

**Adroddiad i Gyngor Dinas  
Casnewydd**

**Report to Newport City  
Council**

**gan Alwyn B Nixon BSc(Hons) MRTPI**  
Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 11/12/2014

**by Alwyn B Nixon BSc(Hons) MRTPI**  
an Inspector appointed by the Welsh Ministers  
Date: 11/12/2014

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 64

**REPORT ON THE EXAMINATION INTO THE  
NEWPORT LOCAL DEVELOPMENT PLAN  
2011-2026**

Plan submitted for examination on 20 December 2013

Examination hearings held between 1 April and 15 May and on 29 September and 13 October 2014

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## **ABBREVIATIONS USED IN THIS REPORT**

AA	Appropriate Assessment
AHVS	Affordable Housing Viability Study
CIS	Community Involvement Scheme
DA	Delivery Agreement
DAT	Development Appraisal Toolkit
EEA	Eastern Expansion Area
FC	Focussed Change
FCA	Flood Consequences Assessment
IC	Inspector Change
ICOMOS	International Commission on Monuments and Sites
LDP	Local Development Plan
MAC	Matters Arising Change
NRW	Natural Resources Wales
Para.	Paragraph
PPW	Planning Policy Wales
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SLA	Special Landscape Area
SINC	Site of Importance for Nature Conservation
SSSI	Site of Special Scientific Interest
SPG	Supplementary Planning Guidance
TAN	Technical Advice Note
UDP	Unitary Development Plan
WG	Welsh Government
WSP	Wales Spatial Plan

## Summary

An independent examination into the soundness of the Newport Local Development Plan 2011-2026 ("the Plan") has been carried out in accordance with the relevant regulatory requirements. This report concludes that, subject to the recommended changes set out in Appendices A and B, the Plan provides an appropriate basis for the planning of the area to 2026. The Council has sufficient evidence to support the strategy and has shown that it has a realistic prospect of being delivered.

A number of changes are needed to meet legal and statutory requirements and to ensure that the Plan is sound. These do not alter the thrust of the Council’s overall strategy and do not undermine the Sustainability Appraisal (SA) carried out by the Council. The main changes can be summarised as:

- Remove housing sites unable to be relied on because of flood risk or other delivery constraints and identification of additional housing sites in their place, so as to provide greater certainty that the anticipated housing requirement over the plan period can be delivered.
- Adjust the affordable housing contribution levels sought in association with housing development proposals, so as to reflect local housing market area evidence concerning housing development viability.
- Focus more tightly the employment policies of the Plan and associated employment land allocations, in order to provide better alignment with the evidence concerning employment land needs and ensure that allocations adequately recognise environmental constraints and can be delivered.
- Delete allocations at Celtic Way, Coedkernew as a site for gypsy and traveller transit accommodation and at former Ringland allotments as a contingency site for gypsy and traveller transit or residential accommodation.
- Delete policy R7, include Newport Retail Park District Centre within an amended policy R6 (Retail Proposals in District Centres) and amend the district centre boundary to reflect the existing extent of the retail park.
- Delete the proposed Green Belt extension northwards to the M4 and replace with green wedge designation.
- Amend green wedge boundaries north-west of Bettws and between Rogerstone and Risca (policy SP7).
- Delete special landscape area designation SP8 vii) Tredegar Park.
- Delete detailed policy CE1 Development in the Green Belt and Green Wedges.
- Change references to new rail stations and completion of Duffryn southern relief route from ‘plan proposals’ to ‘safeguarded matters’.
- Add category 2 mineral resource areas to minerals safeguarding areas on Proposals Map.
- Separate policy CE11 Renewable Energy to distinguish between smaller and larger-scale renewable energy proposals and revise to provide clearer spatial emphasis and development management criteria.
- Provide clearer monitoring indicators, with tighter focus on delivery of key

elements of the Plan, particularly in relation to housing delivery and alignment of this with economic growth.

Almost all of the recommended changes have been put forward by the Council in response to matters discussed during the examination. With the recommended changes the Plan satisfies the requirements of section 64(5) of the 2004 Act and meets the tests of soundness in LDP Wales.

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## 1 Introduction

- 1.1 Under the terms of Section 64(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a Local Development Plan (LDP) is to determine:
- (a) whether it satisfies the requirements of sections 62 and 63 of the Act and of regulations under section 77 and
  - (b) whether it is sound.
- 1.2 This report contains the assessment of the Newport Local Development Plan 2011-2026 (from here referred to as “the LDP” or “the Plan”) in terms of the above matters, along with recommendations and the reasons for them, as required by section 64(7) of the Act.
- 1.3 The submitted LDP has been prepared pursuant to the Act and Regulations. I have considered it against the tests of soundness set out in paragraph 4.35 of *Local Development Plans (LDP) Wales, 2005*. Alongside the procedural tests, these go to matters of consistency and of coherence and effectiveness. The starting point for the examination is that the local planning authority has submitted what it considers to be a sound plan, together with the evidence base that supports its position.
- 1.4 As the examination’s purpose is to determine whether the Plan is sound I recommend changes in this report only where there is a clear need to amend the Plan in the light of the legal requirements and/or the tests of soundness. These binding changes are numbered in **bold type** and are set out in Appendices A and B to this report. I am satisfied that these changes are in line with the substance and strategy of the overall Plan and its policies and do not alter its objectives. Appropriate steps have been taken during the examination to confirm and ensure that any changes do not undermine the Plan’s SA or participatory processes undertaken.
- 1.5 All duly made representations and matters raised at the examination hearings have been considered. Given the focus of the examination on soundness, my report does not generally refer specifically to the individual representations made in each case. Matters raised by individual representations are referred to only where it is considered that they raise substantive issues concerning the Plan’s soundness. Plan changes sought by any representor are the subject of a recommended change only where I have found, on the basis of the evidence, that such a change is required to make the Plan sound.

1.6 A number of representors have proposed alternative sites to those allocated in the Plan, most notably for housing development. What is required of the Council is that it produces a strategy, policies and allocations that are sound. There are likely to be a number of ways that the Council could meet the needs of its community, each of which may be valid. Some may consider that the allocations in the Plan do not present the best solution, but my remit is only to recommend changes where required to make the Plan sound. It is not my remit to seek to make a sound plan better. My conclusions as to the submitted Plan’s soundness and the changes proposed by the Council in response to matters arising have thus guided how far I have needed to consider in detail other candidate sites for allocation. For this reason no specific reference is made to the majority of proposed alternative sites in this report.

*Changes arising during the course of the examination*

1.7 At the Pre-Hearing Meeting the Council confirmed that prior to submission it had considered the various consultation responses and decided that a limited number of discrete changes were necessary in the interests of Plan soundness<sup>1</sup>. These proposed changes were submitted for consideration alongside the submitted Plan. I have considered these changes within the examination process.

1.8 The Council also explained at the Pre-Hearing Meeting that it had emerged that a small number of allocations and other annotations shown on the Proposals Map were in fact compromised by the current safeguarding corridor for a possible M4 relief route to the south of Newport. Changes to the submitted Plan were required to remedy this. The Council advertised these as Focussed Changes during the examination and has verified that they do not undermine the Sustainability Appraisal (SA) of the Plan. I have taken account of the responses received in reaching my conclusions as to the Plan’s soundness and the appropriateness of these changes.

1.9 The Council has prepared a range of Matters Arising Changes (MACs) following the discussions at the hearing sessions. These MACs were publicised on the examination website once formulated by the Council, advertised to provide opportunity for comment and the responses taken into account in arriving at my final recommendations. At the same time the Council reassessed the SA of the Plan in the light of the changes.

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<sup>1</sup> Submission document SD6

- 1.10 Almost all of the MACs put forward by the Council are needed as the Plan would be unsound without them. However, in a small minority of cases MACs have been put forward which, although providing helpful additional clarity and precision, are not strictly required to make the Plan sound. Accordingly these are not the subject of a binding recommendation, although I understand the Council’s wish to incorporate them. The MACs numbered in **bold type** in Appendix A are the changes put forward that are required to make the Plan sound. These are all addressed in this report, where the relevant MAC number is similarly identified in bold type. Changes advanced by the Council which are not required in order to make the Plan sound are only mentioned in the report where relevant to my conclusions and recommendations.
- 1.11 Appendix B sets out the additional changes **IC 1 – IC 4** not proposed by the Council, but which I have concluded on the evidence are also needed to make the Plan sound.
- 1.12 The Council has also identified some outstanding typographical or factual errors in the submitted Plan that it wishes to correct. I authorise any final editorial changes of this nature, together with any other presentational matters and consequential changes flowing from agreed MACs and the recommended ICs such as altered policy cross-references, site area or numerical changes and paragraph numberings.
- 1.13 Documents referred to in this report are contained within the Examination Library: <http://www.newport.gov.uk/en/Planning-Housing/Planning/LDP-examination.aspx>.

## **2 Procedural Tests**

- 2.1 The LDP has been prepared in accordance with the Delivery Agreement and the Community Involvement Scheme.
- 2.2 The Plan thus complies with the requirements of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 in this respect, including in relation to consultation, advertisement and the publication and availability of prescribed documents.
- 2.3 The Plan has been subject to SA including Strategic Environmental Assessment (SEA)<sup>2</sup>. Further changes put forward by the Council as part of the examination process have likewise been tested where

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<sup>2</sup> Submission documents SD34-36

necessary for any impacts they have upon the SA and SEA<sup>3</sup>. I am satisfied that the SA/SEA process undertaken is robust and satisfies procedural and legal requirements.

- 2.4 In accordance with the Habitats Directive<sup>4</sup> a Habitats Regulations Assessment (HRA) of the Plan has been undertaken, and reviewed as necessary in the light of changes put forward during the examination<sup>5</sup>. I am satisfied that the results of the HRA Screening demonstrate that an Appropriate Assessment is not required. It can therefore be concluded that no significant effects upon the integrity of the European sites<sup>6</sup> within the plan area or in adjacent areas are likely to occur (either alone or in combination with other plans or projects) as a result of implementing the Plan.
- 2.5 Accordingly, procedural tests P1 and P2 have been satisfied and the relevant legal requirements complied with.

### **3 The Strategy**

#### *Vision, objectives and principles of the development strategy*

- 3.1 The Plan’s vision seeks to capitalise on Newport’s strategic gateway position and to make the city a centre of regeneration, creating a focus for varied economic growth that strengthens its contribution to the region whilst celebrating its culture and heritage. Although the vision does not specifically highlight a commitment to sustaining and enhancing the natural heritage and environment of the area, this is identified amongst the key issues and objectives and reflected in the Plan’s detailed policies; lack of reference to them in the vision itself does not make the Plan unsound. The key issues needing to be addressed if the vision is to be realised include reversal of recent economic decline through diversification of the local economy; regenerating a large number of redundant sites; improving the image of the city centre; dealing with flood risk; providing affordable housing; and protecting the area’s heritage.
- 3.2 Regeneration/renewal, sustainability and economic growth aligned with housing provision are cornerstones of the LDP strategy. The Plan lists 10 objectives which the strategy seeks to deliver. The first two objectives concern locating development as sustainably as

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<sup>3</sup> Examination document ED028.3

<sup>4</sup> European Union Habitats Directive (92/43/EEC)

<sup>5</sup> Submission document SD37; ED028.2

<sup>6</sup> As defined in PPW Edition 7, paragraph 2.4.6

possible and ensuring that development has regard to climate change issues. In this the Plan reflects the commitment to sustainable development underlying national planning policy in Wales. Other Plan objectives include economic growth and housing provision; conservation of the built and natural environment; provision of community facilities and infrastructure, social and physical inclusion, health and well-being; and effective management of waste. The Plan objectives also align with the priorities of the Council’s Single Integrated Plan<sup>7</sup>.

3.3 The growth focus of the Plan reflects Newport’s identified role as a key settlement of national importance in the Wales Spatial Plan. As part of the South-East Wales – Capital Region, Newport is identified as the economic gateway to Wales, sitting astride the main corridors of national connectivity running along the coastal belt. The Plan strategy recognises Newport’s role as part of a networked City region, operating as a sustainable community whose regeneration will spread prosperity to the nearby Eastern Valleys. It thus reflects national spatial planning policies and priorities. In setting the Plan’s direction the Council has worked in partnership with other South East Wales Authorities in order to ensure consistency with regional approaches to a range of matters including housing, transport, minerals and waste.

3.4 The Plan sets out a wide range of policies and proposals covering many different aspects of development management. Detailed provisions are considered in subsequent sections of this report. In summary, the Plan strategy aims to:

- make provision for the delivery of 10,350 new dwellings in sustainable locations, aligned with a forecast of around 7,400 new jobs created in Newport over the Plan period;
- maximise affordable housing provision within overall housing delivery;
- ensure that adequate and appropriate employment land exists to accommodate forecast employment requirements;
- maintain a focus on regeneration of sustainably located brownfield sites;
- support and strengthen the role of the city centre;
- ensure that development is resilient in terms of climate change and does not compromise natural resources.

### *Spatial Pattern of Development*

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<sup>7</sup> Doc SD52 Newport Single Integrated Plan 2013

- 3.5 The Plan’s regeneration focus and the resulting spatial distribution of development sites stems from the decline of traditional industrial activity in and around Newport, which has given rise to large areas of redundant land especially within the older urban area and at the former “heavy end” of the Llanwern steelworks site east of the city. The amount of development in the central area of Newport is a reflection of the on-going regeneration of the city centre, guided by the Newport Unlimited Central Area Master Plan (2011). The decline of traditional industries located in the surrounding urban area has resulted in a number of large sites in need of renewal; the Plan rightly maintains a focus on regenerating these sites and securing their beneficial re-use, including for new housing provision in locations with good accessibility to facilities and services, jobs and transport links. The closure of the heavy end of Llanwern Steelworks led to the identification of the Eastern Expansion Area (EEA) in the UDP, which is expected to deliver more than 5,000 dwellings when fully built out. The housing areas of Glan Llyn and Llanwern Village, which comprise the bulk of the EEA, are committed housing schemes, now carried forward in the LDP. Most of the other housing sites identified in the Plan are also brownfield sites with planning permission or under construction.
- 3.6 There is broad acceptance of the general development focus of the Plan on urban renewal and re-use of sustainably-located brownfield land. Emphasis on re-using such land in preference to greenfield sites, especially greenfield sites in less accessible locations, is plainly consistent with national planning policies. Whilst some submissions contend that there is an over-reliance on brownfield sites which have historically failed to deliver development, sites identified as questionable have been scrutinised at the examination. Where the balance of evidence indicates that such sites should not be relied on to help deliver the housing requirement, these are deleted and replaced by deliverable sites<sup>8</sup>.
- 3.7 Although arguments have been advanced that the Plan’s spatial distribution of housing sites is too heavily focussed on the eastern side of Newport, the major strategic sites of Glan Llyn and Llanwern Village already have the benefit of planning permission. There will always be an element of uncertainty about future delivery rates on such sites. Nonetheless, the Council’s expectation that these sites can, once fully on-stream, together deliver around 300 units per annum is supported by the expected future annual completion numbers agreed as part of the 2013 Joint Housing Land Availability Study (JHLAS). Taking this together with oral evidence about Glan Llyn at the examination I consider that

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<sup>8</sup> For details of these sites see Section 4 of this report

- the projected number of completions on these sites by the end of the plan period is credible and adequately supported by evidence.
- 3.8 Given that these two sites are relied on to deliver nearly a third of the total number of units over the Plan period, targeted monitoring of housing completions at Glan Llyn and Llanwern Village is necessary, since this will enable possible delivery issues in the EEA to be identified and underlying reasons examined. New indicators OB4 MT4 and OB4 MT5 in the monitoring framework, forming part of **MAC 12.1** and updated by **MAC 12.2** to reflect new evidence, give effect to this. In view of the scale of the EEA proposals and their significance to the Plan as a whole, **MAC 14.2** gives high priority to the intended updating of the 2007 Eastern Expansion Area Supplementary Planning Guidance.
- 3.9 The LDP identifies an appropriate spread of housing sites across the Plan area, including an adequate amount of housing in the north-western sector of the administrative area. Chief amongst the latter is the former Alcan site (Jubilee Park) at Rogerstone, expected to deliver some 930 homes within the Plan period. The overall spatial balance of housing land in the Plan is broadly consistent with the balance of employment land. Given also the urban regeneration focus of the Plan strategy, the Council’s spatial and “brownfield first” approach to housing land identification is justified. I consider that the range and location of sites identified are sufficient to enable a full range of housing types to be provided. Although in many instances this would be as part of the mix on a larger development, there is nothing inherently wrong with this approach.
- 3.10 The focus of locations for new housing development in more accessible locations within the urban area rather than the smaller outlying settlements is consistent with broad principles governing sustainably-located new development. In addition, villages within the Gwent levels are constrained by natural heritage, flood risk and (in some instances) Green Belt/green wedge considerations. Given the proximity of villages within the Newport local authority area to Newport itself I find no overriding need in rural social sustainability terms for making specific housing development allocations within the settlements outside the identified urban area.
- 3.11 The submitted Plan identifies development boundaries for the outlying settlements, thus distinguishing them from the surrounding countryside and offering some potential for the occasional infill development opportunity and for provision of community facilities, or affordable housing where need might be identified (subject to detailed policies within the Plan, including consideration of flood risk). However, some of these settlements are very small and moreover either lack local facilities or are in

areas of high environmental constraint. Identifying development boundaries for such settlements does not sit comfortably with the underlying aims of the Plan seeking sustainably located new development.

- 3.12 During the examination the Council undertook further analysis<sup>9</sup> of the characteristics of these settlements, having regard to their scale and form, facilities present and environmental constraints. Following this analysis, **MAC 15.2** removes the settlement boundaries for Penhow, Lower Machen, Nash, Llandevaud, Goldcliff, Peterstone Wentlooge and Redwick. Development proposals in these small settlements will be assessed in the light of LDP and national planning policies concerning development in the countryside and other material considerations.
- 3.13 **MAC 15.2** also proposes minor settlement boundary changes at Christchurch, Marshfield and St Bride’s Wentlooge, in the interests of a coherent and consistent approach to village boundary delineation. These changes correct initial drafting errors.
- 3.14 I have considered representations made in respect of the detailed alignment of settlement boundaries in various other locations. Settlements such as Bishton have elements of peripheral development which some contend should also be included within the boundary in the Plan. However, I do not consider that the boundaries defined by the Council are irrational or inconsistent with the development objectives of the Plan. In other instances arguments for inclusion of land have been made concerning matters such as previous domestic use and assertions of suitability for housing development. Again, however, I find no overriding irrationality or inconsistency as regards the Plan’s stance in relation to these sites. Consequently, I do not consider that changes to the Plan in respect of these matters are needed in order to make it sound.

### *Economic growth*

- 3.15 The Plan strategy seeks to cater for a level of future employment growth, as identified by Experian Business Strategies Limited (Experian) using forecast changes to employment levels across different economic sectors. Experian provide a well-regarded and widely used forecasting service. I recognise that employment and economic forecasts tend to be more reliable at regional and national rather than local economy level. However, they can indicate the broad scale and direction of growth in different economic sectors over the longer term.

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<sup>9</sup> Documents ED003.4a, ED003.4b, ED003.4.d.

3.16 The recent period of economic instability makes it particularly difficult to achieve reliable economic forecasts. The cyclical nature of the economy does, however, mean that future growth is likely to emerge during the Plan period, although its timing and amount is uncertain. Experian forecast that about 7,400 new jobs could be created in Newport between 2011 and 2026. I conclude that this forecast represents an appropriate level of economic growth on which to base the Plan’s policies and proposals. Basing the strategy on a lower level of economic growth would risk limiting the potential to realise the economic aspirations of the Plan.

*The level of housing growth*

3.17 Planning Policy Wales (PPW)<sup>10</sup> makes clear that the latest Welsh Government (WG) local authority level household projections should form the starting point for assessing housing requirements in development plans. The WG projections are not policy based and do not make allowances for the effects of local or central government policies such as regeneration or economic growth. It is for the local authority to evidence and justify the level of housing provision set out in the Plan, having regard to PPW paragraphs 9.2.1 and 9.2.2.

3.18 When the Council assessed its housing requirement the latest WG household projection was the 2008-based projection, which converts to a requirement for 7,421 new dwellings in Newport over the period 2011-26<sup>11</sup>. The more recent WG 2011-based household projection (published in February 2014) suggests a higher new dwelling requirement of 8,306<sup>12</sup>. Both of these figures are much lower than the housing requirement of 10,350 identified in the Plan.

3.19 The housing requirement work undertaken for the Council<sup>13</sup> examines the implications of a continuation of the demographic trend indicated by the WG 2008-based projection. It concludes that this scenario would fail to support the Experian employment growth forecasts on which the Plan is based. Such a mismatch would mean that achievement of the desired economic growth would be reliant upon a substantial increase in commuting into Newport, which would not be sustainable and would fundamentally undermine the coherence of the Plan.

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<sup>10</sup> PPW paras 9.2.1 & 9.2.2

<sup>11</sup> See document ED004.2 Table1.1 at para 1.22

<sup>12</sup> Doc ED004.2 Table1.1 at para 1.22

<sup>13</sup> Doc SD55

- 3.20 The housing requirement figure in the Plan of 10,350 new dwellings is derived from the Experian analysis of future employment changes by economic sector, which forecasts around 7,400 new jobs in Newport between 2011 and 2026<sup>14</sup>. Taking account of the assumed levels of future unemployment and commuting, this would require an additional 3,700 people in the local labour force, representing a 10% increase in the number of jobs in Newport over the plan period. This level of growth may or may not prove optimistic; but given the Plan’s economic growth strategy and to ensure that development is delivered sustainably it is important that the housing strategy ensures that sufficient housing can be delivered in line with projected employment growth. For this reason suggestions that the Plan should seek to cater for a lower number of dwellings than would be consistent with its economic strategy are not well-founded.
- 3.21 It has been argued by some that the number of dwellings the Plan seeks to deliver should be even higher, on the basis that the UDP did not deliver as many houses as intended and that this shortfall (around 500 units) should be added to the identified LDP housing requirement. However, the UDP estimated housing requirement was based on earlier data and different assumptions, and so does not provide a direct read-through to the present LDP exercise. Moreover, the identified LDP housing requirement not only seeks to reflect demographic and household formation expectations over the plan period, but also provides for additional housing consistent with the extra employment supply needed to service the economic growth desired. I consider that this additional housing provision within the Plan is more than sufficient to compensate for the residual shortfall at the end date of the UDP.
- 3.22 During the examination further work was carried out to assess the implications of the WG 2011-based household projections on the identified housing requirement<sup>15</sup>. The work undertaken reaffirms that the Plan’s identified housing requirement should be based on the Experian Economic Forecast scenario, in order to align housing provision with the economic growth objective of the Plan. Although the revised economic-led scenario indicates a slightly lower dwelling change of 10,020 I agree that no change should be made to the identified Plan housing requirement, in light of the unusually difficult economic period which shaped the 2011-based household projections.
- 3.23 I conclude that the identified housing requirement of 10,350 units for the plan period is based on robust and credible analysis which

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<sup>14</sup> Doc SD55 pp22-26

<sup>15</sup> Doc ED004.2a

evidences and justifies the approach taken. The identified dwelling requirement aligns with the growth strategy for Newport, maximising economic opportunities and assisting affordable housing and infrastructure provision.

### *Physical and Social Infrastructure*

- 3.24 The Plan includes policies and proposals designed to ensure that the physical and social infrastructure necessary to serve and complement Newport’s evolution over the plan period is accommodated and delivered in conjunction with other development. Principal objectives of the Plan in this sphere relate to continued development of an efficient primary road network that relates well to the main focal points of development and activity, and fostering sustainable patterns of development and modes of travel that reduce dependence on the private car and make use of good public and green transport links.
- 3.25 Strategic policy SP13 *Planning Obligations* is intended to set out how development schemes will contribute through this mechanism to the infrastructure needed to support it. **MAC 2.13** removes confusing references to the Community Infrastructure Levy (CIL) from the text of the policy itself, and rewords the supporting text to explain the relationship between infrastructure provision or contributions via planning obligations and CIL charging more clearly. It also provides a clearer steer on the Plan’s infrastructure funding priorities, although detailed priorities may vary in each case according to specific circumstances in a given area.
- 3.26 Policy CF13 *School Sites* specifies additional school facilities identified by Education Services as needed over the plan period. **MAC 9.3** and **MAC 15.18** remove references to Duffryn High and Duffryn Juniors and Infants Schools from policy CF13 and the Proposals Map, as expansion of these schools is not considered necessary to support the growth from the housing sites identified in the Plan. The school site to the south of Percoed Lane, Duffryn is also removed, as the Council confirmed during the examination that the school is now not expected to be required within the Plan period. The Proposals Map is also amended to show the remaining school site proposals more clearly. The supporting text to policy CF13 is also amended to make its operation clearer.
- 3.27 Strategic policy SP16 *Major Road Schemes* identifies the principal highway network improvements anticipated during the plan period. I accept the broad rationale for the identified schemes. The north-south Llanwern link is plainly integral to the overall development of the EEA, and will be provided via a section 106 obligation. The Duffryn link scheme would complete the primary distributor network in this part of Newport, serving major employment areas

and providing relief for the M4, including junction 28. Although funding and delivery of the unconstructed part of the link road is not clearly programmed at present, and moreover is bound up with the future progression of development in the area, it is appropriate to safeguard the line of the scheme via policy SP16.

- 3.28 **MAC 2.16** updates and amends policy SP16 to remove reference to safeguarding for schemes which have already been completed or which do not require land outside the existing highway to be safeguarded for this purpose. **MAC 15.8** removes these schemes from the Proposals Map. **MAC 2.18** ensures that the implications of SSSI designations and the presence of otter<sup>16</sup> habitat for the Duffryn link road scheme between Maesglas and Coedkernew are properly highlighted.
- 3.29 The Plan seeks to promote integrated transport solutions, in line with its key objectives. Strategic policy SP15 *Integrated Transport* is intended to reflect this. **MAC 2.14** and **MAC 2.15** amend SP15 and supporting text to reflect the position following the abolition of the Regional Transport Plan arrangements. The future provision of new railway stations and associated park and ride facilities are bound up with national infrastructure priorities and funding issues and there is no certainty about these matters at this time. **MAC 2.11**, **MAC 7.1** and **MAC 7.2** amend strategic policy SP11 *Eastern Expansion Area*, policy T1 *Railways* and related text in the Plan to reflect the fact that powers to deliver railway infrastructure rest with the Welsh Government; **MAC 15.14** removes these projects from the Proposals Map.

### *Conclusion*

- 3.30 The plan strategy flows logically from the identified plan vision, key issues and objectives. It has regard to Newport’s regional context, reflecting the city’s wider role within south east Wales. The growth aspirations of the Plan, whilst optimistic, are founded on a robust evidence base which identifies an overall level of housing provision aligned with potential employment growth over the plan period. The Plan also takes account of attendant infrastructure requirements. The spatial strategy reflects clear principles of strengthening the city centre, making appropriate use of land in the most sustainable locations, and utilising previously developed land in preference to greenfield land where this is suitably located. The resulting broad pattern of development allocations is acceptable. Overall, I conclude that the evidence demonstrates that the plan strategy is founded on sound principles.

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<sup>16</sup> A European protected species.

## Recommendation

- 3.31 That in order to make the Plan sound the following changes are required:

**MAC 2.11; MAC 2.13; MAC 2.14; MAC 2.15; MAC 2.16; MAC 2.18; MAC 7.1; MAC 7.2; MAC 9.3; MAC 12.1; MAC 12.2; MAC 14.2; MAC 15.2; MAC 15.8; MAC 15.14; MAC 15.18.**

## 4 Housing Delivery and Identified Sites

### *Total provision and flexibility margin*

- 4.1 Strategic policy SP10 *House Building Requirement* states that the Plan provides for a total of 11,622<sup>17</sup> units, in order to deliver the identified housing requirement of 10,350 units over the Plan period. **MAC 2.9** amends the overall and affordable housing provision figures in policy SP10, in line with changes to housing figures arising during the examination.
- 4.2 The total housing provision figure builds in a flexibility margin or contingency of 12% over the requirement identified by the strategy. The Council stated in the hearing sessions that its selection of a 12% flexibility level stems from a 6% shortfall in delivery of the UDP housing requirement. Whilst others point out that the UDP shortfall was actually 7.3%, there is in any event no clear basis for the Council’s read-across from the UDP shortfall to its selected flexibility level for the LDP. Nonetheless, given the degree of scrutiny of the deliverability of the identified sites, the proportion of sites already with planning permission or with development underway and the likelihood of other sites becoming available over the Plan period as part of the dynamic of change within an urban area, I consider that 12% is a sufficient margin of flexibility for the Plan to rely on. Such a figure is comparable to that used in most other LDPs to date.

### *Windfall allowance and small sites estimate*

- 4.3 During the examination the Council has undertaken further analysis of windfall completion rates, based on the period April

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<sup>17</sup> Amended to 11,623 units as a result of changes to housing supply calculations and allocated sites during the examination

2006 to April 2011 and focussing on sites of less than 50 units<sup>18</sup>. The Council has excluded sites of more than 50 units from its review of windfall completions in past years on the basis that these larger sites are less predictable as part of the expected turnover within the urban area.

- 4.4 Completions on windfall sites of less than 50 units over the period 2006-11 averaged 93.4 units per annum. The three middle ranking years in that period averaged 97 units. The average windfall completion rate for 2008-13 (the most recent 5 years for which figures are available) is only 69 units per annum (three middle years average 71 units). Whilst this is lower than the 95 units per annum now proposed by the Council, the 2008-13 period includes 3 consecutive years of low figures from 2010 to 2012 which coincide with the recent economic recession. The most recent figure for 2013 shows an upswing to 110 units.
- 4.5 These figures point to an underlying regular supply of sites in the range 10-50 units contributing around 90 units per annum. Although the changes proposed during the examination to the list of identified housing sites introduce 9 new sites, all but 25 of the units so added relate to sites of more than 50 units. These changes therefore do not materially undermine the flow of units that the Council calculates can be expected from the smaller windfall sites. The Council’s confidence that windfalls averaging at least 95 units per annum can be relied upon through the remaining years of the Plan is reinforced by knowledge that the Welsh Government Vibrant and Viable Places project will deliver approximately 125 units in addition to identified policy H1 sites over the next 3 years, and evidence of some identified sites delivering more units than anticipated in policy H1 as a result of scheme revisions<sup>19</sup>. In addition, whilst the timing of windfall sites of more than 50 units is unpredictable, some such sites are likely to continue to emerge periodically over the remaining years of the Plan. Taking all of these matters together, I conclude that an average of 95 windfalls per annum from 2013 onwards is robust.
- 4.6 The small sites average completions estimate of 41 units per annum is based on the most recent 5 year period for which figures are available. I consider that this represents an appropriate basis on which to estimate the annual contribution to housing delivery made by small sites over the remaining years of the Plan.

### *Identified sites*

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<sup>18</sup> Doc ED004.10a

<sup>19</sup> Doc ED031.1

- 4.7 The housing supply table at paragraph 5.2 of the Plan provides a breakdown of the total provision of 11,623 units; policy H1 *Housing Sites* tabulates each of the identified sites contributing towards this total. The format of these tables is overcomplicated and somewhat confusing, and scrutiny of them at the examination revealed some errors and anomalies. Moreover, the position has changed significantly since the tables were drawn up, with new sites gaining planning permission, changes to numbers of dwellings to be delivered on some sites and updated evidence concerning the build trajectory for some sites, notably H47 Glan Llyn<sup>20</sup>. To rectify these matters the Council has put forward **MAC 5.1**, amending policy H1 and the preceding housing supply table to provide clearer, more accurate information on how the total provision is made up and the contribution from individual identified sites.
- 4.8 The majority of the sites included in the housing sites table are committed sites, with planning permission in place or construction underway. A further 8 sites are listed as awaiting completion of section 106 obligations before planning permission will be granted. In response to assertions that these sites should not be relied on because of doubts as to their deliverability the Council has provided further information as to the current position<sup>21</sup>. On four of the sites a completed section 106 obligation is now in place; on the remainder I am satisfied that the Council has a sound basis for including them as sites likely to be delivered within the Plan period.
- 4.9 Doubts were expressed by some representors as to the likelihood of site H1 Adj. McReadys, Ponthir Road being developed, on the basis that it is commercially unattractive due to the overhead lines bisecting the site. However, the site has planning permission and is agreed in the 2013 JHLAS as part of the five year housing land supply. Moreover, the Council states that some preparatory pre-construction works have recently been carried out. On this basis I consider that the inclusion of the site as part of the housing provision identified by policy H1 is soundly based. Although the dwellings permitted at site H56 Opposite Belmont Lodge are evidently subject to a time-related occupancy restriction connected with the Celtic Manor Resort, they will nonetheless be capable of occupation as sole residences and are included in the 2013 JHLAS.
- 4.10 The Council has explained<sup>22</sup> the basis on which the handful of sites without an extant planning permission or a resolution to grant permission upon completion of a planning obligation are also listed as housing sites in policy H1. Subject to my findings set out below

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<sup>20</sup> Document ED004.2

<sup>21</sup> Document ED004.10a

<sup>22</sup> Docs ED004.2; ED004.10a; ED027.7c; ED031.1

in relation to sites H28, H35, H50 and H55, the inclusion of these sites and the estimated number of units they can be expected to deliver is supported by cogent evidence.

- 4.11 Sites identified in policy H1 have been assessed in relation to flood risk. During the examination sites within zone C were scrutinised in the light of TAN 15: Development and Flood Risk and the tests applying in relation to highly vulnerable development. There are one or two sites which, whilst involving land within flood risk zone C2, have the benefit of an extant planning permission which the Council anticipates will be implemented before the permission expiry date. For this reason it is appropriate to include these sites as part of the current known housing supply. However, it is important that the Plan does not affirm these sites as allocations on an on-going basis throughout the Plan period. Should the existing permissions not be taken up any fresh application would need to be reassessed in the light of up-to-date policy and guidance concerning highly vulnerable development and flood risk.
- 4.12 I therefore recommend that additional text be included in the explanatory text to policy H1 and the policy’s table of sites, clarifying that these sites are not allocations within the Plan but merely reflect existing extant planning permissions expected to be implemented; and that their inclusion in policy H1 does not signify favourable consideration of future residential applications on the site (**IC 1**).
- 4.13 Planning permission has now lapsed on H28 Church Street (16 units). Since the site lies within flood risk zone C2 on the current Development Advice Map, where highly vulnerable development should not be permitted, the site should not be identified as a housing site and is therefore removed from policy H1.
- 4.14 The extant permission relating to site H12 Former Tredegar Park Golf Course is subject to a limitation of 150 units. Given the site’s location within zone C2 on the current Development Advice Map and the present limitation on numbers, the indicated capacity for site H12 in policy H1 is consistent with the currently-established position. No change is required to make the Plan sound in this respect.
- 4.15 However, **MAC 15.15** is a necessary change to the Proposals Map in this location, providing a more accurate delineation of the agreed walking and cycle route subject to policy T5 *Walking and Cycling* relative to housing site H12.
- 4.16 A number of housing sites lie within flood risk zone C1. This is unsurprising given Newport’s tidal riverside situation and the large amount of available brownfield land within the built up area. The

focus of the Plan on Newport’s regeneration and re-invigoration, coupled with the emphasis on re-use of sustainably located brownfield sites, constitutes a clear justification for utilising such land, subject to satisfactory flooding consequences assessment in each case. Many of these sites already have planning permission and have been subject to a flooding consequences assessment.

- 4.17 In the case of H15 Victoria Wharf (130 units) the previous planning permission for 229 apartments on the site has lapsed. Scenario 3 of the 2014 strategic flooding consequences assessment predicts a maximum flood depth of 1.1m. However, on the basis of a similar development form to that previously permitted both here and on the adjoining site (apartments over ground level undercroft parking) the issue of raising site levels would be avoided. The report notes that with adequate warning the evacuation route is achievable. The site is the final parcel of a wider regeneration area. On the basis of the evidence I conclude that the site should remain as part of the housing supply identified in policy H1.
- 4.18 The flooding consequences modelling work undertaken by the Council in liaison with NRW<sup>23</sup> for site H50 Herbert Road and Enterprise House (62 units) casts significant doubt upon the ability of a scheme on this site to satisfy the requirements in TAN 15 concerning impact on flood risk elsewhere. The site therefore should not be relied on to help deliver the Plan’s identified housing requirement.
- 4.19 As regards housing delivery issues on other identified sites, H35 East Usk Yard (100 units) cannot be relied on to deliver housing within the plan period, owing to the length of time it is likely to be required by Network Rail for storage use in connection with the Valleys electrification project and the likely timescale for delivering any subsequent housing scheme. Following further assessment of SINC constraints affecting H55 Woodland (now Jigsaw) Site, Hartridge, the Council has reduced its stated capacity from 300 to 200 units, in order to provide consistency with plan policies seeking to ensure that the ecological value of areas subject to a SINC designation is maintained.
- 4.20 Removal of sites H28, H35 and H50 from policy H1 together with the reduction of units on H55 results in a shortfall of 278 units relative to the submitted Plan provision of 11,622 units. The Council has identified 4 new housing proposal sites during the examination (H61 Former Postal Exchange, Mill Street (70 units); H62 Former Queens Hill School (92 units); H63 Telford Depot (60 units); H64 Uskside Paint Mills (53 units), which together make

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<sup>23</sup> Document ED016.4a

provision for 275 units. The additional sites have been subject to SA to confirm that they do not undermine the original SA of the Plan and have been the subject of public consultation.

- 4.21 The sites are all brownfield sites sustainably located within the urban area. The Council has put forward robust evidence<sup>24</sup> demonstrating the availability of the sites within the plan period, their suitability for housing and their capacity to yield at least the numbers of units indicated. There are no evident significant obstacles to development; 3 of the sites are expected to be available within the early and middle phases of the Plan. The inclusion of these sites within policy H1 is consistent with the brownfield first and urban regeneration emphasis of the Plan and with guidance in PPW concerning preference for re-use of appropriately located brownfield sites over greenfield.
- 4.22 Reflecting the above, **MAC 5.1** and **MAC 15.12** give effect to these changes to the schedule of housing sites in policy H1 and on the Proposals Map.

#### *Rate of delivery*

- 4.23 The Plan’s aim of enabling 10,350 dwellings to be delivered over the plan period is based on aligning housing provision with the implications of the Experian jobs growth forecast over the same period. During the examination the Council undertook additional work in order to demonstrate that the sites identified in policy H1, together with anticipated completions on small sites and windfall sites can justifiably be expected to deliver at a rate commensurate with the economic growth forecast. It is reasonable to include allowances for windfalls and small site completions within these delivery calculations, since annual overall dwelling completion rates will include completions from such sources in practice.
- 4.24 The Council’s finalised anticipated housing delivery trajectory is set out in the Plan’s monitoring target OB4 MT3 as amended by **MAC 12.2**. The delivery rates are based on the economic/growth forecasts which underpin the plan strategy, but also factor in expected delivery rates based on the 2013 JHLAS and what is known about developer intentions. They also reflect the low level of dwelling completions in the first 2 years of the Plan, due in part to the economic slowdown. Consequently, the housing delivery trajectory in the Plan does not follow a uniform rate of 690 completions per annum. Instead, it builds from an initial low level of around 360 units annually to a peak of 963 units in 2018-19 before gradually falling to below 500 units in the Plan’s final year.

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<sup>24</sup> Docs ED027.7c; ED031.1

- 4.25 Such forecasting cannot be an exact science. Moreover, individual sites contributing to the overall rate of housing delivery will inevitably in some cases deviate from anticipated rates of progress according to particular circumstances and the strength of the market. However, the housing delivery trajectory reflects available evidence concerning housing supply. It runs consistently ahead of the equivalent employment growth-based housing forecast. The Council has produced evidence<sup>25</sup>, based on the 2013 JHLAS and projected build trajectories for identified sites, demonstrating that a five year housing land supply would be maintained through the plan’s lifetime. I consider that it is reasonable to include in this exercise assumed on-going windfall completions at 95 units per annum. Overall, the trajectory put forward by the Council provides a robust indication of the Plan’s ability to deliver housing through the Plan period in line with anticipated needs based on the economic and employment growth forecast adopted.
- 4.26 There was considerable discussion at the examination of the Plan’s expectations in relation to the roll-out of housing within the Eastern Expansion Area (EEA), particularly in respect of the key strategic sites of H47 Glan Llyn and H3 Llanwern Village. The various references to the location and extent of the EEA in policy SP11 *Eastern Expansion Area* are confusing and inconsistent. **MAC 2.10** amends the policy wording and supporting text to remedy this.
- 4.27 Glan Llyn (4,000 dwelling units in total, 2,262 over the plan period) is now gaining momentum, broadly in line with the delivery trajectory in monitoring indicator OB4 MT5<sup>26</sup>. Although some representors consider that the site has been slow to move since outline permission was granted, others point out that the preliminary work needed on a brownfield redevelopment project of this scale has been considerable. The agreed sites schedule in the 2013 JHLAS anticipates 185 units completed per annum of the Plan from year ending March 2016 onwards; evidence to the examination on behalf of developer St Modwens indicates that this will be achieved via 3 major housebuilders plus an affordable housing provider, and that the delivery rate will accelerate as the new community including local centre facilities takes shape. Based on this evidence I conclude that the Plan’s expectations for housing delivery at Glan Llyn are realistic.
- 4.28 Llanwern Village is identified to deliver 1,100 units over the plan period, at an eventual rate of 120 completions per annum.

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<sup>25</sup> Doc ED031.3

<sup>26</sup> Doc ED031.2a

Evidence to the examination confirms progress towards securing reserved matters approvals following the grant of outline planning permission. It is likely that progress has recently been affected by uncertainty over the possible allocation of the former Ringland Allotments site as a Gypsy/Traveller transit site and consequent concerns about the marketability of this key housing site. Nonetheless, the housing completion trajectory indicated by the Council and the developer, and confirmed in the agreed housing sites schedule in the 2013 JHLAS, still suggests delivery of all 1,100 units within the plan period, even after adjustment to allow for the above.

- 4.29 Some participants in the hearing sessions question whether the EEA can sustain around 350 completions per annum (Glan Llyn, Llanwern Village, sites H19 Land at Hartridge High School and H55 Jigsaw Site, Hartridge, combined). However, the respective developers of Glan Llyn and Llanwern Village are aware of each other’s plans, yet remain confident of the prospects for their sites. Although relatively close to Glan Llyn, Llanwern Village and the Jigsaw site are different in character, situation and appeal, and may thus be attractive to different segments of the market. Given these factors, I do not find it difficult to envisage that around 6 major house builders might be involved in the EEA at the same time, each working on a throughput of around 50 units per annum (the balance made up by affordable housing providers).
- 4.30 The housing provision of 10,350 units is to some extent aspirational, being calculated to align with the aimed-for jobs growth scenario. It significantly exceeds the level of housing provision derived purely from the most recent WG population and household projections. Whether housing delivery within the EEA builds to the annual completion rate envisaged by the Plan will depend on a range of factors, not least whether economic growth is maintained as forecast. Notwithstanding this, however, I conclude that the Plan identifies, through the housing sites now identified in policy H1, sufficient sites to deliver housing in accordance with the trajectory envisaged.

*Other promoted sites*

- 4.31 A range of other sites have been promoted by others for inclusion as identified housing sites in the Plan. Some of these were the subject of discussion at hearing sessions during the examination, in response to requests by representors to be heard in person. However, since I have concluded that the sites put forward by the Council, as amended and supplemented by the matters arising changes, are supported by robust evidence as to their suitability, deliverability and capacity to provide the amount of housing needed, it is not necessary for further housing sites to be

identified. Although some have suggested that a “reserve list” of housing sites should be identified at this stage for contingency purposes, should a review of housing sites become necessary in the future, I do not consider it sensible to do this. Any selection of new sites is best done in the light of known circumstances and in the knowledge of the options actually available at that particular point in time.

### **Recommendation**

4.32 That in order to make the Plan sound the following changes are required:

**MAC 2.9; MAC 2.10; MAC 5.1; MAC 12.2; MAC 15.12; MAC 15.15.**

**Inspector recommended change: IC 1.**

## **5 Affordable Housing Provision**

5.1 National policy in PPW and TAN2 requires the Plan to set a target for providing affordable homes on the basis of a Local Housing Market Assessment (LHMA) taking account of available finance and realistic developer contributions. The affordable housing policies of the LDP are informed by a LHMA, initially undertaken jointly with neighbouring authorities in 2007 and subsequently updated in respect of Newport in 2013<sup>27</sup>. The evidence base identifies a level of need for affordable housing (including known backlog of need) over the plan period of 8,901 units, representing about 86% of the total LDP housing requirement<sup>28</sup>. The Plan seeks to maximise the contribution that overall housing provision will make towards meeting this need through an affordable housing target that, whilst challenging, is realistic.

5.2 The Affordable Housing Viability Study 2012 (AHVS)<sup>29</sup> utilises the Development Appraisal Toolkit (DAT) as outlined in the regional South East Wales Strategic Planning Group guidance on preparing affordable housing viability studies, which has been widely used by other local planning authorities in preparing LDPs.

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<sup>27</sup> Doc SD57

<sup>28</sup> Doc SD60 Affordable Housing Background Paper

<sup>29</sup> Doc SD61

- 5.3 The Plan as submitted sets a target of delivering 2,527 affordable units<sup>30</sup>, based on a uniform requirement (subject to site-specific assessment of development viability) of 30% affordable housing provision on all qualifying sites. However, this site-specific target does not square with the outcome of the analysis in the AHVS for the identified house price sub-market areas, which shows stark differences in the scope for viable affordable housing provision on a notional one hectare site ranging from 40% in Caerleon and Rural Newport, through 30% (Rogerstone and West Newport) to 20% (East Newport) and 10% (Malpas and Bettws). Whilst it is argued that some of the lower viability sub-market areas contain “hotspots” where provision of higher levels of affordable housing might be viable, a 30% target would not be applicable to the majority of applications in these sub-market areas. The AHVS does not provide a robust basis for a policy seeking a uniform 30% level of provision, even allowing for negotiation of a lower level of provision on the basis of individual site viability.
- 5.4 The Council has reconsidered this matter and put forward **MAC 5.3** amending policy H4 *Affordable Housing* and its supporting text so that it seeks different levels of affordable housing provision in the different sub-market areas, in line with the figures above. This MAC also adds in a provision that affordable housing contributions by way of commuted sums will be sought in respect of housing sites below the numerical size thresholds cited in policy H4, so that market housing development on smaller sites will also contribute towards addressing affordable housing needs. These refinements result in a change in policy SP10 to the affordable housing target sought from overall housing delivery in the Plan (see **MAC 2.9**).
- 5.5 The DAT used in the preparation of the LDP is an appropriate method for assessing Residual Value in determining the Plan’s affordable housing contribution targets. The DAT works on the basis of a notional 1 hectare site free from constraints, providing an appropriate high level and “neutral” viewpoint, free from unrepresentative values that may be present in assessments based on a sample of actual sites. The AHVS uses Royal Institution of Chartered Surveyors’ Building Cost Information Service (BCIS) build costs, adjusted to reflect the Newport market and with 15% added to allow for ancillary site works.
- 5.6 This approach does not factor in additional costs associated with clearance and remediation of brownfield sites, which some suggest should be included as the norm given the Plan’s considerable reliance on brownfield land for delivery of new housing. However, the extent of such costs can vary widely according to the specific

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<sup>30</sup> Policy SP10 of submitted Plan

characteristics of each site, and may in some cases be relatively modest or compensated for by lower costs arising from the presence of infrastructure, reduced need for ground works or availability of usable base material. Moreover, such additional costs will be a consideration for the land costs based on Existing Use Value and/or Alternative Use Value, which will reflect remediation requirements and, in many cases, that the existing use has reached the end of its useful economic life.

- 5.7 For these reasons I accept the categorisation of any additional development costs arising from the land’s previous use as abnormal costs, to be considered in the site-specific viability assessment at the stage of detailed scheme consideration. The Council has produced empirical evidence<sup>31</sup> of the percentages of affordable housing recently achieved on various sites, including brownfield, which provides further assurance that the affordable provision targets now proposed in the Council’s MAC to policy H4 are realistic and appropriate.
- 5.8 The AHVS includes a standard sum of £5,000 per unit in relation to costs arising from section 106 obligations (excluding affordable housing). The Council has produced evidence showing that section 106 costs across a range of recent sites have in fact averaged £2,877 per unit. I agree that the much higher section 106 costs associated with the very large Glan Llyn and Llanwern Village sites are unrepresentative, due to the very different scale of infrastructure provision associated with these developments. The figure of £5,000 per unit is acceptable as a representative figure in the AHVS, which in fact appears to provide considerable headroom.
- 5.9 The AHVS does not make any specific reference to the cost of implementing fire sprinklers, currently expected to be required from January 2016 and estimated by WG at £3,100 per unit. However, relatively small increases in house prices would be sufficient to offset this; in addition, it is likely that the cost of provision would fall over time, as technology improves and with market competition. Absence of a specific sum concerning sprinkler provision in the build costs is also offset to some extent by the apparent headroom in relation to section 106 costs. Taking all of these considerations together I do not consider that the absence of a specified sum for sprinkler provision materially undermines the robustness of the affordable housing provision levels sought by policy H4 as now proposed.
- 5.10 Monitoring indicator OB4 MT7 provides flexibility for the Plan to respond to significant falls or uplifts in house prices via a review of

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<sup>31</sup> Doc ED006.3 NCC Hearing Session 4 Statement

the effect of this on viability margins, so that the Plan can continue to seek optimum levels of affordable housing provision.

5.11 **MAC 5.4** removes misplaced references to Gypsy and Traveller accommodation provision from the supporting text to policy H5 *Affordable Housing Exceptions*.

5.12 I conclude that the affordable housing policy provisions of the Plan, as amended by the MACs, are supported by robust and credible evidence, are consistent with national policy objectives concerning affordable housing provision and are sufficiently flexible to recognise the circumstances of individual sites.

### **Recommendation**

5.13 That in order to make the Plan sound the following changes are required:

**MAC 2.9; MAC 5.3; MAC 5.4.**

## **6 Gypsy and Traveller Provision**

### *Residential provision*

6.1 PPW notes<sup>32</sup> that local authorities are required to assess the accommodation needs of Gypsy families, and that it is therefore important that local planning authorities have policies for the provision of Gypsy sites in their development plans.

6.2 The Council commissioned a Gypsy and Traveller accommodation assessment<sup>33</sup> to inform the preparation of the LDP. The assessment recorded families present in Newport at the time of the survey; however, this information has been supplemented by more robust and up to date information held by the Council’s Housing Officers, planning enforcement records and the annual Gypsy and Traveller count. Through this process the Council has identified three Gypsy and Traveller families within Newport requiring residential pitches and whom the Council has a statutory duty to accommodate. The Council has also identified a small number of unauthorised or temporary private sites where the occupiers have other accommodation and the Council does not have a duty to accommodate the occupiers; these are not included within the identified statute-based need. No sites are allocated for privately-

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<sup>32</sup> PPW Chapter 9 Housing, paragraph 9.2.21

<sup>33</sup> Document SD106 Gypsy and traveller Accommodation Assessment Final Report, January 2010

owned residential pitches. However, policy H17 *Gypsy and Traveller Accommodation Proposals* provides a criteria-based framework whereby proposals to meet any such identified need can be considered.

- 6.3 The residential Gypsy and Traveller accommodation provision identified in the LDP therefore relates to three known families who already reside in Newport, albeit on unauthorised sites, for who the Council is obliged to provide satisfactory accommodation. The land allocated at Hartridge Farm Road under policy H16 *Gypsy and Traveller Residential Accommodation* would be developed by the Council as social rented provision in accordance with its duties under the Housing Act. From information provided by Housing Officers in liaison with the families concerned, the Council identifies an immediate need for a total of 23 pitches (made up of Family A 13 pitches; Family B 3 pitches; Family C 7 pitches). The evidence underpinning this need is clear and robust.
- 6.4 The Council, in determining its land allocation for social rented Gypsy accommodation in the Plan, has also factored in any likely increase in need for pitches generated by the three families concerned over the Plan period to 2026. The Council acknowledges that such forecasting is not an exact science. However, its estimates of possible growth in need for pitches within each family (10 additional pitches within Family A; 4 within Family B; 6 within Family C) are based on knowledge of the existing age and gender make-up of each family group, assumptions concerning demographic change and knowledge of Gypsy custom and tradition regarding occupancy of separate caravans and pitches within a family unit according to age and gender of children and young adults.
- 6.5 The Council is justified in taking these factors into account in considering what allocations to make in the Plan, given the particular circumstances of known families for whom there is a duty to make residential provision on a proper footing. Whilst the future growth in pitch requirements is not certain, growth in line with the Council’s evidence would equate to roughly 1.5 additional pitches per year through the Plan period. It is prudent for the Council to include scope for this within the Plan, so that additional pitch requirements arising in this way can be met.
- 6.6 Whilst opponents of the allocation have characterised the possible ultimate provision of 43 pitches as equating to 129 caravans on the site, this is speculative. Whilst each pitch of 400sqm would notionally be capable of accommodating up to 3 caravans the potential pitch need estimate reflects cultural factors such as male and female children sleeping in separate caravans and young male adults occupying their own pitch. It is therefore improbable that

every pitch would be occupied to the limit of three caravans. Nor, in these circumstances, is it possible to equate numbers of pitches (or, for that matter, caravans) with numbers of people.

- 6.7 The Council has assessed the capability of the existing (unauthorised, currently tolerated) sites being used by the families to provide a more permanent solution. All three sites lie within zone C1 flood risk areas. The Council is justifiably opposed to the use of land in such locations for residential caravan accommodation, given the stance of national policy in relation to highly vulnerable development within zone C flood risk areas and the particular vulnerability of caravans to flooding events. Two of the sites are temporarily tolerated situations within established industrial settings. The third is in a remote location and lacks basic facilities or services; the family is seeking alternative accommodation due to health issues. These factors amply support the Council’s conclusion that the existing unauthorised sites should not be developed as permanent accommodation.
- 6.8 In 2012 the Council decided to review the Gypsy and Traveller sites contained in the original Deposit LDP, because of concerns about the robustness of the results of the previous site selection process. A fresh site search and selection process was undertaken, starting with an initial assessment of 237 potential sites (including those identified in the 2012 Deposit LDP) against a range of criteria and sources of information. The initial assessment results were scrutinised and further information fed in to the process, leading to identification of 40 sites which were all visited and from which 11 were selected and consulted upon. After considering the responses the Council decided that the Hartridge Farm Road site should be allocated in the LDP to meet the accommodation needs of the three families concerned. The allocation envisages initial development within the allocated area of 23 pitches in three separate clusters (13, 3 and 7 pitches) forming a discrete site for each family. Each cluster would have potential for incremental additional pitch provision in line with estimated potential family needs over the Plan period<sup>34</sup>.
- 6.9 Criticisms have been made of the fresh selection process. In particular it is said that the “traffic light” system used for assessing the potential sites against each criterion is too vague, subjective and liable to inconsistencies. There are complaints that the basis for selecting the Hartridge Farm Road site over alternatives was insufficiently transparent and is not clear enough to justify the site as the Council’s preferred option.

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<sup>34</sup> Documents SD107, SD108, ED009.1

- 6.10 However, the Council began with a very large list of potential sites, including those which came forward as a result of a public consultation exercise. The assessment criteria were based on guidance in Circular 30/2007 *Planning for Gypsy and Traveller Sites* and relevant site design practice guidance. The use of a “traffic light” approach in the initial assessment of these 237 sites in relation to the identified criteria enabled an initial sift of all sites, whereby each criterion could be identified as met; not met; or not met but could potentially be resolved. I consider that this was a rational and pragmatic approach which enabled fundamentally unsuitable sites to be eliminated early on. Moreover, the initial appraisal was followed by a further assessment exercise incorporating additional criteria concerning the suitability of potential sites and visits to around 40 sites before deciding upon the shortlist for final consultation.
- 6.11 The Council’s Scrutiny Committee then considered the representations made during the consultation exercise prior to formulating its recommendations to the Council’s Cabinet concerning sites for inclusion within the Plan. At this stage an appraisal was undertaken of the deliverability of the shortlisted candidate sites; the sites were also subject to SA/SEA appraisal; and the views of the three gypsy families (who had previously been informally consulted as part of the process) were formally sought on the options in the Cabinet Report.
- 6.12 It is true that the Council’s methodology does not attempt to rank or weight the various criteria or assign numerical scores to each site in relation to these. However, there are clear difficulties in terms of attributing scores meaningfully and consistently across such a large number of sites and disparate range of criteria. Such an approach would have been disproportionately complicated and unduly mechanistic, with little prospect of a more reliable outcome – indeed, attempts to assign numerical scores or values to many of the criteria would have been largely arbitrary. Whilst there may have been ways in which the selection process could have been made clearer to others, there is nothing which leads me to conclude that the methodology used was fundamentally wrong.
- 6.13 Criticism has been made that the selection process precluded consideration of sites in the open countryside. However, paragraph 20 of WAG Circular 30/2007 *Planning for Gypsy and Traveller Caravan Sites* advises that, in deciding where to provide for such sites, local authorities should first consider locations in or near existing settlements with access to local services. The Council’s approach reflects this guidance.
- 6.14 A major criticism made by opponents of the Hartridge Farm Road allocation relates to the scale of the proposal. Opponents point to

WG practice guidance<sup>35</sup>, which refers to an ideal site size of no more than 12 pitches, although the guidance also indicates that flexibility may be necessary, allowing in appropriate circumstances sites with 15-20 pitches. It indicates that sites of more than 20 pitches should be chosen only where there is a clear and demonstrable need, and where consultation and engagement has taken place with all stakeholders.

- 6.15 Here there is an identified immediate need to provide 23 residential pitches, in order to accommodate 3 families. The Council has a statutory duty to make appropriate accommodation available in response to this and has shown good planning reasons why the sites currently occupied by the families should not be developed as permanent residential caravan sites. There has been consultation and engagement with the existing community and with the families who would occupy the site. Whilst opponents of the allocation claim that the families were not presented with proper alternatives, the Council’s evidence indicates that the families are content with the proposal – and no objection to the allocation has come from this quarter. The site is sufficiently large to allow a layout whereby each family could occupy its own space, with adequate separation between. There is nothing to suggest that the families cannot co-exist in this way due to cultural factors.
- 6.16 Whilst it is argued by opponents that the site size guidelines should not be breached, the guidance also indicates that it is not appropriate to set a national maximum size for a site, but sites should be considered in context and in relation to the local infrastructure and population size and density to ensure they do not dominate settled communities.
- 6.17 The context for the Hartridge Farm Road allocation is a form of social rented accommodation provision within the urban area of Newport. Newport is one of the largest urban communities in Wales. There is no evidence that the scale of provision envisaged, namely initial provision of 23 pitches followed by gradual incremental addition potentially amounting to 20 further pitches over the rest of the plan period, would have significant adverse implications for physical or community infrastructure provision. Nor do I consider that provision of this scale would dominate the settled community of Ringland. There is to my mind added assurance in this given that the provision is for families already long-established in Newport and forming part of the community, with children attending local schools.

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<sup>35</sup> Annex B of WAG Circular 30/2007

- 6.18 The Council has consulted extensively with key partners on social cohesion matters in considering the proposed allocation. Whilst there is clearly a body of local opposition amongst residents in the area, I am satisfied that the Council has properly considered this opposition and balanced it against all other relevant factors in deciding on the Hartridge Farm Road allocation.
- 6.19 Although residents closest to the site understandably have concerns about impact on their environs, the site is within a part of Newport undergoing considerable change and growth in any event. If not allocated for this purpose in the Plan the site could be expected to see housing or other built development, with attendant changes to roads, traffic and the outlook from existing properties on Hartridge Farm Road. Notwithstanding this, the site is well screened and, subject to proper attention to detailed design and layout, capable of accommodating the intended use in a reasonably discreet and visually acceptable manner. The site would be managed by the Council.
- 6.20 The site is suitable to accommodate the proposed use in other respects. The Council has investigated a range of matters relevant to the soundness of the allocation. I am satisfied that the pitches can be provided outside of that part of the site within the C1 flood risk zone and with separation from the adjacent RSPCA centre. The site has been professionally assessed as regards noise from the A48 SDR, railway line and RSPCA centre<sup>36</sup>. The Council has provided additional information<sup>37</sup> concerning the assessment of noise from passing trains, which explains the relationship between the single event measurements obtained and the calculated daytime and night-time noise values for the location concerned. Whilst I recognise that passing trains will give rise to short-term events of higher sound exposure, there is no evidence that causes me to conclude that the noise assessment carried out for the Council is unreliable or its conclusions unsound. The indicative layout allows for a substantial buffer of existing trees between the plots and the railway line, which my site inspection confirmed provides significant separation. I am satisfied that, with due attention to siting/layout of pitches and suitable attenuation measures to relevant pitch boundaries, an acceptable noise environment can be provided.
- 6.21 The site has also been assessed in relation to traffic generation, highway capacity and highway safety, taking into account other planned development in the locality. Matters such as proximity to the railway line and a main road, existing infrastructure, provision

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<sup>36</sup> Doc ED009.8

<sup>37</sup> Doc ED032.3

of utilities, topography, ecology and landscape considerations have all been taken into account. Although opponents of the allocation point to an environmental space notation in the UDP there is no evidence of any particular overriding environmental quality that should frustrate the allocation. The site is within the urban boundary and has an existing use, at least in part, for road safety training purposes. It has clear potential for development.

- 6.22 There is a clear and demonstrable need for the Plan to make provision for social rented accommodation for the families concerned. The Hartridge Farm Road allocation would meet this need in full. The site is deliverable without delay, being within the Council’s ownership. I find no overriding planning basis for objection to the Council’s approach. Although opponents argue that the Plan should instead seek to provide separate, smaller sites for each family, other appropriately-sized and located sites which are equally suitable and deliverable are not evident. Overall, I find the Hartridge Farm Road allocation to be a rational and justified response to the identified need, with no overriding reason why the allocation should not be retained. I conclude that the Plan is sound in this respect.
- 6.23 Given the clear deliverable provision in response to identified need in the form of the Hartridge Farm Road allocation there is no need for the Plan to identify the former Ringland Allotments site as a contingency residential Gypsy/Traveller site. **MAC 5.9** amends policy H16 and supporting text accordingly.

#### *Transit accommodation provision*

- 6.24 Based on the Gypsy and Traveller accommodation assessment<sup>38</sup> the Council identified a need to provide a transit accommodation site of seven pitches, and accordingly sought to identify such a site as part of the site assessment process discussed above. In considering possible Gypsy and Traveller transit provision the Council introduced an additional criterion of proximity to the main transit routes used by Gypsy and Traveller families passing through Newport.
- 6.25 Based on this search process, policy H15 *Gypsy and Traveller Transit Accommodation* in the submitted Plan identifies land at Celtic Way, Coedkernew as a transit accommodation site. The policy also allocates land at the former Ringland Allotments as a contingency site for either transit or residential accommodation.

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<sup>38</sup> Document SD106

- 6.26 However, the Celtic Way site is located at the centre of the partly-developed Duffryn strategic employment development area, adjacent to the EM1 i) Duffryn major employment allocation. The proposed transit site allocation is incompatible with, and fundamentally prejudicial to, the delivery of the adjacent major employment allocation and the on-going development of this location as a large scale strategic development area. Given the pivotal significance of the Duffryn business area to the attraction of economic investment to Newport the proposed transit site allocation is wholly at odds with a key aim of the Plan strategy to deliver new employment and generate economic growth and prosperity for Newport. Maintaining the proposed allocation at the heart of this strategic business area would render the Plan internally inconsistent and severely undermine its effectiveness in delivering on its key economic objectives, so failing the consistency and coherence and effectiveness tests of soundness.
- 6.27 Furthermore, the site owner (WG) is not a willing seller, and states that compulsory purchase would not be possible due to such powers not being available in relation to crown land. Although the Council questions whether the site has crown land status, it has not been established that acquisition of the land against the owner’s wishes would be possible. This raises significant doubt as to the deliverability of the allocation in any event.
- 6.28 After considering these matters the Council initially put forward **MAC 5.8** and **MAC 15.11** to delete the Celtic Way transit site allocation and reallocate the land as part of the EM1 i) Duffryn employment allocation, and to make the former Ringland Allotments a definite transit site allocation in its place.
- 6.29 However, this raises its own issues. The former allotments site is adjacent to the Llanwern Village strategic housing site (1,100 dwellings) and is prominently located at the junction of the A48 SDR with Cot Hill, a principal access route into the proposed housing area. The housing site is a key component of the Eastern Expansion Area and a major plank in the Plan’s housing delivery programme, aligned with the wider strategy of achieving economic growth for Newport. Evidence submitted by the site owners demonstrates that the allocation of a transit site in this location would seriously dissuade volume house builders from developing, due to concerns about the allocation’s effect on the marketability of the houses. Too much risk is therefore attached to the infrastructure investment needed to progress the site.
- 6.30 In the light of this evidence the Council now believes that the allocation of the former Ringland Allotments site for transit accommodation would seriously imperil delivery of the Llanwern Village strategic housing site, thus jeopardising delivery of the

Plan’s identified housing numbers and the maintenance of a five year housing land supply. I agree with this analysis, and consider that retaining the former Ringland Allotments site as an allocation for Gypsy/Traveller transit accommodation would result in an unsound Plan. The Council has therefore decided not to proceed with the allocation.

- 6.31 Moreover, evidence<sup>39</sup> submitted in response to the Matters Arising Changes consultation and examined in a subsequent hearing session casts significant doubt on the deliverability of the former Ringland Allotments allocation in any event. Although currently in the Council’s ownership, the site is due to be transferred to the Llanwern Village site owners as part of the section 106 agreement relating to the strategic housing development. The prospective landowners are not willing to see the site developed for transit accommodation purposes. The need for compulsory purchase will delay delivery, particularly if the process is challenged. Acquisition and development costs may be considerable, and the means of funding is unclear.
- 6.32 Notwithstanding evidence put forward by others, the Council has maintained its stance that the site is capable of accommodating a seven pitch transit site in a satisfactory manner. However, I consider that it has not adequately investigated the acceptability of the contemplated development in relation to the high voltage transmission line passing through the site. There is conflicting professional evidence concerning the degree of noise attenuation that would be necessary to provide a satisfactory environment for occupants of the site, and whether adequate attenuation could be achieved in practice. However, in the light of the removal of the allocation from the Plan it is not necessary for me to consider these matters, or other matters raised by objectors, further.
- 6.33 The removal of the former Ringland Allotments allocation from the Plan leaves the question of how the Plan should deal with the evidence of transit accommodation need established by the Gypsy and Traveller accommodation assessment. The assessment estimates that the level of transit site accommodation need for Gypsies and Travellers who regularly travel through Newport would equate to seven pitches at the end of the study period (2019). It is further noted that provision may be more cost effective if this total is combined with the identified need in neighbouring authorities to produce a network of transit sites across South Wales.

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<sup>39</sup> Doc ED030

- 6.34 I accept that the accommodation assessment does not identify an immediate requirement for a transit accommodation site of this scale. I also accept the Council’s view that its first priority should be the provision of satisfactory residential accommodation for the Gypsy/Traveller families on inadequate sites who are part of the permanent community and for whom the Council has a statutory duty to make adequate arrangements. It is also the case that at this time the Council, despite its efforts, has not succeeded in identifying a satisfactory and readily deliverable transit accommodation site of seven pitches.
- 6.35 In the circumstances the Council now considers that it should address the identified need for transit provision by introducing a new policy H15 which will commit the Council to identify and deliver a suitable Gypsy and Traveller transit site for up to seven pitches by the end of 2019. Coupled with this, the proposed monitoring indicator concerning Gypsy/Traveller transit accommodation will be replaced by a new monitoring indicator reflecting the new policy H15 provisions. In the meantime the Council would continue to monitor and manage any occurrences of unauthorised transit encampments, utilising existing powers and resources as appropriate. I consider that this approach adequately reflects the evidence of transit site need and represents a realistic and deliverable response.
- 6.36 **MAC 5.8a, MAC 12.3** and **MAC 15.23** give effect to the above changes, amending policy H15 and supporting text, the monitoring framework and the Proposals Map accordingly.

## **Recommendation**

- 6.37 That in order to make the Plan sound the following changes are required:

**MAC 5.8; MAC 5.8a; MAC 5.9; MAC 12.3; MAC 15.11; MAC 15.23.**

## **7 Employment**

### *Employment Land Provision*

- 7.1 The Plan seeks to facilitate employment growth over the plan period by ensuring adequate provision of suitable land at a range of locations to meet the needs of existing and new businesses and encourage economic investment. The economic aspiration is to build a diverse and strong economy that will enhance Newport’s

role as a major economic hub, meeting the needs of the people of Newport and the wider sub-region.

- 7.2 The Plan’s employment provisions derive initially from an economic forecast of around 7,400 new jobs being added to Newport’s stock of jobs over the Plan period, representing about a 10% increase on 2011 levels. Testing of this “base case” forecast against actual jobs change in Newport over the period 1997-2011, which showed a loss approaching 5,000 jobs in that period<sup>40</sup> indicates that this is a challenging target, representing a step change in Newport’s economic fortunes.
- 7.3 The Employment Land Review (ELR)<sup>41</sup> projects an increase of 3,364 B1, B2, B8 jobs within the overall jobs forecast, equating to a net 35ha additional employment land over the Plan period. The balance of the projected overall employment increase (around 4,000 jobs) is essentially in service uses (shops, hotels and restaurants) and education, health and social care, which lie outside the scope of the ELR and will be facilitated by other policies and allocations in the Plan.
- 7.4 The ELR provides a market based assessment of employment land needs over the plan period, and underpins the employment land provisions of the Plan. As submitted at the outset of the examination, policy SP17 *Employment Land Requirement* makes provision for 168 hectares of employment land for the Plan period, on a range of sites allocated under policy EM1 *Employment Land Allocations*.
- 7.5 However, early in the examination it emerged that a number of Plan proposals, including allocated employment sites EM1 i) Duffryn, EM1 ii) East of Queensway Meadows/South of Glan Llyn and EM1 iv) Solutia, did not accurately recognise the Welsh Government safeguarding corridor for a M4 relief route around the south side of Newport. The Council accordingly publicised focussed changes to the Plan in February, reducing the extent of these allocations to ensure that they are not compromised by the safeguarding corridor. This was followed by further minor adjustment of the EM1ii) and EM1iv) allocations and the associated urban boundary following publication of a revised preferred route and associated safeguarding corridor in July 2014 (**MAC 15.1** and **MAC 15.13**).
- 7.6 Policy EM2 *Regeneration Sites* in the submitted Plan encouraged various regeneration schemes for a wide range of uses on

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<sup>40</sup> Table 5.1 of Document SD65 Newport City Council Employment Land Review Final Report

<sup>41</sup> Document SD65

identified sites. However, the B1/B2/B8 employment component of many of these sites is limited; some also feature in the Plan as major residential or community facility allocations. Others are actually in existing active employment use. As such, the policy lacks coherence and consistency, both internally and with other policies. Its inclusion confuses and dilutes the focus of the Plan’s employment land provisions. Removal of the policy would not undermine the Plan’s regeneration and renewal objectives, since other policies also promote redevelopment in sustainable locations on brownfield land within the urban boundary.

7.7 Following discussion of these issues during the examination the Council has revised the employment section of the Plan, together with the associated strategic policies and identification of sites on the Proposals Map (**MAC 6.1** and **MAC 15.13**). Former policy EM2 is deleted. Land formerly within EM2 which the Council considers should form part of the identified stock of land allocated for new employment development over the Plan period has been included within policy EM1. Former strategic policies SP17 and SP18 are merged into a single policy, reflecting the revisions to the employment section (**MAC 2.19**). Policies EM3<sup>42</sup> *Newport Docks* and EM4<sup>43</sup> *Alternative Uses of Employment Land* are revised so that they properly reflect their purpose of safeguarding and strengthening the contribution of these areas to Newport’s economic base.

7.8 With these changes, the Plan would allocate a range of employment sites, totalling some 173 hectares overall. This represents a large reduction from earlier iterations of the Plan. Whilst it still considerably exceeds the net additional land requirement of 35 hectares to meet the projected 3,364 new jobs in B1, B2 and B8 employment uses, this provision would ensure a range of available sites in different locations and suited to differing employment uses, providing flexibility and choice. It would also provide land to offset any unforeseen loss in the existing stock of employment sites. In addition, certain of the identified sites are contemplated particularly for large user projects, or have synergy with particular existing employment uses. I conclude that the resulting broad amount and overall spread of allocated employment land is soundly based. In the following section I deal with various discrete matters concerning individual allocations.

### *Employment Land Allocations – Site Specific Matters*

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<sup>42</sup> Now renumbered EM2

<sup>43</sup> Now renumbered EM3

- 7.9 Following the Council’s focussed change reducing the area of allocation EM1 i) Duffryn, the extent to which the site impinges upon the Gwent Levels – St Brides SSSI designation is now reduced to 0.8 hectares. This remaining area of allocated land within the SSSI is bounded to the east by National Grid infrastructure (also within the SSSI) and part of the employment land allocation outside the SSSI to the west. Its removal from the employment allocation would jeopardise the provision of viable development plots on both sides (east and west) of the access road through this part of the employment allocation.
- 7.10 Whilst I am mindful of the need for allocations in the Plan to have proper regard to the presence of SSSI designations, there is no evidence that harm to the special qualities underlying the designation would result from the allocation in this case. Policies in the Plan emphasise the importance that will be attached to development demonstrating avoidance of harm to the defining features of the SSSI in determining development proposals. In the circumstances I am satisfied that inclusion of this small part of the SSSI as part of the allocation is justified and does not render the Plan unsound.
- 7.11 Allocation EM1 vi) Gwent Europark concerns land within the Gwent Levels – Caldicot SSSI, but benefits from a previous planning permission and is part of the wider Europark development which has already been mostly built out. The Plan makes clear that particular care will be needed to ensure protection of the features of importance of the SSSI, in these cases primarily the network of reens and the associated flora and fauna. In the light of these factors I am satisfied that this allocation is justified and does not render the Plan unsound.
- 7.12 Development at EM1 i) Duffryn, EM1 ii) East of Queensway Meadows, EM1 iv) Solutia and EM1 v) Gwent Europark also has the potential to impact on reens connecting to the River Usk SAC and/or forming part of the special interest of the Gwent Levels SSSIs. However, the Plan again makes clear that any development proposals must fully address these issues and have regard to relevant HRA requirements. The HRA Screening Report confirms that with the mitigation measures identified in the LDP these allocations can be delivered without likely significant effects on the River Usk SAC<sup>44</sup>. Whilst part of the Solutia site is the subject of a local Site of Importance for Nature Conservation (SINC) designation, the Plan recognises this and contains measures designed to ensure that impacts upon the nature conservation interest of the designation are adequately mitigated. In the light

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<sup>44</sup> Doc SD37 para. 3.30

of these caveats, and having regard to guidance<sup>45</sup> that such designations do not preclude appropriate socio-economic activities, I consider that the Plan is sound in respect of these matters.

- 7.13 Some allocated employment sites lie within areas within flood risk zone C1 (tidal flood areas which are developed and served by significant infrastructure, including flood defences). The allocations largely concern land associated with existing employment provisions, allocated in the UDP and served by existing infrastructure; others are former industrial sites with extant permissions for employment development. The Council has assessed the likely consequences of flooding and considers that, in light of the lower vulnerability of employment use to the consequences of flooding, which can be adequately managed for the lifetime of the development, the positive social and economic impacts of the allocations outweigh the environmental impact. NRW has raised no objection in respect of the employment allocations now put forward. I am satisfied, in the light of the importance of the sites to the growth strategy of the Plan and the assessments undertaken, that the allocations satisfy the principles in TAN 15 *Development and Flood Risk*.
- 7.14 Allocation EM1 iii) Celtic Springs forms part of an established high quality business park close to M4 junction 28. Although attempts to market the site over the past 5 years or so have been unsuccessful and some of the office space provided in existing buildings on the business park has remained unlet for a similar period, the wider economic climate over this period has been extremely challenging. Whilst the site competes with sites in and around the city centre and closer to Cardiff, the ELR identifies continuing demand for modern high grade office accommodation through the Plan period and states that it is vital that Newport is able to offer both city centre and motorway related supply in the future. I see no overriding argument that the site should instead be allocated for housing; sufficient provision is made for housing without relying on this particular site. Overall, I judge that the allocation is soundly based on a robust appraisal of its suitability for B1 business use and the anticipated requirement to accommodate new employment growth over the Plan period.
- 7.15 For the most part, the sites formerly identified as regeneration sites and now proposed as employment land allocations under policy EM1 are supported by sound rationale and evidence. The exception to this is EM1 x) Cardiff Road (Monmouthshire Bank Sidings). The 1.2 hectare site is linked to an adjacent housing scheme (site H14) Monmouthshire Bank Sidings). I note that the

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<sup>45</sup> PPW para. 5.4.4

land is subject to a unilateral undertaking which identifies it for possible B1 employment purposes and requires the developer to undertake a joint marketing strategy to secure and promote the land for the same. However, the site is outside the city centre core and it is quite possible that a willing developer will not be identified, resulting in other uses subsequently being considered. Convincing evidence is not present that the site should be safeguarded as a key employment allocation, rather than being open to consideration for other appropriate uses should the required marketing strategy be unsuccessful.

- 7.16 For these reasons I consider that the proposed employment land allocation EM1 x) Cardiff Road (Monmouthshire Bank Sidings) under policy EM1 is not based on robust supporting evidence. I therefore recommend that it is not identified as an employment land allocation under policy EM1 (**IC 2**). This change will result in further amendments to policy EM1 and supporting text as put forward by **MAC 6.1**; consequential adjustment of the employment land total in policy SP17 and supporting text as put forward by **MAC 2.19**; and the omission of allocation EM1 x) as proposed by **MAC 15.13** from the Proposals Map.
- 7.17 I have considered the status of the Llanwern former tipping area south of Queensway, included as an EM2 regeneration site for B1, B2 and B8 use in the submitted Plan. This large area is predominantly in active industrial use; on this basis I consider that it should remain within the identified urban boundary in the Plan. However, given its current on-going active use, with no suggestion that prevailing circumstances may shortly change, there is no case for allocating the land as deliverable new employment land under policy EM1.
- 7.18 I have also noted the suggestion that other areas of land to the east and west containing reed bed water treatment facilities, and to the south containing the Whitson electricity substation, should also be included within the urban boundary. However, although the UDP took this approach, I consider it rational for the LDP to regard these areas as countryside. The reed bed water treatment areas have the character and appearance of countryside, and both they and the substation are supporting infrastructure rather than part of the industrial use that they service. Moreover, extending the urban boundary to include these areas would impinge upon land subject to the Gwent Levels SSSI designation.
- 7.19 Subject to the changes identified above I conclude that the employment land provisions of the Plan are supported by robust and credible evidence and satisfy the consistency and coherence tests of soundness.

## Recommendation

7.20 That in order to make the Plan sound the following changes are required:

**MAC 2.19; MAC 6.1; MAC 15.1; MAC 15.13** (MACs 2.19, 6.1 and 15.13 are recommended subject to the further changes in **IC 2** below).

**Inspector recommended change: IC 2.**

## 8 Retailing

- 8.1 Consistent with national policy in PPW, the Plan (through strategic policy SP19<sup>46</sup> *Assessment of Retail Need*) identifies a hierarchy of retail centres and other retail sites within Newport and establishes a sequential approach to the consideration of new retail developments and other uses associated with a town or city centre location. It requires a need assessment in respect of proposals not within a defined centre. The Plan adopts a strong “city centre first” approach which seeks to address the centre’s recent under-performance in comparison to neighbouring major centres and foster the city centre’s reinvigoration.
- 8.2 Policies R1 – R5 provide the framework for consideration of proposals within the city centre. Following the economic downturn the Friar’s Walk redevelopment scheme is now underway, and when completed will do much to enhance the city centre’s vitality and retail offer.
- 8.3 Policy R2 *Primary Shopping Frontage* defines primary shopping frontage areas within the city centre, where a strong retail presence will be maintained in the interests of maintaining the viability and vitality of the city centre. **MAC 8.1** amends criterion vi) of policy R2 to make clear that sui generis use proposals within the primary shopping frontages will be assessed in terms of their appropriateness to a primary shopping area.
- 8.4 Much of the argument about retailing matters at the examination concerned Newport Retail Park. As with the UDP, the Plan sees the retail park as developing a role as a district centre for the nearby Eastern Expansion Area. However, the Council is also concerned about the possibility of retail expansion in this location undermining the health and vitality of the city centre, especially in

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<sup>46</sup> Re-numbered from SP20 as a result of MAC amendments

- relation to growth in retail floor space for non-bulky comparison goods.
- 8.5 The Council considers that that the retail park has a sufficient amount and range of shopping facilities to fulfil its anticipated district centre role. Moreover, it considers that it has a critical mass in retailing terms such that further growth will threaten the viability and vitality of the city centre. To guard against this, the Plan proposes a more restrictive development management approach to consideration of retail proposals at Newport Retail Park district centre than for other district centres; and seeks to reduce the defined extent of the district centre from that currently accepted under the UDP.
- 8.6 The Plan as submitted for examination included a separate policy *R7 Retail Proposals in Newport Retail Park District Centre*, containing various floor space limitations and restrictions in relation to A1 uses and the range of goods sold. During the examination the Council accepted that such blanket restrictions within the district centre are unjustified in the light of national policy. The Council has put forward **MAC 8.2** and **MAC 8.3**, deleting policy R7 and associated text and bringing Newport Retail Park district centre under the generic policy *R6 Retail Proposals in District Centres*. However, the Council seeks to maintain the reduced area of the designation and treat the remainder of the retail park as outside the remit of the policy.
- 8.7 Newport Retail Park was designated in the UDP as a district centre intended to serve the Eastern Expansion Area. The UDP does not define a boundary for the designated district centre by way of the Proposals Map or an inset plan; however, the UDP text and UDP Inspector’s Report both refer to the retail park as being included as a district centre. Whilst the East Newport Development Framework Plan SPG (2007) differentiates between the district centre and leisure uses in the area of Cineworld and the former Megabowl, the 2008 appeal decision concerning the latter plainly points to this area being accepted as lying within the UDP district centre designation, albeit being shown for leisure/recreation purposes on the UDP Proposals Map.
- 8.8 The LDP is of course a time to review past policies and designations. However, the underlying rationale remains for designating Newport Retail Park as a district centre to serve the large-scale residential expansion now commencing on the east side of Newport. The boundary now proposed for the district centre designation would confine its extent to a concentration of convenience and non-bulky comparison retail uses on the western part of the site, excluding areas of existing and permitted A1 and A3 retail uses and leisure use common to district shopping centres

as well as the bulky comparison goods and car showroom uses more typical of out-of-centre retail park locations. Prospects for re-modelling, provision of new district centre uses and providing effective and attractive linkages between the district centre and the Glan Llyn development to the east would be seriously curtailed by the reduced district centre designation and the proposal to treat all other land within the retail park as out-of-centre. Reducing the hitherto-recognised extent of the district centre thus lacks coherence and consistency.

- 8.9 Whilst the retail park has a different character to, and is much larger than, other district centres in Newport, it remains much smaller than the city centre - particularly so with the present Friars Walk redevelopment scheme, which will considerably enhance the city centre’s attraction when completed. Recent increases in floor space at Newport Retail Park are more than matched by the Friars Walk scheme. Although a number of national operators are trading at Newport Retail Park, the Friars Walk scheme was more than 50% pre-let in November 2013, including a major department store for Debenhams and a range of prime retailers, many of whom are also present at the retail park.
- 8.10 Supporting and enhancing the viability and vitality of the city centre is an important objective of the Plan. Proposals that would undermine the city centre are resisted by policies SP19 and R6, which apply a sequential test and require proposals not to have an adverse impact on the city centre’s vitality and viability and be of a scale appropriate to the district centre. New supporting text to policy R6 emphasises that proposals will need to satisfy the sequential test in relation to availability of sites in preferable locations within the retail hierarchy. Whilst there are some uses present within the retail park more typical of out-of-centre locations, I do not consider it possible to sensibly configure the district centre boundary so as to exclude these whilst adequately recognising existing and permitted retail uses.
- 8.11 For the foregoing reasons I consider that the restricted extent of the Newport Retail Park district centre designation proposed in the Plan lacks coherence and consistency. I conclude that the full extent of the retail park should be included within the ambit of policy R6, although I see good reason, given the different characteristics of the retail park to other centres and the scope for development within its confines, why the policy should not extend to land beyond its limits.
- 8.12 Whilst the proposed additional criterion within policy R6 referring to proposals to alter planning conditions, the range of goods sold or the size of units is arguably already covered within the scope of

improved shopping facilities, it usefully aids interpretation of the policy for all concerned.

- 8.13 I conclude that in order to make the Plan sound the changes in **MAC 8.2** and **MAC 8.3** need to be accompanied by the enlargement of the district centre boundary on the Proposals Map and on Inset Map DC10 to include the whole of the Newport Retail Park (**IC 3**).
- 8.14 *Malpas Road District Centre.* The Discovery Retail Park, comprising an Aldi supermarket, a Wickes DIY and associated car parking, is included within the district centre boundary in the UDP. The LDP proposes to alter the district centre boundary to exclude the retail park, on the basis that the area is physically separate from the “traditional” element of the centre and that the units are not of a size or style that would usually be associated with a district centre.
- 8.15 However, TAN 4 and PPW make clear references to supermarkets as part of the normal makeup of a district centre. The Aldi store provides a foodstore anchor for the centre, and the site’s unrestricted parking enables customers to undertake linked trips to other facilities. Although the site stands slightly apart, an easy pedestrian link exists. There is no evidence to suggest that application of policies SP19 and R6 to this site as part of Malpas Road District Centre would threaten the vitality and viability of the city centre. I see no cogent reason for removing the retail park from the district centre designation; the proposed exclusion is inconsistent with well-established principles concerning the composition of district centres and not based on robust or credible evidence. In order to make the Plan sound **IC 4** is necessary, restoring the district centre boundary to that identified in the UDP.
- 8.16 *Commercial Road District Centre.* The designation of the Commercial Road District Centre in the UDP included the whole of the former cattle market site, now developed to provide an Asda store which functions as an anchor to the rest of the centre. The LDP proposes to exclude the rearmost portion of the site, which fronts onto Lower Dock Street, from the defined district centre.
- 8.17 Planning permission was granted for a hotel on the land as part of the overall site redevelopment, although it is uncertain that this will be implemented. Although the excluded area is presently used as part of the Asda car park, beyond this it has no relationship with the district centre and plainly relates to Lower Dock Street. Notwithstanding that the land is in the same ownership as the Asda store and currently is used for associated parking, I consider that there is a clear rationale for the site’s exclusion from the Commercial Road District Centre limits, given its direct relationship with Lower Dock Street. Exclusion from the district centre

designation will not materially affect its consideration for development schemes appropriate to the site’s context.

8.18 *28 East Retail Park*. The retail park comprises a group of about half a dozen retail warehouse units fronting a car park. The range of goods sold is restricted by condition and is predominantly bulky goods. The development does not satisfy the definition of a district centre as set out in the glossary of terms in Annex A of TAN 4 Retailing and Town Centres; rather, it matches the description given for retail warehouses and retail parks. The omission of 28 East Retail Park from policy R6 does not render the Plan unsound.

8.19 The primary aim of policy R12<sup>47</sup> *Development of Existing Out-of-Centre Retail Sites* is to ensure that such developments do not have an unacceptable impact on the city centre and district centres. It is not the intention of the policy to stifle refurbishments or improvements to stores that do not increase floor space or change the range of goods sold. **MAC 8.5** and **MAC 8.6** make the policy sufficiently clear as regards its application and interpretation. I do not consider that further changes to wording are required. It would not be practicable to show every retail outlet to which the policy applies on the Proposals Map.

8.20 *Local centres*. **MAC 8.4** adds missing wording to policy R10<sup>48</sup> *Change of Use to Non-Retail Uses Inside Local Centres*, required for clarity of interpretation. **MAC 15.17** identifies local centres on the Proposals Map and adds a set of inset maps defining their boundaries, for certainty as to where the policy applies. I consider that Ringland Local Centre is justifiably classified in the Plan as a local centre rather than a district centre, in the light of the description of typical local centres and district centres in TAN 4. The centre is lacking in the way of non-retail services such as banks, building societies and restaurants, and the Costcutter store is a comparatively small outlet. Overall, having regard to the scale and range of uses present, I consider that the classification as a local centre is based on robust and credible evidence, and does not render the Plan unsound.

## Recommendation

8.21 That in order to make the Plan sound the following changes are required:

**MAC 8.1; MAC 8.2; MAC 8.3; MAC 8.4; MAC 8.5; MAC 8.6; MAC 15.17.**

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<sup>47</sup> Now re-numbered R11 as a result of MACs

<sup>48</sup> Now re-numbered R9 as a result of MACs

**Inspector recommended changes: IC 3; IC 4.**

## **9 Heritage**

### *Countryside*

- 9.1 Policy SP5 *Countryside* establishes the overarching principles for the consideration of development proposals in the countryside (all areas lying outside settlement boundaries identified in the Plan). **MAC 2.5** adds references to policies H10 *Conversions in the Countryside* and H12 *Replacement Dwellings in the Countryside* to the explanatory text accompanying policy SP5. To provide clarity concerning the principles and criteria against which development proposals in the countryside will be considered, **MAC 4.1** includes additional text at the beginning of Chapter 4 Environment cross-referring to policy SP5.

### *Green Belt and Green Wedges*

- 9.2 The submitted Plan contains strategic policies SP6 *Green Belt* and SP7 *Green Wedges*, together with policy CE1 *Development in the Green Belt and Green Wedges*. Newport possesses an area of Green Belt located along part of its western administrative boundary with Cardiff. The Plan proposes that the existing Green Belt designation be extended northwards as far as the M4, taking in an additional area close to the Cardiff boundary.
- 9.3 The Council is plainly concerned about development pressures on this area associated with the eastward expansion of Cardiff. However, a fundamental characteristic of Green Belts is their permanence. PPW advises that Green Belt boundaries should be chosen carefully, based on evidence which demonstrates the necessity of designation, and that where the designation is likely to affect more than one local authority, consultation will be necessary with all authorities likely to be affected. In these circumstances consideration of whether an extension to the Green Belt is justified, and if so what form the new Green Belt designation should take, should be explored through a more strategic approach outside the LDP process.
- 9.4 The Council has responded to this by putting forward **MAC 1.1**, **MAC 2.1**, **MAC 2.6** and **MAC 15.3**, removing references to Green

Belt extension and instead designating the land in question as part of the Newport and Cardiff green wedge. The land is currently the only part of Newport’s area abutting the boundary with Cardiff to the south of the M4 which does not benefit from Green Belt protection. Designation as part of the existing green wedge will enable the openness of the area to be maintained for the time being, pending strategic consideration of the form and function of the Green Belt in this area.

- 9.5 Green wedges are identified in the Plan essentially to prevent coalescence between urban areas, maintaining openness and the distinct identity of settlements. Green wedges do not have the same degree of permanence as Green Belts. Nonetheless, PPW advises that they should only be used where normal countryside policies of development restraint do not provide adequate protection. Although the green wedges in the Plan are generally carried forward from the UDP, the Council has reassessed the justification for the extent of the designations<sup>49</sup>. For the most part, the designations serve a clear purpose in terms of their intended function. They are generally employed in locations where it is important to manage urban form, maintain openness or prevent the gradual coalescence of settlements. However, **MAC 15.5** reduces the respective extents of the Rogerstone and Risca green wedge and the Bettws, Malpas and Cwmbran green wedge, deleting parts which do not serve a clear purpose and creating better alignment with corresponding green wedges in adjacent authority areas. Subject to these changes, I consider that there is a coherent rationale for the green wedge designations in the Plan.
- 9.6 Policy CE1 in the submitted Plan deals with development within Green Belts and green wedges. However, the policy largely duplicates national policy in PPW concerning inappropriate development. Whilst CE1 contains a number of potentially confusing differences in language to that used in PPW, the Council confirms that this is not intentional. The only intended material distinguishing feature of policy CE1 is a limitation of 30% of original volume for enlargements of existing dwellings (at paragraph 4.1 of the supporting text). Recognising the principle that LDP policies should not simply duplicate national policies, **MAC 4.1** deletes policy CE1 *Development in the Green Belt and Green Wedges* and its supporting text. **MAC 2.6** and **MAC 2.7** add text concerning the size limitation on dwelling enlargement to policies SP6 and SP7 and provide reference in the supporting text to these policies to the definition of inappropriate development in PPW. Such a limitation in the policies would not, in my view, preclude the Council from giving favourable consideration to larger

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<sup>49</sup> Documents ED014.2 and ED014.5b

extensions in very exceptional circumstances which clearly outweighed any harm to the Green Belt or green wedge.

### *Special landscape areas*

- 9.7 Policy SP8 *Special Landscape Areas* (SLAs) identifies areas of special local landscape value, where particular design considerations will apply to development proposals. The SLAs have been designated on the basis of the LANDMAP assessment process and a further study by consultants TACP<sup>50</sup>, followed by final boundary determination by the Council. In the main, the designations are based on sound methodology and reliable evidence. However, in the case of SLA vii) Tredegar Park it is evident that the principal special landscape interest on which the designation relies is already safeguarded by the ICOMOS Tredegar House and Park Historic Park and Garden designation (including its essential setting), and designation of the wider area as an SLA is not supported by robust evidence. In the light of this the Council has put forward **MAC 2.8** and **MAC 15.7**, removing the Tredegar Park SLA designation from policy SP8 and the Proposals Map.
- 9.8 In its north-west part the extent of SLA SP8 v) Caldicot Levels, and the defined undeveloped Coastal Zone has been restricted so as to avoid conflict with employment land allocations EM1 ii) (East of Queensway Meadows, South of Glan Llyn) and EM1 iv) Solutia. **MAC 15.6** reflects the adjustment of the southern boundaries of these sites to reflect the present M4 relief route safeguarding corridor.

### *Undeveloped Coastal Zone*

- 9.9 Policy CE10 Coastal Zone restricts development permitted in the coastal area, in order to maintain its special qualities and minimise issues of flood risk and coastal erosion. **MAC 15.10** amends the undeveloped coastal zone designation to reflect the adjustment of the EM1 ii) and EM1 iv) employment allocations noted in the preceding paragraph.

### *Heritage Assets*

- 9.10 **MAC 4.4** amends the wording of policy CE8 *Conservation Areas*, in order to ensure that the policy test relates to the overall (not simply archaeological or historic) character or appearance of the conservation area, consistent with the statutory requirement and national policy.

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<sup>50</sup> See document SD71

- 9.11 **MAC 4.2** and **MAC 4.3** introduce revised wording to the explanatory text accompanying policies CE5 *Historic Landscapes, Parks, Gardens and Battlefields* and CE6 *Locally Listed Buildings and Sites* respectively, providing clearer articulation of the purpose and context of these policies.

### *Natural Environment*

- 9.12 Concerns have been raised by some that the Plan is insufficiently robust and vocal in its articulation of objectives concerning the protection and enhancement of Newport’s natural heritage. However, the Plan identifies this as one of its key objectives and this is carried forward into its strategic policies, notably SP9 *Conservation of the Natural, Historic and Built Environment* amongst others. Policy GP5 *General Development Principles – Natural Environment* makes clear the Plan’s requirement that all development proposals take appropriate account of this, in relation to protected sites, species, habitats and features, and in relation to designations at international, national and local level.
- 9.13 Whilst a small number of land use allocations in the Plan overlap with natural heritage designations, I am satisfied that there is adequate social and economic justification for the allocation, and that it is reconcilable with the purpose and objective of the designation. Policies in the Plan are sufficiently robust, along with legislative requirements where applicable, to ensure that these matters are known to prospective developers and will be duly addressed at the stage of specific development proposals. To maintain consistency of approach with higher-level designations such as SSSIs, the Council proposes to identify SINC’s on its constraints map, and to insert into the Plan a list of all proposals/designations and constraints as shown on the proposals and constraints maps (**MAC 14.1**).
- 9.14 Overall, and on the basis that the Plan should be read and interpreted as a whole, I am satisfied as to its soundness in consistency and coherence terms in respect of these matters.

### **Recommendation**

- 9.15 That in order to make the Plan sound the following changes are required:

**MAC 1.1; MAC 2.1; MAC 2.5; MAC 2.6; MAC 2.7; MAC 2.8; MAC 4.1; MAC 4.2; MAC 4.3; MAC 4.4; MAC 14.1; MAC 15.3; MAC 15.5; MAC 15.6; MAC 15.7; MAC 15.10.**

## 10 Minerals; Waste; Renewable Energy

### *Minerals*

- 10.1 National land use planning policy guidance for mineral extraction and related development is set out in Minerals Planning Policy Wales (2001) and supplemented by Mineral Technical Advice Note 1: Aggregate (2004) and Mineral Technical Advice Note 2: Coal (2009). The overall consideration of supply and demand for the South Wales region is carried out by the South Wales Regional Aggregates Working Party (SWRAWP). The role of the SWRAWP is to examine issues of aggregate provision and to produce a Regional Technical Statement (RTS) which sets out the strategy for the provision of aggregates in South Wales. The initial RTS was produced in 2008. However, this has now been replaced by the RTS 1st Review (2014).
- 10.2 There is no current aggregate landbank for Newport and resources are limited. Although there is a national policy requirement to maintain a landbank, national policy recognises that in some mineral planning authority areas it may not be possible or acceptable to provide an adequate current or extended landbank<sup>51</sup>. The RTS 1st Review adopts a new policy approach based on historical supply patterns and does not require Newport to make specific provision for the supply of primary land-won aggregate, based on the limited availability of resources within the area and a lack of evidence of demand from past sales of land-won aggregate over the past 10 years. **MAC 2.21** removes ambiguity in the wording of policy SP22 *Minerals*; **MAC 2.22** provides updated explanatory text to the policy which reflects the regional policy framework now established by the RTS 1st Review.
- 10.3 Policy M1 *Safeguarding of Mineral Resource* safeguards known mineral resource areas, as required by the RTS 1st review. **MAC 15.9**, **MAC 15.19** and **MAC 15.20** amend the mineral safeguarding areas on the Proposals Map to reflect both Category 1 and Category 2 resources on the British Geological Survey Aggregate Safeguarding Map for Wales 2012 and to differentiate between hardrock resource and sand and gravel resource safeguarding areas. **MAC 10.1** and **MAC 10.2** reword policy M1 and the supporting text to provide clarity as to the approach to development proposals in the safeguarding areas and the circumstances in which development will be permitted.

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<sup>51</sup> MTAN1 paragraphs 46 and 49

- 10.4 **MAC 10.3** and **MAC 10.4** amend policy M2 *Mineral Development* and policy M3 *Oil and Gas* respectively, providing greater clarity and consistency as to how these criteria-based policies will operate.
- 10.5 **MAC 15.21** amends the Proposals Map to denote rail infrastructure safeguarded under policy M4 Wharves and Rail. References to the continued use of rail and wharves for aggregate purposes are specifically in relation to the requirements stated in the RTS. It is not necessary or appropriate to refer to other dock-related freight in the minerals policies of the Plan.

### *Waste*

- 10.6 The waste planning policy framework has evolved at national level with the publication of the new TAN 21 Waste (2014) and PPW edition 6, replacing the previous requirement for plans to provide for the land use requirements of the Regional Waste Plan with monitoring arrangements to assess the capacity of the region against the Collections, Infrastructure and Markets Sector Plan tonnage figures. **MAC 2.20** amends policy SP21 *Waste Management* in response to these changes to the national policy framework.
- 10.7 **MAC 11.1**, **MAC 11.2** and **MAC 15.22** delete policy W1 *Waste Site Allocations*, alter Plan text accordingly and amend the Proposals Map, reflecting that Docks Way Waste Disposal site is an existing operational waste facility rather than a new land use allocation.
- 10.8 **MAC 11.3** removes the reference to an estimated waste management land requirement of up to 12.6 hectares from policy W2<sup>52</sup> *Sites for Waste Management Facilities*, again reflecting the changed emphasis in the new TAN 21. Additional evidence provided by the Council<sup>53</sup> demonstrates that the policy should deliver sufficient opportunity for facilities to cater for expected requirements through the Plan period, taking into account the proximity principle and a hierarchy of reduction, reuse, recovery and safe disposal.
- 10.9 **MAC 11.4** recasts policy W3<sup>54</sup> *Waste Management Proposals* in order to provide sufficiently clear and specific criteria against which development proposals for sustainable waste management facilities will be assessed.

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<sup>52</sup> Now renumbered policy W1 following deletion of old policy W1 Waste Site Allocations

<sup>53</sup> Document ED013.5a Hearing session 9 – Council’s Response to Matters Arising

<sup>54</sup> Now renumbered policy W2 following deletion of old policy W1 Waste Site Allocations

## *Renewable Energy*

10.10 Policy CE11 *Renewable Energy* seeks to provide a basis for the consideration of all renewable energy proposals within Newport’s area. Its provisions are derived from the Torfaen County Borough and Newport City Council Renewable and Low Carbon Energy Assessment<sup>55</sup>, which is foremost a macro-level assessment. Although the Plan’s General Policies (for example GP1, GP2, GP5) would also apply, policy CE11 as drafted in the submitted Plan does not provide a sufficiently clear criteria-based or spatial framework against which relevant proposals will be considered. **MAC 4.5** revises policy CE11 and its supporting text, providing better differentiation between different types and scales of renewable energy scheme and clearer guidance as to the locational and impact-related considerations that will be taken into account.

### **Recommendation**

10.11 That in order to make the Plan sound the following changes are required:

**MAC 2.20; MAC 2.21; MAC 2.22; MAC 4.5; MAC 10.1; MAC 10.2; MAC 10.3; MAC 10.4; MAC 11.1; MAC 11.2; MAC 11.3; MAC 11.4; MAC 15.9; MAC 15.19; MAC 15.20; MAC 15.21; MAC 15.22.**

## **11 Other Development Management Policy Matters**

11.1 Policy GP6 *General Development Principles – Quality of Design* sets out the principles against which the design of new development will be judged. **MAC 3.4** refines criterion iii) of the policy, discouraging replication of neighbouring architectural styles in circumstances where such an approach would be inappropriate.

11.2 **MAC 5.2** expands policy H3 *Housing Mix and Density* and its supporting text to provide greater clarity as to its requirements and how the policy will operate. **MAC 5.5** likewise redrafts Policy H7 *Annexes to Residential Dwellings* to provide the necessary clarity as to the requirements of the policy and the criteria against which such proposals will be judged.

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<sup>55</sup> Document SD80

- 11.3 Policies H12 *Replacement Dwellings in the Countryside* and H13 *Extensions to Dwellings in the Countryside* contain provisos concerning the scale of new development compared to the original building, in the interests of protecting the character and appearance of the locality. **MAC 5.6** and **MAC 5.7** enable these policies to be applied flexibly in situations where an increase above the 30% limit would not cause harm to the character of the area.
- 11.4 **MAC 7.3** redrafts policy T4 *Parking* to provide greater clarity as to the basis on which levels of parking to serve development proposals will be sought, according to accessibility of location and availability of alternative facilities.
- 11.5 Policy CF1 *Protection of Playing Fields, Land and Buildings Used for Leisure, Sport, Recreation and Play* sets out the policy requirements against which proposals involving the loss of land or buildings in such use will be assessed. **MAC 9.1** clarifies how, in considering such proposals, it will be judged whether the facilities which would be lost are surplus to need. **MAC 9.2** provides similar clarity in relation to policy CF2 *Outdoor Play Space Requirements*.
- 11.6 **MAC 15.16** adds the route of the All Wales Coast Path to the Proposals Map, making its location clear in the light of policy T8 *All Wales Coast Path*.
- 11.7 In addition to the written text of the Plan and the Proposals Map, the Council has also produced a constraints map, showing the location of various environmental constraints and designations. A number of policies allude to these constraints and designations. It could be argued that these matters represent a spatial aspect of the policy concerned, and so should be shown on the Proposals Map. However, to do so would result in the Proposals Map becoming overlain with so much information as to make it unreadable. Showing these designations on a constraints map alongside the Plan is a practical and acceptable solution, provided that there is clear reference within the Plan to the information contained on the constraints map. This will ensure that information relevant to the Plan’s policies and allocations is clearly and readily available to those who use the Plan. **MAC 14.1** therefore adds a list of all proposals/designations and constraints as shown on the proposals and constraints maps.

### **Recommendation**

- 11.8 That in order to make the Plan sound the following changes are required:

**MAC 3.4; MAC 5.2; MAC 5.5; MAC 5.6; MAC 5.7; MAC 7.3; MAC 9.1; MAC 9.2; MAC 14.1; MAC 15.16.**

## **12 Monitoring and Implementation**

- 12.1 The Plan contains a Monitoring Framework which sets out the indicators that will act as a benchmark in measuring performance and be used to monitor delivery of the Plan’s policies and proposals. The monitoring indicators are categorised by the objectives which underpin the Plan and consist of the core indicators, needed to monitor and assess changes relevant to aspects of national policy, together with contextual and local indicators particular to Newport. The Plan monitoring process will include an Annual Monitoring Report (AMR), which is fundamental in assessing the progress and effectiveness of the LDP. The AMR will also include the results of the SA/SEA monitoring, together with the monitoring of associated plans and documents including the Single Integrated Plan. The Plan identifies a range of responses to the results of the monitoring process, according to the nature and severity of the issue identified.
- 12.2 During the examination process the Council has developed in greater detail the targets and indicators for monitoring key elements of the Plan. In particular, indicators, targets and trigger points have been revised, especially in relation to Plan provisions concerning economic growth and housing, in order to enable more effective monitoring of the Plan’s progress. Some of these changes are specifically identified in other sections of this report.
- 12.3 **MAC 12.1**, as further amended by **MAC 12.2** and **MAC 12.3** following the final two hearing sessions, sets out the revised monitoring framework. With these changes the Plan provides a robust mechanism for monitoring delivery, implementation and to establish when the Plan or individual policies may need to be reviewed. The changes are also necessary to ensure that the Plan is sufficiently flexible to deal with changing circumstances. The changes are therefore recommended to ensure that the Plan satisfies soundness tests CE3 and CE4.
- 12.4 The Plan also contains a series of delivery and implementation tables, intended to confirm the deliverability of development allocations in the Plan and any associated infrastructure. The tables include a summary of the likely phasing of development for each allocated housing site. **MAC 13.1** introduces text clarifying the indicative nature of this information; **MAC 13.2** updates the tables in the light of other MACs to the Plan identified elsewhere in this report.

## **Recommendation**

12.5 That in order to make the Plan sound the following changes are required:

**MAC 12.1; MAC 12.2; MAC 12.3; MAC 13.1; MAC 13.2**

## **13 Overall Conclusion**

13.1 I conclude that, with the changes that are recommended as set out in Appendix A and Appendix B of this report, the Newport Local Development Plan 2011-2026 satisfies the requirements of section 64(5) of the 2004 Act and meets the procedural, consistency and coherence and effectiveness tests of soundness in LDP Wales.

*Alwyn B Nixon*

INSPECTOR

**Appendix A: Schedule of Matters Arising Changes recommended by the Inspector**

**Appendix B: Schedule of additional changes recommended by the Inspector**