south eastern boundary (1no.) and adjacent to the vehicle access (1no.) to be accessible in accordance with TAN18. The proposed development would provide a site which is for active travel only providing informal pathways across the site and the diversion of an existing PRoW on the site. The proposed site would not be used for vehicles (except for infrequent operative vehicles accessing for site maintenance and educational commitments via minibus). Therefore, the proposal is considered to safeguard and enhance the existing recreational use of the site by the community. Access points would tie into the existing built environment and would not sever any existing active links along the Afon Lwyd.

The Pre-Application response detailed in Section 2.3.2 of this Statement raised concerns from the Highway Development Control Officer regarding the lack of availability of parking on site and the likelihood that the single carriageway lane would be blocked with one or more vehicles at some point. The proposed Access Track would be used for infrequent operative vehicles accessing the site maintenance and educational commitments only which would be outlined in a DCWW Maintenance Plan submitted in support of the full planning application. The proposal would be restricted from the public driving and parking on site as access to the gate on the southwestern access would be controlled by the DCWW as detailed in the Management Plan. The General Arrangement Drawings (Drawing Number: B16789-102503-01-XX-DR-LA-PN0203) includes parking provision and the turning head area to act as passing spaces along the access track for vehicles to pass each other if necessary.

The proposed development would encourage the use of active travel when the local community visits the site. This has been done through the development of improved pedestrian footpaths across the site, discouraging driving to the site through parking and driving prohibited on site. However, if the local community do drive to the site, there is adequate on-street parking provision on Afon Close, Clairwain, Lancaster Road and the surrounding road network which would not give rise to any unacceptable impacts to the highway network and safety.

Overall, it is proposed there will be a negligible increase in vehicles movements due to maintenance above what is currently seen as this proposal is intended for the enjoyment of the local community. It is considered the proposed development would accord with Policy TR3 of the LDP and would be acceptable.

## 5.4 Design

As outlined above, the proposed development would constitute a NBS which would treat intermittent CSO discharges, whilst providing public amenity and biodiversity enhancements. The NBS development would extend to an area of approximately 3.18ha and would be of a scale and form which is subservient to the composition of the wider land parcel. Due to the nature of the proposed development, wetland and reedbed installations would be integrated within the existing topography of the site and would not result in additional massing or height which would undermine medium and long-range views across the land parcel towards the Afon Lwyd. Through the provision of a NBS, the existing landscape character of the site would be retained, and formalised public realm enhancements would provide recreational benefits to the community. The proposed development would provide a sustainable design solution which accords with Policy S2 of the LDP, enhancing the natural and built environment and promoting an effective use of land. In addition, the development would accord with Policy S4 of the LDP, and design principles set out in TAN12 and therefore is considered to constitute high quality design and quality placemaking principles.

The proposals indicate significant public realm improvements and wider community uses. As set out in the General Arrangement Drawing Number (Drawing Number: B16789-102503-01-XX-DR-LA-PN0203) the development would include a perimeter track around the constructed wetland and aerated reedbeds with 1no. pontoon observation decks protruding to wetland cells. An outdoor classroom would be constructed fronting the constructed wetland with seating area (10no. benches), demonstrating the wider community benefits the design solution intends to achieve. One sensory raised walkway would be constructed on the southern boundary of the site adjacent to the outdoor classroom. Wider public realm enhancements would include benches, bins and LAP, designed to ensure the long-term management and cleanliness of the site for community users and operational functions associated with the NBS scheme. The proposed development would integrate with existing access points to the site and enhance the existing recreational uses of the site,



while achieving sustainable development. The site would complement the existing use and promote local distinctiveness, which is accessible for all, thus according with Policy S4 of the LDP and TAN12 principles.

The proposed compound area located in the south-eastern corner of the site covers a total area of 520m<sup>2</sup> as shown on the Proposed Compound Layout Plan [B16789-102503-01-XX-DR-CA-PN0204] enclosed by weld mesh green fence with a length of 95m and 1.8m height surrounded by buffer planting to screen compound from public. The tallest element within the compound would be the 3m high MCC Kiosk. Given the proposed boundary treatment, the relatively low height of the development within the compound in combination with its corner within the overall site layout. It is considered the proposed compound would not conflict with Policy S4 of the LDP, and design principles set out in TAN12 and therefore is considered to constitute high quality design.

The site does not constitute 'previously developed land' and wider replanting would be achieved to safeguard the natural character of the area. The proposals include the provision of wet woodland/wet meadow grassland seeding including wet woodland tree planting, broadleaves trees and buffer planting. In addition to wider planting throughout the site, the development would safeguard the existing landscape character of the site. A full landscaping schedule has been provided in support of the application detailing the placement, quantum and species in relation to the wider site. The development would provide significant landscaping benefits and replanting to achieve the functional use of the site as a NBS scheme, while achieving a well-designed public amenity space. The proposals would suitably safeguard biodiversity resources while conserving the water environment and landscape setting, as required under Policy S7 of the LDP.

## 5.5 Environmental and Ecological Impacts

As outlined above and within the submitted EcIA, the application site is located 7.2km from the River Usk SAC and 1.4km from the Llandegfedd Reservoir SSSI. The Afon Lwyd is a tributary of the River Usk SAC and therefore a hydrological pathway exists which could impact on the designated site. The proposals would not include any in channel works to the Afon Lwyd and therefore it is not considered that there would be an adverse impact on the SAC. This would be further mitigated through the best practice measures adherence to be established through the submission of a Construction Environmental Management Plan (CEMP) relating to pollution prevention. A HRA has been submitted in support of the application.

As outlined in the EcIA, the development has the potential to damage or result in the loss of habitats on site. The EcIA recommends a suite of measures which are outlined in the Ecological Impacts Assessment (EcIA) submitted in support of this application. The proposed measures will ensure there are no direct or indirect impacts on the ecological features of the site and surrounding areas. Further best practice measures would be followed, as to be established within the CEMP which is to be submitted in support of the full planning application.

While otter spraints were identified on site, there was no evidence of water vole presence. Targeted surveys for otter species undertaken identified otter on the Afon Lwyd, however no in-channel works are to be carried out and no likely impacts on otter are anticipated. Pre-construction surveys would be undertaken in line with best practice guidelines to ensure absence from areas impacted by the works. Surveys for dormouse, reptiles and great crested newts have been undertaken to inform the design and planning application. At present, none of these groups have been recorded on site, with further surveys to confirm likely absence to be carried out. Habitats for these species would be avoided where possible, however, should evidence be identified of presence, a European Protected Species (EPS) license would be sought from NRW. The relevant habitats identified in the EcIA have been avoided, those mitigated and enhanced include:

- River and stream corridors – Through the implementation of best practice construction techniques for pollution prevention and control as detailed in Section 7 of the EcIA.
- Grassland – Forage species to be planted to encourage the brown-banded carder bee. Proposed enhancements as outlined in the EcIA to support invertebrates.
- Trees with bat roost – Tree to be retained and root protection area to be implemented.

The proposed development presents many opportunities for the enhancement of the site, including the provision of a diverse wetland habitat creation to allow for a range of aquatic and terrestrial species with

opportunities to support rare and declining protected species. This would represent an opportunity to contribute to ecosystem resilience of the local area in terms of diversity and extent of wetland habitats. Overall, the proposal would improve the water quality of the Afon Lwyd resulting in the improvement of environmental quality on site and the wider area. Wider opportunities for enhancements on site as outlined in the EcIA as part of the proposed development would improve the ecological value of the site. It is considered that the proposed development would accord with Policy 9 of Future Wales and Policies S7 and BG1 of the LDP.

## 5.6 Odour and Noise

Detailed odour dispersion modelling has been carried out to predict potential changes in the vicinity of the Pont-y-felin Combined Storm Overflow (CSO) after the proposed improvement works. The Odour Assessment [B16789-102503-XX-XX-SP-PA-PR6702] concludes that the scheme is predicted not to result in significant impacts of odour. The maximum odour impact at a residential receptor is predicted to be 0.10 OU<sub>E</sub>/m<sup>3</sup> as a result of the proposed reedbed. For reference, the Environment Agency Guidance H4 suggests that, for odours classified as “Moderately Offensive”, a max level of 3 OU<sub>E</sub>/m<sup>3</sup> can be adopted as an upper bound value.

A technical note has been produced to assess the noise impact of the proposed solution. The Noise Technical Note [B16789-102503-XX-XX-SP-PA-PR6703] states the maximum predicted noise as a result of the proposal at the nearest receptor will not exceed 3.6dB (A) over the lowest measured background noise. Guidelines state a difference of around + 5 dB (A) above the background noise is of marginal significance and it is therefore concluded that the proposal will not cause excessive noise to the local community.

The proposed development is considered to comply with Policy BW1 of the LDP.

## 5.7 Arboriculture Impacts

A full Arboricultural Impact Assessment (AIA), Arboriculture Method Statement (AMS) and Tree Protection Plan (TPP) has been submitted in support of the full application. As outlined in these documents, a specification of trees and planting are indicated for the landscaping and replacement purposes.

There are no conflicts between proposed development and Root Protection Areas (RPAs) of trees to be retained apart from in the following circumstances:

- G71- vehicle access track on northern edge of RPA.
- T96- surfaced footpath within southern and eastern sections of RPA (the proposed path covers 14.7% of the RPA, less than the 20% permitted in Section 7 of BS5837:2012).
- T102- footpath to east.
- G111- manhole connection on northern fringe of RPA.
- T112- manhole connection on northern fringe of RPA.

In all circumstances the incursions are relatively slight and therefore there would be minimal adverse impact upon the future health of the affected trees. However, in order to ensure that the affected trees are not damaged as a result of the development, special excavation and construction techniques, to be detailed in a site specific Arboricultural Method Statement (AMS), would be employed in these areas.

Tree loss in relation to the development focuses only on the clearance of poor quality trees on the boundaries of the site except for the loss of T102 as it is within the proposed reedbed filtration space. The clearance of the poor quality trees is for the reasons of public safety; these trees (mainly Ash infected with Ash Dieback Disease) would require removal on safety grounds in any case irrespective of any development proposals. Other tree loss includes a section of existing trees proposed to be removed to allow temporary works on the southern boundary of the site. However, these will be replaced for like for like native mature trees. The existing robust tree belts on all boundaries of the site are retained thus minimising any wider landscape

impacts. Extensive new tree planting within the site is proposed thus mitigating any tree loss and contributing to an enhancement of the local tree stock as a result of the proposed development in accordance with the Landscape and Planting Schedule. It is considered that the development would accord with Policies S7 and BG1.

## 6. Conclusion

An application for full planning permission is due to be submitted to TCBC following the PAC process for the proposed development of a NBS to treat combined sewer overflow discharges into the Afon Llywd River to improve water quality, including the provision of a primary aerated reed bed, secondary wetlands, public amenity infrastructure, educational areas, biodiversity enhancements and an associated compound on land at Pont-y-felin, Pontypool.

The proposed development would not give rise to unacceptable flood risk on the existing site or to other surrounding areas. Given the nature of the proposal, flood risk would not be impacted as a result of the works.

The development would provide significant landscaping benefits and replanting to achieve the functional use of the site as a NBS scheme, while achieving a well-designed public amenity space. The proposals would suitably safeguard biodiversity resources while conserving the water environment, ecological value and landscape setting.

As such, the applicant considers the scheme would be an acceptable form of development and full planning permission should be granted accordingly.

# Appendix A.1 Placemaking Design Report