

**Application Number:** DM/2022/00241

**Proposal:** The proposed construction of surface water apparatus to serve the development of a new care home and residential dwellings approved under planning ref: DM/2018/00696

**Address:** Land Development south of Crick Road, Crick Road, Portskewett

**Applicant:** Melin Homes & Lovell Partnerships Ltd

**Plans:** Location Plan 2124-116 - , Drainage 124-PHG-RP-C-0001 P3 - Drainage Strategy, Drainage 2124-118A Off Site Drainage Details - , All Drawings/Plans 2124-110D - Offsite Surface Water General Arrangement Sheet 1 - , All Drawings/Plans 2124-111D - Offsite Surface Water General Arrangement Sheet 2 - , All Drawings/Plans 2124-112D - Offsite Surface Water General Arrangement Sheet 3 - , All Drawings/Plans 2124 - STORM DRAINAGE UP TO 100YR +30 REV C (SURCHARGED OUTFALL) - , All Drawings/Plans 2124-120B - Flood Exceedance Plan - , All Drawings/Plans 2124-115 - Offsite Headwall Outfall - General Arrangement - , All Drawings/Plans 2124-119A - Offsite Sewer Easement Plan - , All Drawings/Plans AH4CB LH Headwall + 300mm Flap Valve - , All Drawings/Plans RSFA11A Headwall + 500 x 500mm Toe + 250mm Flap Valve - , All Drawings/Plans RSFA11A Headwall + 500 x 500mm Toe - , All Drawings/Plans 2124-PHG-RP-C-0002\_Drainage Management & Maintenance Strategy\_1st Issue - , All Drawings/Plans edp5822\_r013-A-Ecology Technical Note\_ Precautionary Working Met - , All Drawings/Plans edp5822\_r008-B-Arboricultural Method Statement - Drainage - , All Drawings/Plans edp5822\_r012-A-Arboricultural Addendum Statement - , All Drawings/Plans edp5822\_r010-C Landscape Management Plan Drainage - , All Drawings/Plans edp5822\_d015-D-Landscape Detailed Design to Swale \_ Channel - , All Drawings/Plans edp5822\_r011--- Construction Ecological Management Plan (CEMP)\_ B - , All Drawings/Plans Level CEMP Crick Road - Off site - , All Drawings/Plans 2022s0241 Crick Road JBA Technical Note v4.0 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Jo Draper  
Date Valid: 16.02.2022

**This application is presented to Planning Committee due to it relating to Council-owned land**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

1.1.1 There are two current planning applications that relate to the same development:

DM/2019/01485 Discharge of conditions 5 and 11 (Partial discharge already consented on Condition 11 foul drainage) of planning consent DM/2018/00696 (drainage strategy).

DM/2022/000241 The proposed construction of surface water apparatus to serve the development of a new care home and residential dwellings approved under planning ref: DM/2018/00696.

This separate planning application was submitted as the works were being undertaken outside the red line boundary demarcated by DM/2018/00696.

1.1.2 This application covers all the off-site drainage works required to deal with the surface water drainage resulting from the Crick Road strategic development (Care Home, Residential Development and associated infrastructure)

1.1.3 The supporting information states that there are no watercourses or land drainage features within the development boundary or immediately adjacent to the site. The closest watercourse is the Nedern Brook, located approximately 300m west of the development. The drainage proposal is to drain the water from the site into the Nedern Brook; this is outside the approved red line boundary for the strategic development site.

1.1.4 A developed drainage design has been produced for 3467m<sup>3</sup> of attenuation storage. During design development the use of ponds or basins were investigated and proposed as the most appropriate means of providing the required attenuation, however it was soon recognised that due to site topography, levels and site constraints this means of attenuation could not be provided within the development site. Attenuation is provided with below-ground cellular tanks to be adopted by Dwr Cymru – Welsh Water (DCWW); the surface water subject to this application is drained from these tanks along the specified route to final discharge at the Nedern Brook.

## 1.2 Value Added

Significant value added in terms of securing additional trees as well as ecological and landscape enhancement.

## 1.3 Proposal Description

1.3.1 The proposed development sits to the east of the Caldicot Castle grounds and the closest watercourse, the Nedern Brook. The proposed storm water drainage strategy for the site proposes to convey surface water from the site along the railway line via gravity drains to the Caldicot Castle grounds; the drains then discharge to an existing storm drain /ditch system, to be upgraded, and ultimately discharged to a tributary of the Nedern Brook.

1.3.2 With respect to proposed off-site drainage infrastructure, the route follows a steep disused railway embankment located to the south-west/west of the residential care home site, leading under the B4245 carriageway before travelling through woodland and poor semi-improved grassland associated with Caldicot Castle Country Park (CCCP). The drainage route eventually discharges into the Nedern Brook, located to the north-west of the Development Site.

1.3.3 Surface water runoff generated by the development will be captured and conveyed across the site via a series of gravity drains and sewers. The peak flow offsite will be limited to 17 l/s with appropriate attenuation provided to control and store peak volumes. The proposed route and measures proposed for this surface water drainage scheme are as follows:

- i) The controlled flows are directed via a dedicated 225 diameter storm sewer laid adjacent to the railway line to an outfall within Caldicot Castle grounds, the discharge headwall is the proposed limit of the DCWW adopted drainage network.
- ii) From the headwall the flows pass through a series of ditches, which are to be remediated /enhanced as part of the development proposals, with ultimate discharge being to the Nedern Brook.

1.3.4 The location of the outfall to the ditch system lies within a recognised flood zone (Flood Zone 3 /C2). A Technical Report has been submitted with this application looking at the influence of the proposed development on the existing flood risk and levels, within Caldicot Castle Grounds, and beyond. As the ditch system sits within a recognised flood zone the risks associated with the remobilisation of sediments and contaminants needs to be assessed. The supporting information states that the scheme is designed to provide a robust system that can trap and retain most pollutants during normal storm events within the lower trench base and vegetated layers. It is proposed that during extreme events some pollutants may wash over the trench system but would be retained within the vegetated /bio-retention area.

1.3.5 A Precautionary Working Method Statement has been submitted that details measures considered necessary to protect and conserve the ecological and landscape interest features of the site, encompassing the temporary storage compound and access route associated with the offsite drainage.

1.3.6 A Construction Environment Management Plan (CEMP) submitted details the measures considered necessary to protect and conserve the ecological and landscape interest features of Application Site, encompassing the construction footprint of off-site drainage infrastructure. Detailed measures have been provided to ensure that existing and retained features of ecological interest, namely areas of grassland and woodland, are suitably protected during the construction phase of the development.

1.3.7 A Landscape Management Plan (LMP) submitted sets out the landscape operations for creating new infrastructure, landscaped areas, and the management prescriptions for managing this new landscape for establishment and appropriate long-term management of landscape fabric. This LMP is focused on the landscape management of soft landscape features associated with the site. This LMP is written to provide a framework for maintaining retained ecological landscape features, as well as the management of new landscaping, and draws together complementary aims for establishment and on-going management for the site.

The landscape measures prescribed within this LMP propose to integrate the new landscaping within the existing retained landscape fabric. The proposed landscape elements include:

Amenity grassland to publicly accessible landscape areas;

Shade tolerant wildflower mix around the top of the drainage channel;

Turf reinforcement matting to line the base (as required) and banks of the drainage channel;

Tree planting. - There are 4 trees that have been identified on the plans as having to be removed as part of this application, with a total of 12 new trees that are now proposed to replace these and also some additional planting in the ditches leading to the Nedern Brook.

1.3.8 The application site partly falls within the Caldicot Castle Conservation Area and partly within a C2 Flood Zone.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00696	Outline application (with all matters reserved except for access) for residential development of up to 291 dwellings, a care home and public open space, landscaping and associated infrastructure works	Approved	30.03.2019
DM/2019/00846	Discharge of condition no. 4 of outline planning consent DM/2018/00696.	Approved	02.11.2021
DM/2019/01041	Reserved matters application for the erection of 269 dwellings with ancillary works.	Approved	26.02.2020
DM/2019/01485	Discharge of conditions 5 (Partial discharge already consented on Condition 11 foul drainage) of planning consent DM/2018/00696 (drainage strategy)	Approved	20.11.2021

DM/2019/01629	Application for reserved matters pursuant to DM/2018/00696 relating to Layout, Scale, Appearance of Buildings, Means of Access (where not already approved) and Landscaping for the construction of a care home and associated works.	Approved	26.02.2020
DM/2020/00321	Discharge of conditions; 7 (Barn Own Mitigation Strategy), 8 (Green Infrastructure), 10 (Construction Ecological Management Plan) and 16 (Landscape Management Plan). Relating to application DM/2018/00696.	Approved	19.11.2021
DM/2021/01286	Discharge of conditions 6, 12, 13, 14, 17 and 18 of outline planning consent DM/2018/00696.	Approved	19.11.2021
DM/2021/01484	<p>Non Material Amendment to planning decision DM/2019/01629. Rewording of condition 2 which currently reads as follows:</p> <p>No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.</p> <p>Reason: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.</p> <p>It is proposed to reword this condition as per the below:</p> <p>A scheme of landscaping for the care home shall be submitted and approved by the Local Planning Authority prior to commencement of the superstructure. All approved planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.</p> <p>Reason: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.</p>	Approved	02.11.2021

DM/2021/01734	DOC 2 (Phasing plan, handover & maintenance S38 agreement dated 01.10.2020 and S278 agreement dated 01.10.2020) and 3 (pump station drawing edp5822_sk003) relating to application DM/2019/01041.	Pending Consideration	
DM/2021/01875	Non material amendment to planning decision DM/2018/00696 (It is proposed to amend the wording of condition 5).	Approved	19.11.2021
DM/2022/00241	The proposed construction of surface water apparatus to serve the development of a new care home and residential dwellings approved under planning ref: DM/2018/00696.	Pending Determination	

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S3 LDP Strategic Housing Sites  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design  
SAH2 LDP Crick Road, Portskewett

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
EP3 LDP Lighting  
GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development  
LC5 LDP Protection and Enhancement of Landscape Character  
SD4 LDP Sustainable Drainage  
SD3 LDP Flood Risk  
HE1 LDP Development in Conservation Areas  
DES2 LDP Areas of Amenity Importance

### **4.0 NATIONAL PLANNING POLICY**

#### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

## Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

**Portskewett Community Council:** Noted

**Caldicot Town Council:** no comments received to date

**Natural Resources Wales:** No objection

The planning application proposes less vulnerable development (construction of surface water apparatus). Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the FMP identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3 (Rivers and Sea)

Previously concerns were raised regarding the potential raising of site levels, the scheme was subsequently amended and this rise in land levels has since been removed from the scheme and the following comments are now made:

1. We have reviewed the JBA Technical Note (Ref - 2021s1560 dated March 2022 V3) and confirm that the conclusions outlined in Sections 6 and 8 with regards to the impacts on flooding elsewhere are acceptable.

This is on the basis of the extensive area of floodplain (Nedern Brook) and the interaction of the 'attenuated' surface water from the proposed site within this area.

2. We have no objections to the surface water discharge proposals. We've also considered the potential for an event on the Nedern to mobilise any contaminants caught from the system. We consider this would not significantly impact on the wider environment. The volume of flood water would dilute contaminants in this event.

For clarity, the Nedern Brook is a main river and therefore not regulated by the NRW's IDD function, but other NRW functions.

For the proposed headwall to the Nedern Brook (main river), this will require a Flood Risk Activity Permit (FRAP).

**Surface Water Drainage (Internal Drainage District (IDD))**

The discharge point/headwall within the Castle Grounds is within the IDD Boundary. The surface water from the development passes through a series of ditches. With reference to Section 4.1 of the Drainage Strategy & FCA, it confirms that the peak discharge from the proposed development will be 17 litres/sec. This has been agreed with our Internal Drainage District. Land Drainage Consent 2019/06 was issued on 2nd September 2019 for Construction of new brick headwall structure for surface water discharge and Land Drainage Consent 2019/21 was issued 8th October 2019 for Improvement works & remediation to existing ditch/reen.

Water Quality Controlled Waters - Source Protection Zone.

The site is located within the Source Protection Zone 1 (SPZ1) for the Great Spring public water supply. The public water supply is vulnerable to pollution due to the karstic nature of the catchment and aquifer. Pollutants entering the groundwater within the SPZ1 area will travel quickly to the public water supply, thereby contaminating the water source. Previous ground investigation has demonstrated that infiltration to ground via SuDS methods would not be suitable and hence the need for this drainage feature. The drainage feature therefore needs to be protective of the SPZ1 as it conveys all the collected surface water to the Nedern Brook from the residential development. The SuDS treatment system proposed for the development includes treatment of the water quality as water is conveyed to the discharge point on the Nedern Brook. We consider the proposed treatment to be protective of the SPZ1 and groundwater in the local area and therefore have no objection, in relation to groundwater, to the proposed drainage feature.

#### Nedern Brook Construction Stage

We note in the 'Construction Ecological Management Plan: Biodiversity (CEMP)' Reference edp5822\_r011 dated December 2021 by EDP states that pollution prevention measures will be employed

We agree with this statement and the developer must implement pollution control measures and ensure compliance with PPGs to prevent pollution. Please note no contaminated surface water can be discharged to the watercourse at any time without a permit.

#### Operational Stage

We understand that clean surface water is to be disposed of via SuDS to the Nedern Brook. No contaminated surface water can be discharged to the watercourse at any time without a permit. We expect only clean, uncontaminated surface water to be discharged to the watercourse at any time.

#### **MCC Land Drainage:** No objection

The Flood Risk Team has reviewed the application and raised a few concerns with the impacts of the site on flood risk and water quality with NRW for them to respond/acknowledge. Whilst the site has failed to include any SuDS features as per the original proposal, the site does manage the surface water to an agreed (with NRW) outfall rate. In discussion with the developer, a proposed section of filter drain and wetland has been proposed between the headwall and the Nedern Brook. NRW has confirmed that this section of ditch will provide sufficient water quality treatment for discharge to the Nedern and that they are satisfied there will be no increased water quality issues as a result of the development. NRW have also confirmed that in a flood event the risk of contaminates stored in the ditch system being mobilised will not cause a pollution incident due to dilution rates.

NRW have also confirmed that the JBA technical note stated increases in flood levels (up to 10mm) as a result of the surface water outfall location will have no impact on properties already at risk of flooding in the vicinity of Caldicot Castle, therefore not increasing flood risk for existing properties. The layout of the site has been reviewed with a few areas of surface water exceedance flooding however, these should not create flood risk to the new properties due to finished floor levels being raised.

A condition securing compliance with the approved management and maintenance strategy is proposed.

**MCC Ecology** - Subject to the approval of the plans and documents submitted, I have no outstanding objections to the drainage proposals.

**MCC Landscape/GI:** No objections

**MCC Public Rights of Way (PROW):** Although there are no public paths running through or adjacent to the site, the Active Travel Act (Wales) requires local authorities to continuously improve facilities and routes for pedestrians and cyclists and to consider their needs at design stage. As a consequence, Monmouthshire Public Rights of Way would like to see in place at least one multiuser path through the site and especially one that links to the proposed cycle way on the disused railway line adjacent to the site.

**Network Rail:** No objection

## 5.2 Neighbour Notification

One neighbour objection has been raised that states the following:

This proposal appears to significantly increase water flow into the Nedern and this already causes flooding of my property. It is unbelievable that such a proposal should even be considered when the Council claim to be reviewing other options to reduce such a risk.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 This application is for the surface water drainage of an allocated development site in the adopted LDP. The principle of development is already established.

6.1.2 The surface water drainage proposed must be subject to the drainage hierarchy. The Drainage Strategy and FCA (November 2021) has demonstrated how it meets the drainage hierarchal approach for the disposal of surface water as shown below:

Storm Water Runoff Destination: Priority level

1 - Collected for reuse -The use of rainwater harvesting is not a viable/cost effective part of the solution for managing surface water runoff on the site, taking account the potential water supply benefits of such a system

2 - Infiltrated to Ground - Site investigations have confirmed that discharge of surface water to ground via infiltration is not appropriate or possible on the site

3 - Discharge to Surface Water Body - A discharge point to an existing drainage ditch which indirectly communicates with the Nedern Brook was identified and a proposed scheme to connect and discharge at this location has been proposed and agreed with the IDD & NRW.

4 - Discharge to Surface Water Sewer or Highway Drain Not required - Discharging at level 3

5 - Discharge to Combined Sewer Not required - Discharging at level 3

Discharge of surface water as proposed is therefore acceptable in principle subject to detailed considerations; each is addressed in turn below.

### 6.2.1 Good Design

As the proposed scheme is largely below ground level with a large section running adjacent to the railway line via a pipe underground, there is minimal change in this section. The potential impact comes only in the short-term during the construction phase. A number of reports controlling the method of construction to safeguard trees, landscape and ecology have been submitted with further maintenance and management plans to ensure the long-term upkeep of this development. When the development effectively goes above ground within the Caldicot Castle Country Park with ditches increased and widened, landscape and ecological enhancement are proposed to include amenity grassland to publicly accessible landscape areas; shade tolerant wildflower mix around the top of the drainage channel, turf reinforcement matting to line the base and banks of the drainage channel and tree planting. The design of the scheme both in terms of its proposals, method of implementation and proposed on-going maintenance and management together form a



scheme that meets the design criteria of planning policy ensuring an effectively designed scheme that is managed and enhanced over time.

### 6.2.2 Place Making

Whilst a significant part of the proposed works are below ground level, the method of construction and implementation has the potential to impact upon the immediately surrounding area. However, significant effort has been given to protect as far as possible the existing green infrastructure assets and enhance them further with a comprehensive landscaping scheme that will add to the sensory experience in this part of Caldicot Castle Country Park.

### 6.2.3 Green Infrastructure

This is partly covered under 'Landscape', 'Place Making' and 'Good Design'. MCC Public Rights of Way have asked if some form of multi-user path could be provided under this proposal. The original application secured contributions via a legal agreement to the provision of Green Infrastructure Assets; as such, it is not necessary or reasonable to request anything further. This proposed development does however introduce further management and maintenance of GI assets and their enhancement via tree and wildflower planting, amenity grassland, etc., framing and enhancing this partly open water channel that runs through the Country Park. The proposal complies with the objectives of policies S15 and GI1 of the LDP.

## **6.3 Landscape**

6.3.1 As the proposed development is largely below ground level the landscape impact is not significant. However, there are areas of localised change with the expansion and re-configuration of the ditches before the outfall into the Nedern Brook. This is only visible when immediately adjacent as there is no raising of ground levels. The ditches are below ground level although the wider channels and ditches will be softened by a significant increase in tree planting that will be managed in accordance with approved management plans. There are four trees that have been identified on the plans as having to be removed as part of this application, although twelve new trees are proposed to be planted which goes beyond just replacement and compensation but represents significant betterment. Conditions are recommended to safeguard these replacement trees and to replace existing trees that may be damaged. This secures landscape mitigation and enhancement and complies with landscape policies LC5 and GI1 of the LDP.

## **6.4 Historic Environment**

Part of the application site is within the Caldicot Castle Conservation Area, although there is no wider impact upon the setting of Conservation Area as the development is below ground level with trees and GI assets protected and enhanced further. The development would preserve the character and appearance of the Conservation Area in accordance with Policy HE1 of the LDP.

## **6.5 Biodiversity**

There is land take associated with construction of the drainage infrastructure that will result in the temporary loss/disturbance of poor semi-improved grassland. In addition, there would be the removal of some standard trees associated with woodland habitat and understorey shrubs and scrub. There would also be modification of a section of bank along the Nedern Brook to facilitate construction of a headwall. Such habitats have the potential to support protected and notable species.

Supporting documents including a CEMP address all habitats and features of ecological value to be affected by the enabling/pre-construction and construction phases of the development works and set out the management tasks to be undertaken prior to and during the construction phase. The proposed scheme of ecological mitigation and enhancement is considered acceptable, and coupled with the documents that set out how the construction work is undertaken and subsequently monitored and maintained, has satisfied the requirements of policies S17 and NE1 of the LDP.

## **6.6 Impact on Amenity**

There are no residential or commercial properties close to the proposed development, although the route does pass through a publicly-accessible designated Area of Amenity Importance. The proposed works do not compromise any space and deliver enhancement through further planting and improved management, monitoring and maintenance. The impact upon amenity is a positive one. The proposal does not detract from the amenity of this area and complies with relevant Policy DES1.

## **6.9 Flooding**

The application site is partly located within a C2 Flood Zone. Supporting information has been provided in the drainage strategy and FCA. NRW have confirmed that they are satisfied with the applicant's approach of retaining the existing levels and have no further comments to make given the floodplain dynamics will not be altered. The impact of the additional outflow has been scrutinised by NRW and they are satisfied that the development would not result in an increased risk of flooding in the area. The proposed scheme has adequate protection and mitigation measures in relation to discharge rates and water quality to ensure that the development does not have an adverse effect on third parties. The proposal meets the requirements of Policy SD3 of the LDP.

## **6.10 Surface Water Drainage**

The proposed surface water strategy to serve the development of the care home and residential housing (DM/2018/00696) is acceptable in principle and in detail. The scheme has been reviewed by NRW and the Council's drainage officer and there are no objections to the proposals. With regard to practical management, all designed drainage elements are accessible for future maintenance and operation, with maintenance access provided where required to allow future long-term maintenance, inspection, and cleaning to be undertaken. The design has looked at the whole life of the systems and provided additional features and elements to aid maintenance, remediation, and future replacement when the design life is exceeded. These include items such as, sumps, sediment bays, trapped gullies, sacrificial upper stone surface layers within the filter drains, enabling retention of contaminants close to surface and at source reducing maintenance and future replacement costs.

The Drainage Management and Maintenance Strategy has been submitted which covers all parts of the drainage and who is responsible for what. The responsibility for the ongoing maintenance, cleaning and remediation of drainage components, drains, manholes, inspection chambers and ancillaries are split between four distinct parties, DCWW (Majority of Storm Drainage is offered for adoption by DCWW), plot owners, MCC Highways and the appointed Management Company (AMC). The surface water system proposed is considered to be acceptable in this context.

## **6.5 Response to the Representations of Third Parties and/or Community/Town Council**

6.5.1 One neighbour representation has been received and is concerned that the proposal appears to significantly increase water flow into the Nedern which already causes flooding of their property. The scheme has been fully assessed in terms of flood implications of the proposal and NRW have accepted the proposal, being satisfied that this will not impact flooding elsewhere and is acceptable. The proposals are in accordance with Policy SD3 of the LDP.

## **6.6 Well-Being of Future Generations (Wales) Act 2015**

6.6.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into

account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

## **6.7 Conclusion**

6.7.1 The method of surface water drainage is acceptable in principle and compliant with the drainage hierarchy. The potential issue of flooding is fully addressed with NRW satisfied with the development. There is an off-site discharge to Nedern Brook with water quality risk-assessed and mitigated and the method is acceptable to NRW and MCC's land drainage and ecology officers. Arboriculture and Ecology concerns have been assessed with mitigation and enhancement provided with significant additional planting and ecological benefits secured in both implementation and in the long-term through effective management, monitoring and maintenance. This in turn has a positive impact upon the wider area that forms this well-used publicly-accessible amenity space. The proposal satisfies planning policy and is therefore recommended for approval subject to the associated conditions below.

## **7.0 RECOMMENDATION: APPROVE**

### Conditions:

1. This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development subject to this planning approval, any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

4. With the exception of the 4 trees identified as being removed as part of this development, none of the existing trees, shrubs and hedges on the site shall be felled, lopped or topped (excluding regular trimming of hedges) uprooted or wilfully damaged. If any of these trees, shrubs or hedges are removed, or if any die or are severely damaged, they shall be replaced with others of such species, number and size and in a position to be agreed in writing with the Local Planning Authority. Any lopping or topping which may prove necessary shall be carried out in accordance with a scheme previously approved in writing by the Local Planning Authority.

REASON: To protect valuable tree or other landscape features on the site in the interest of preserving the character and appearance of the visual amenities of the area in accordance with Policy LDP G11.

5. All future maintenance of the downstream ditch and wetland system will be in compliance with the Maintenance and Management Strategy (2124-PHG-RP-C-0002\_Drainage Management & Maintenance Strategy\_1st Issue).

REASON: To ensure the system is maintained and operational for the life of the development and responsibility is not transferred without the authorisation of the Local Planning Authority given the location and sensitivity of the receiving area.

