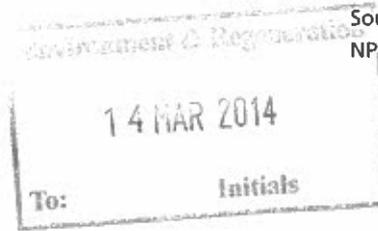


**Responses received during the Focussed Changes consultation
February - April 2014**

Solutia UK Ltd
(a subsidiary of Eastman Chemical Company)
Corporation Road
Newport
South Wales
NP19 4XF

Planning Policy Manager
Newport City Council
Civic Centre
NEWPORT
Gwent
NP20 4UR



12th March 2014

Dear Sir/Madam,

NEWPORT LDP – FOCUSED CHANGES

In response to the letter from Mark Hand dated 21st February concerning land EM1 (iv) Solutia:

I am disappointed at this proposal to reserve some of our land for a potential motorway junction. This has resulted in cancelling a proposed land sale for construction of a crematorium to serve Newport.

Whilst I am aware of compensatory rules for compulsory purchase there does not appear to be any compensation or time limit to this proposed restriction. I realise you are required to safeguard a corridor under orders from the Wales Assembly Government and am surprised that with their statutory duty to promote sustainable development they are considering a new motorway at all.

Eastman objects to this proposed change to the LDP.

Please contact me if you wish to discuss; 754300 or email me sshamp@eastman.com.

Yours sincerely

S. Hampson
Site Manager

Rich Chandler
Doug Graham
Matthew Sharp NCC



Responsible Care



FM 01970

Tel: 01633 278221 - International: +44 1633 278221

Registered Number 3295486 in England and Wales
Registered Office, Corporation Road, Newport, South Wales NP19 4XF

LDP Consultation

From: Judith Doyle <judith@ggat.org.uk>
Sent: 27 February 2014 15:23
To: LDP Consultation
Subject: GGAT re Newport LDP Statement of Focussed Change

Good Afternoon,

Thank you for sending the Statement of Focussed Change letter; I've checked through our records and note that in response to the candidate sites consultation we recommended that the allocations could be included in the LDP subject to the results of archaeological evaluation for EM1 (i), EM 1 (ii), EM 1 (iv) and for EM 2 (ii) an archaeological assessment would be required; I couldn't find our response regarding T1c but as with the other sites in the group nearby, it is within the Archaeologically Sensitive Area and the Registered Historic Landscape of the Levels and would therefore need some archaeological statement to accompany any detailed proposal.

Regards,

Judith Doyle BA MIfA
Acting Archaeological Planning Manager
Glamorgan-Gwent Archaeological Trust Ltd Heathfield House Heathfield Swansea
SA1 6EL

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Registered Office as above. Registered in Wales No. 1276976. Company limited by Guarantee without Share Capital. Registered Charity No. 505609 Institute for Archaeologists Registered Archaeological Organisation No.15

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Swyddfa Gofrestredig fel yr uchod. Cofrestrwyd yng Nghymru, Rhif 1276976.
Cwmni Cyfyngedig trwy Warant heb Gyfalaf Cyfrannau. Elusen Gofrestredig, Rhif 505609 Mudiad Archaeolegol
Cofrestredig, Sefydliad yr Archaeolegwyr (IFA), Rhif 15

Os nad chi oedd fod derbyn y neges hon, neu os ydych yn weithiwr cyflogedig neu'n asiant yn gyfrifol am anfon y neges, nid yw ei datgelu, ei chopïo, ei dosbarthu na chymryd unrhyw gamau yn ddibynnol ar y neges yn cael eu hawdurdodi, a gall gwneud hyn fod yn anghyfreithlon. Os byddwch yn derbyn y neges hon trwy gamgymeriad, cysylltwch â ni drwy anfon y neges yn ôl atom gan ddileu unrhyw negeseuon neu atodiadau.

Eiddo GGAT yw'r e-bost hwn ynghyd ag unrhyw atodiadau, ac fe'i diogelir dan y gyfraith. Mae'r wybodaeth sydd wedi'i chynnwys, a all fod yn breifat a chyfrinachol, wedi'i bwriadau at ddefnydd y sawl y'u cyfeiriwyd atynt yn unig.

Gwent Wildlife Trust

Ymddiriedolaeth Natur Gwent



5th April 2014

Planning Policy Manager,
Newport City Council,
Civic Centre,
Newport,
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Seddon House
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Tel: 01600 740600
Fax: 01600 740299

info@gwentwildlife.org
www.gwentwildlife.org

*Reg. charity no. 242619
Lim. Liability co.no. 812535*

Dear Sir/Madam

Focussed changes – Newport local Development Plan 2011-2026

I am writing in response to the Focussed Changes consultation. We have read through the focussed changes and we wish to make the following comments.

EM1 (i) Duffryn

We note the changes to the EM1 (i) Duffryn allocation. We take the view that SSSI should not be included in LDP allocations for developments. We therefore wish to **support** the proposal in the focussed changes to remove most of the SSSI from this employment development allocation.

EM1 (iv) Solutia

We note the changes to allocations EM1 (iv) Solutia, and recognise that the change has reduced the area of SINC in the allocation. However we take the view that the rest of the SINC should be removed from this allocation.

When we objected to the allocation of these EM1 sites (including the EM1 Gwent Europark allocation) in previous stages of the LDP, the Council response was that 'On the Gwent Levels, the features of importance are the reens, and it is possible to develop while protecting the reens, as has been done' (preferred strategy Consultation Report).

Gwarchod **Natur** ar gyfer y Dyfodol ● Protecting **Wildlife** for the future

We consider this is incorrect on both counts. Whilst the SSSI is designated for the reën interest, this is by no means the only feature of importance in the SSSI or on the Gwent Levels. The area supports numerous protected species, BAP species and S42 species, and is a UK BAP habitat. Former development on the SSSI has impacted negatively on the reëns, as well as the other wildlife of the Gwent Levels. There have been severe pollution incidents, as well as significant losses of terrestrial habitat and ecological connectivity. We have yet to see proof in the form of post-construction monitoring that demonstrates that development does not impact negatively on nature conservation interests.

This is supported by the conclusions of the Sustainability Appraisal which states that 'It is regarded, however, that effects on biodiversity are still likely to be significant in the long term, given the scale of the proposed development and potential cumulative effects.'

We remain concerned and still wish to **object** to the fact that the remaining allocations for employment development still include SSSI and SINCLAND within the allocations.

Yours sincerely,

Lindi Rich
Conservation Officer



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Our ref: 1917128/ C.09.90.07

Address:
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Ffôn/Phone: Customer services line: 0300 065 3000

Planning Policy Manager
Newport City Council
Civic Centre
Newport
NP20 4UR

By email – ldp.consultation@newport.gov.uk

7 April 2014

Dear LDP Team,

NATURAL RESOURCES WALES' RESPONSE TO FOCUSED CHANGES CONSULTATION (24 FEBRUARY-7 APRIL 2014)

Thank you for the opportunity to comment on your Focussed Changes Consultation with respect to the emerging Newport City Council Local Development Plan (LDP). We understand that your proposed focussed changes and any consultation responses will be taken into account by the Inspector as part of the ongoing LDP Examination process.

In this context, our detailed comments are given in the attached Annex to which we refer you.

Please refer any queries or comments to my colleague Sarah Revill in the first instance.

Yours Sincerely,

JESSICA POOLE

Team Leader, Cardiff and Newport District Team

Ffôn/Tel 029 2077 2406

Epost/Email Jessica.poole@naturalresourceswales.gov.uk

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

\\cymru.local\shares\users\jessica_p\My Documents\Offline Records (CW)\Focussed Changes Response 7 April 2014.doc

Cyfoeth Naturiol Cymru

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Natural ResourcesWales

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NATURAL RESOURCES WALES' DETAILED COMMENTS ON NEWPORT CITY COUNCIL'S LOCAL DEVELOPMENT PLAN FOCUSSED CHANGES CONSULTATION (24 FEBRUARY – 7 APRIL 2014)

Focussed Change Ref: 1

EM1(i) Duffryn

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

We acknowledge the need to ensure there is sufficient supply of quality employment land within the Plan, however we note that the *Employment Land Review: Final Report* (March 2013) suggests that the level of employment land allocated under Policy SP 17 represents a provision that is very likely to be a maximum delivery rate for Newport in the future, and includes an allowance for an optimistic one off inward investment. Additional land for B Class uses is also allocated in the Plan under Policy EM3.

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

In light of the level of protection afforded to the SSSI under the Wildlife and Countryside Act, the presumption against development likely to damage a SSSI in *Planning Policy Wales* (Edition 6, 2014), and the level of employment land allocated in the Revised Deposit Plan we do not consider that the allocation, as currently proposed, meets Test of Soundness C2.

Additionally, given that development on the SSSI will lead to the direct loss of an area of the SSSI and is likely to have an adverse impact on the features for which the SSSI has been notified, we do not consider that the allocation, as proposed in this Focussed Change, represents a coherent flow the Revised Deposit Plan's objective to protect and enhance protected habitats. We therefore do not consider that the allocation, as currently proposed meets Test of Soundness CE1.

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

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

This would ensure that the allocation is consistent with the Council's duty under the Wildlife and Countryside Act, and represent a coherent flow from the Revised Deposit Plan's objective to protect and enhance protected habitats.

Focussed Change Ref: 2

EM1(ii) East of Queensway Meadows, South of Glan Lllyn

We welcome the proposal to reduce the area of land allocated for employment under Policy EM1(ii). However, development at this site has the potential to cause indirect loss and damage to SSSI features over a wide area of the Gwent Levels SSSI. Development which would cause changes to the current hydrological regime at this location, or cause pollution entering the SSSI has the potential to have a significant adverse impact on the features for which Gwent Levels - Nash and Goldcliff SSSI and the Gwent Levels – Whitson SSSI have been notified.

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

To achieve this, Chapter 13 of the Revised Deposit LDP could be amended to include an annex that lists the sites that are allocated in the Plan, which identifies the key issues and constraints associated with each allocation that will need to be considered and addressed by potential developers. The text relating to EM1(ii) should specify that any development at the site will be required to minimise adverse impacts on the SSSIs. The inclusion of such text will ensure that potential developers at the site are aware of the key considerations associated with the site at the earliest opportunity.

This would ensure that the allocation is consistent with the Council's duty under the Wildlife and Countryside Act 1981 (as amended), and meet Test of Soundness C2.

Focussed Change Ref: 3

EM1(iv) Solutia

We welcome the proposal to reduce the area of land allocated for employment under Policy EM1(iv).

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

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

As referred to above, we recommend that an annex is added to the Plan identifying the key issues and constraints associated with each allocation that need to be taken into consideration when developing the site.

For EM1(iv) the annex should specify that any development at the site would need to avoid adverse impacts on the SSSI. This will ensure that potential developers at the site are aware of the key considerations associated with the site at the earliest opportunity. This would ensure that the allocation is consistent with the Council's duty under the Wildlife and Countryside Act, and meet Test of Soundness C2.

Focussed Change Ref: 4

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

Development at this site has the potential to have a significant adverse effect on the features for which the Gwent Levels- Nash and Goldcliff SSSI, and Gwent Levels – Whitson SSSI have been notified.

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

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

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

This would ensure that the allocation is consistent with the Council's duty under the Wildlife and Countryside Act, and meet Test of Soundness C2.

Focussed Change Ref: 5

SP5 Countryside

We welcome the proposed change.

Focussed Change Ref: 6
SP8 Special Landscape Areas

We welcome the proposed change.

Focussed Change Ref: 8
T1 Railways – Coedkernew

We note that this Focused Change proposes to replace allocation T1 of the Revised Deposit Plan Policy with an ‘Area of Search’ for the location of the new Coedkernew station.

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

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

Given the potential impact to the features for which the SSSI has been notified, we consider that the ‘Area of Search’ as currently proposed would be contrary to the NCC’s duty under the Wildlife and Countryside Act 1981 (as amended) to take reasonable steps to further the conservation and enhancement of the features of SSSIs for which it is of special scientific interest. We therefore consider that the proposed ‘Area of Search’ does not meet Test of Soundness C2.

Further, in light of the likely adverse impact on SSSI features, we do not consider that the proposed ‘Area of Search’ represents a coherent flow from the Revised Deposit Plan’s objective to protect and enhance protected habitats. We are also concerned that the proposed ‘Area of Search’ is located a notable distance away from existing or planned development. We do not consider that this is consistent with the rationale to minimise the need to travel which supports Objective 2 of the Plan. We therefore consider that the proposed ‘Area of Search’ also fails to meet Test of soundness CE1.

Alternative locations should be considered, which are outside of the SSSI, and in closer proximity to existing or planned built development, to capitalise on sufficient catchment to justify the scheme and to deliver a scheme that delivers the concept of sustainable development.

Focussed Change Ref: 9
SP17 – Employment Land Requirement

We welcome and support the reduction in the amount of land allocated for development.

Focussed Change Ref: 12
EM1 Employment Land Allocations

We refer you to our comments to Focussed Change 1.

Focussed Changes 13; 14; 16; 17

EM1 Employment Land Allocations; EM2 Regeneration Sites

We support the proposed changes.

Cardiff, April 2014



Mark and
Development Services Manager
Newport City Council
Civic Centre
Newport
NP20 4UR

Ich cyf : our ref: amination
in cyf : ur ref: a 5 1
Dyddiad : Date: 21st March 2014

Dear Mark,

Newport Local Development Plan - Consultation on Schedule of Focussed Changes

Thank you for your letter of 21st February 2014 notifying us of your Focussed Changes Consultation. We note that the main purpose of the Focussed Changes is to correct the constraints map to include the correct M4 R111 2006 Safeguarding order. This amendment primarily has implications for employment allocations on the proposals map and results in a net loss of around 5 ha of employment land.

The Welsh Government considers that due to the abundance of employment land in the Revised Deposit Plan (see WG Revised Deposit Representation, C.i) it is considered that the proposed reduction in employment land would not jeopardise the overall strategy. We intend to submit a detailed statement on both the scale and delivery of employment allocations which will be considered through the relevant examination hearing session.

Yours sincerely

Candice Coombs
Planning Manager
Planning Division
Department for Housing and Regeneration



LDP Consultation

From: Claudia (EST - Transport) Currie <Claudia.Currie@Wales.GSI.Gov.UK>
Sent: 14 March 2014 14:44
To: LDP Consultation
Subject: Statement of Focused Changes - Newport Development Plan 2011-2026

FAO Matthew Sharp, LDP Examination

Further to your request to comment on the focussed changes affecting the five sites listed below:-

EM1(i) Duffryn
EM1(ii) East of Queensway Meadows, South of Glan Llyn
EM1(iv) Solutia
EM2 Llanwern Former Tipping Area, South of Queensway
T1c Coedkernew Railway Station

I can confirm that the sites have been altered to the constraints of the TR111 that was put in place for the M4 in 2006 and therefore the WG(Transport) as highway authority for the motorways and trunk roads have no further comments to make.

However, please note that the preferred words for the changes are as follow, which I understand have already been changed on the website. **“Newport City Council has submitted proposals for its Local Development Plan (LDP) to the Welsh Government for examination. Following this submission, it became evident that the alignment of the safeguarded April 2006 route corridor of a proposed M4 south of Newport was shown incorrectly. The correct alignment of the safeguarded corridor impacts on the deliverability of a number of allocations. As a result, the Council is proposing to make focused changes.”**

Regards

Claudia

Claudia Currie

Trafnidiaeth - Transport
Adran yr Economi, Gwyddoniaeth a Thrafnidiaeth
-Department for Economy, Science and Transport
Llywodraeth Cymru - Welsh Government
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Wrth adael Mewnrwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

28th March 2014

Dear Sir,

Newport Local Development Plan Focussed Changes Version February 2014:

Town and Country Planning (Local Development Plan) (Wales) Regulations 2005:

Thank you for consulting the RSPB in relation to the above matter.

RSPB Reasons for Concern: The RSPB has a longstanding opposition to development on or affecting the Gwent Levels SSSI. The Gwent Levels SSSI is a statutorily designated composite SSSI, which is of national (UK) importance for nature conservation due to its reën flora and fauna. NRW, the National Assembly for Wales' statutory adviser on nature conservation matters, states that the Gwent Levels is one of the top four examples of this habitat in the UK. It is acknowledged by the local planning authority's Nature Conservation Strategy as being part of Newport's Critical Natural Capital, and thus irreplaceable. Newport local planning authority, as an authority pursuant to s28G of the NERC Act, has a duty to protect and enhance SSSIs.

References 1, 9 and 12: EM 1(i) Duffryn:

The RSPB would like to make the following points in relation to focussed changes 1,9 and 12 which we will address together.

The RSPB **supports** focussed changes 1, 9 and 10 insofar as it removes almost all of the Gwent Levels SSSI from allocation EM1(i).

However, we consider that further consequential changes should be made to the LDP as a result of this changes :-

Paragraph 6.7:

Delete "part of the allocation also lies within the Saint Brides SSSI" at line 6.

Reason:

Were the focused changes to be accepted by the Inspector, para 6.7, as drafted, would be factually incorrect.

Tests of Soundness:

The RSPB considers that the Focussed Changes version of the LDP fails the following test of soundness in respect of the above matter :-

Test of Soundness	Rationale
CE1	The Focussed Changes version of the LDP does not set out a coherent strategy because it para 6.7, as drafted, is incorrect.

Table at Page 137:

Delete “65 hectares”. Insert “37 hectares”.

Reason:

Were the focussed changes to be accepted by the Inspector, this would be factually incorrect.

Tests of Soundness:

The RSPB considers that the focussed changes version of the LDP fails the following tests of soundness in respect of the above matter :-

Test of Soundness	Rationale
CE1	The Focussed Changes version of the LDP does not set out a coherent strategy because the table at page 137, as drafted, is incorrect.

Policy SP16 (iii):

Western Extension to the Southern Distributor Road: The Duffryn Link Road:

An examination of the Focussed Changes Constraints Map supplied by the local planning authority indicates that the protected TR111 line for the new alignment of the preferred (Black) route of an M4 Relief Road appears to overlay the Western Extension to the Southern Distributor Road (Duffryn Link), for approximately 50% of its length. Both of the other route options overlay sections of the Duffryn Link, and indeed the Purple route overlays it for its entire length. However, this major material change of circumstances with regard to the Duffryn Link does not appear to have been taken into consideration by the Focussed Changes document. The RSPB objects to this, for the following reason :-

1The Focussed Changes tabular format document is inconsistent in that it relocates the Coedkernew Station allocation T1(c) southwards into an “area of search” polygon to avoid being captured by the TR111 line. However, the same treatment is not applied to the Duffryn Link, even though its planning status *vis a vis* the TR111 is identical to that of T1(c).

Paragraph 2.55 of the focussed changes version of the LDP states :-

“The Duffryn Link will... provide relief for the M4”.

It cannot fulfil this function if its deliverability is critically compromised by the TR111 line itself. If consent is ultimately gained for an M4 Relief Road in this vicinity, then the need for the Duffryn Link ceases to exist, because relief for the M4 would be provided by the M4 Relief Road.

If another alternative from the list of alternative route options currently being examined by the Minister is chosen, then the future review of the LDP could propose its reintroduction. The Minister is expected to set out her strategy in respect of congestion on the M4 in summer 2014, and it is estimated that, were her strategy to include an M4 Relief Road, then the consents required for its delivery it would take another three years to obtain. There is therefore ample opportunity during the review of the LDP to propose to reintroduce it, should the Local Planning Authority deem it necessary.

It is a key characteristic of the local development plan formulation process that it includes a stronger provision to review or partially review the plan than was the case in respect of unitary development plans. The local planning authority, in failing to delete SP16 (iii), has failed to take account of this, and the focussed changes version of the LDP is thus not reasonably flexible. We consider that the local planning authority should take advantage of this flexibility, in the interests of safeguarding the SSSI, a UK-nationally important, statutorily designated site for nature conservation. Furthermore, the relative timings of the two developments mean that, even were these engineering problems to be surmounted, the Duffryn Link could not be commenced for several years.

Notwithstanding the above, even were the Duffryn Link to be deemed necessary by the local planning authority, it's construction would present very considerable engineering difficulties, as it would have to be constructed either directly above M4 Relief or in very close proximity to it. Furthermore,

Tests of Soundness:

The RSPB considers that the focussed changes version of the LDP fails the following tests of soundness in respect of the above matters:-

Tests of Soundness	Rationale
C1	<p>The Focussed Changes version of the LDP fails test of soundness C1 because it does not have regard to other relevant plans, viz the Welsh Government's "M4 Corridor Around Newport" Plan, September 2012.</p> <p>An examination of the Focussed Changes Constraints Map indicates that the protected TR111 line for the new alignment of the preferred (Black) route of an M4 Relief Road appears to overlay the Western Extension to the Southern Distributor Road (Duffryn Link) for approximately 50% of its length. Both of the other possible routes overlay section fo the Duffryn Link, and indeed the purple route overlays it for its entire length.</p> <p>This is not coherent, because this means that the Duffryn Link could not be developed should the Transport Minister choose any of the options as set out in the consultation document.</p>
CE1	<p>The Focussed Changes version of the LDP fails test of soundness CE1 because it does not set out a coherent strategy i.e. it does not take fully into account a major material change of circumstances which</p>

	<p>has arisen since the production of the Revised Deposit Version of the LDP, namely the fact that the TR111 line was not accurately reflected in it.</p>
CE2	<p>The Focussed Changes version of the LDP fails test of soundness CE2 because allocation SP16 (iii) (Duffryn Link) is not realistic. It cannot be delivered in the event that any of the preferred options of the Welsh Government's "M4 Corridor Around Newport" Plan, September 2012 are selected by the Minister.</p> <p>Furthermore, the Focussed Changes version of the LDP fails test of soundness CE2 because allocation SP16 (iii) (Duffryn Link) is not appropriate, in that in the event that any of the preferred options of the Welsh Government's "M4 Corridor Around Newport" Plan, September 2012 are selected by the Minister, that removes the need for the Duffryn Link. This is because the express purpose of an M4 Relief Road, as acknowledged by the Focussed Changes version of the LDP, is to provide relief for the M4. Thus the need for the Duffryn Link ceases to exist, because relief for the M4 will be provided by the M4 Relief Road.</p>
CE3	<p>The Focussed Changes version of the LDP fails test of soundness CE3 because there is no clear mechanism for implementation. Notwithstanding the above points relating to need, it would be a very significant engineering challenge to construct a new major highway directly above or in very close proximity to a motorway. Furthermore, the relative timings of the two developments mean that, even were these engineering problems to be surmounted, the Duffryn Link could not be commenced for several years at the earliest, and probably not before a very much longer period, depending upon the time taken to obtain all of the necessary consents, and the construction method, timetable and phasing of an M4 Relief Road.</p>
CE4	<p>The Focussed Changes version of the LDP fails test of soundness CE4 because it is not reasonably flexible in respect of the Duffryn Link. Whilst the local planning authority may attempt to construct an argument to the effect that allocation SP16 (iii) should remain as an allocation in the Focussed Changes version of the LDP on the grounds that should an M4 Relief road ultimately not manifest itself, then allocation SP16 (iii) would nevertheless be in place, to provide the relief which was not delivered by it. However, this shows a lack of flexibility, in that we consider that in a future review of the plan, a Duffryn Link could be reintroduced.</p> <p>It is a key characteristic of the local development plan formulation process that it includes a stronger provision to review or partially review the plan than was the case in respect of unitary development plans. The local planning authority, in failing to delete SP16 (iii), has failed to take account of this, and the focussed changes version of the LDP is thus not reasonably flexible.</p>

Conclusion: Should the Inspector accept the focussed changes in respect of EM1(i) Duffryn, then the RSPB **withdraws** its objection to the proposed allocation as set out in the Revised Deposit Draft version of the LDP, as amended by the Focussed Changes version, and would therefore not wish to appear at the Public Examination. In this eventuality, the RSPB also **withdraws** from appearing at the Public Examination in respect of EM1(i) Duffryn, and withdraws from appearing at the Public Examination in respect of EM1 (v) (Gwent Europark) and CF13 (vii) (School South of Percoed Reen), and is willing for our written representations made thus far in the process in respect of these two latter sites to stand.

If you require any further information in relation to this matter, please do not hesitate to contact me. I would be grateful if you could keep me informed of developments with respect to the LDP.

Yours faithfully,

Mike Webb BSc. MSc. MRTPI

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