Report

Planning Committee

Part 1

9 September 2009

Item No 3

Subject **Planning Application Schedule**

Purpose To take decisions on items presented on the attached Schedule.

Author Head of Planning, Regeneration and Strategic Housing.

Ward As indicated on the Schedule.

Summary The Planning Committee has delegated powers to take decisions in relation to planning applications. The Committee publishes a schedule of decisions taken.

Proposal

1. **To resolve decisions as shown on the attached Schedule.**
2. **To authorise the Head of Planning, Regeneration and Strategic Housing to draft any amendments to, additional conditions or reasons for refusal in respect of the Planning Applications Schedule attached.**

Contact Mark Hand 01633 232506 mark.hand@newport.gov.uk

Action by Planning Committee.

Timetable For the periods indicated.

Signed

Background

1 Report attached.

Options Considered/Available

2 As indicated in the attached Schedule.

Preferred choice and reasons

3 As indicated in the attached Schedule.

Sustainability and Environmental Issues

4 None.

Equalities Impact

5 None.

Crime Prevention Impact

6 None.

Comments of Monitoring Officer

7 None.

Comments of Chief Financial Officer

8 None.

Comments of Head of Human Resources and Policy

9 None.

Other Relevant Consultation

10 None.

Background Papers

11 **NATIONAL POLICY**

Planning Policy Wales (PPW) (March 2002)

Ministerial Interim Planning Policy Statement (MIPPS):
MIPPS 01/2009 - Planning for Sustainable Buildings
MIPPS 01/2008 – Good Design
MIPPS 01/2006 – Housing
MIPPS 02/2005 – Planning for Retailing and Town Centres
MIPPS 01/2005 – Planning for Renewable Energy

PPW Technical Advice Notes (TAN):
TAN 1: Joint Housing Land Availability Studies (2006)
TAN 2: Planning and Affordable Housing (2006)
TAN 3: Simplified Planning Zones (1996)
TAN 4: Retailing and Town Centres (1996)
TAN 5: Nature Conservation and Planning (1996)
TAN 6: Agriculture and Rural Development (2000)
TAN 7: Outdoor Advertisement Control (1996)
TAN 8: Renewable Energy (2005)
TAN 9: Enforcement of Planning Control (1997)
TAN 10: Tree Preservation Orders (1997)
TAN 11: Noise (1997)

TAN 12: Design (2009)
TAN 13: Tourism (1997)
TAN 14: Coastal Planning (1998)
TAN 15: Development and Flood Risk (2004)
TAN 16: Sport, Recreation and Open Space (2009)
TAN 18: Transport (2007)
TAN 19: Telecommunications (2002)
TAN 20: The Welsh Language: Unitary Development Plans and Planning Control (2000)
TAN 21: Waste (2001)

Minerals Planning Policy Wales (December 2000)
Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30/03/2004)
Minerals Technical Advice Note (MTAN) Wales 2: Coal (20/01/2009)

LOCAL POLICY

Newport Unitary Development Plan (UDP) 1996 – 2011 (Adopted May 2006)

Supplementary Planning Guidance (SPG):
Accessibility Design Guide
Alway Regeneration Area Development Brief (November 2005)
Crindau Development Brief Planning and Design Guidelines (September 2008)
Eastern Expansion Area Development Framework (May 2007)
Flat Conversions and Houses in Multiple Occupation (June 2006)
Flood Risk and Sustainable Drainage Systems (December 2005)
George Street Development Brief (November 2003)
House Extensions (January 2005)
Lower Dock Street Conservation Area Appraisal
Masterplanning Principles (2004)
Newport Public Realm Strategy (July 2006)
Newport 2020 Unlimited Vision
Old Town Dock Development Brief (December 2005)
Outdoor Play Space Provision (February 2007)
Parking Guidelines Revised Edition (1993) Including Revised Central Area Requirement
Pillgwenlly Regeneration Framework (May 2009)
Planning Obligations (December 2007)
Redwick Conservation Area Appraisal SPG (September 2002)
Repairs and Alterations to Listed Buildings: Supplementary Planning Guidance
Residential Design Guide (May 2007)
River Usk Strategy (July 2009)
Rodney Parade Development Brief (July 2006)
Security Measures for Shopfronts and Commercial Premises (March 2006)
Station Yard Urban Design Framework (September 2008)
Town Centre Shopfront Policy.

Planning Application Schedule

APPLICATION DETAILS

No: 09/0195 Ward: ***PILLGWENLLY***

Type: FULL WITH ENVIRONMENTAL STATEMENT

Expiry Date: 18/06/2009

Applicant: ***VO-GEN ENERGY LTD***

Site: ***LAND TO SOUTH OF BALDWINS CRANE HIRE WEST WAY ROAD ALEXANDRA DOCKS NEWPORT SOUTH WALES***

Proposal: ***CONSTRUCTION AND OPERATION OF 25 MWE POWER PLANT***

CONSULTATIONS

HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (LANDSCAPING): The landscape assessment provided is generally sufficient to understand the potential impacts of the development on the landscape and visual amenity. The general findings of the Landscape Assessment are acceptable. The development site is in an area that is of low landscape quality due to the surrounding industrial usage. The assessment concludes that the visual impact of the development is neutral however, it is difficult to assess the potential visual impact on the immediate area without a photomontage. Whilst the site is located within the existing industrial area the proposed development might have a visual impact upon views from the west and south west. In the absence of a photomontage or evidence to illustrate the visual impact it is recommended that the proposals should include substantive landscape mitigation measures to the sites western boundary adjacent to the River Ebbw.

Section 3.3.4 of the Environmental Statement proposes that the colour of the stack will be discussed with the Local Planning Authority and will take into consideration visual intrusion with the sky as a backdrop. Due to the scale of the developments and potential visual impact, the submission of this information should be made prior to determination of the application.

HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (AIR QUALITY): No objection following the submission of an Air Quality addendum to the Environmental Statement which includes additional information relating to the cumulative impacts and the potential impacts on the Severn Estuary SPA and River Usk SAC.

HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (CONTAMINATED LAND): No objection subject to conditions being imposed on any permission granted to ensure the site is comprehensively invesitgated and the presence of ground contamination identified and mitigated.

HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (NOISE): No objection subject to a condition being imposed on any permission granted to ensure noise emitted from the plant and equipment do not exceed the existing back ground noise level by 5dB(A) at any residential property, at any time and restriction of construction times.

HEAD OF ENGINEERING AND CONSTRUCTION: No objection, following the submission of additional information relating to a cumulative assessment, highways and movement assessment. Conditions are recommended to ensure a traffic management plan and travel plan are submitted and the importation of fuel materials are restricted to shipping and/or rail transport.

SOUTH WALES FIRE AND RESCUE SERVICE: The applicant should consider the need for the provision of adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances.

HEDDLU – GWENT POLICE: No objection. Advise of security standards which would provide greater levels of physical security to the proposed development.

NEWPORT HARBOUR COMMISSIONERS: No objection.

COUNTRYSIDE COUNCIL FOR WALES: Requested that an appropriate assessment be undertaken with regards to the impacts on the Severn Estuary European Sites and the River Usk SAC. Has no objection having seen the Appropriate Assessment, but requests minor amendments to Conditon 03 and a condition regarding emissions. [*The requested changes have been made*.]

ENVIRONMENT AGENCY: No objection subject to conditions ensuring the submission of a scheme of surface water disposal, a scheme to install oil and petrol interceptors, suitable storage of oils, fuel or chemicals and a construction management plan.

GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No objection, the provision of the information in the environmental statement on the archaeological resource and the proposed mitigation measures that will be undertaken if planning permission is granted is sufficient. Recommend a condition requiring the applicant to submit a detailed programme of investigation for the archaeological resource following the outline given in the Environmental Statement.

GWENT WILDLIFE TRUST: No objection although disappointed that the site has been cleared without regard to biodiversity. As the Environmental Scoping Report noted the potential for rare plants, reptiles and ground nesting birds, there is concern that biodiversity assets may have been lost.

As Japanese Knotweed was noted on site prior to clearance, and it is not known what the methods of site clearance were, a precautionary approach to monitor the site for Japanese Knotweed and to take appropriate action to control any stands that are found is recommended.

The creation of a wetland SuDS system is supported, especially as this may in part to compensate for biodiversity losses sustained, as well as to contribute to drainage. Conditions are recommended to ensure an appropriate landscape plans is produced, together with a management plan. Suitable native species of local provenance should be used, and provision for invertebrates made as the docks are known to be important for certain species such as the shrill carder bee, small ranunculus moth and wormwood moonshiner beetle.

HEALTH AND SAFETY EXECUTIVE: The HSE does not advise against the approval of this application.

WESTERN POWER DISTRIBUTION: Advise of their apparatus in the surrounding area.

CIVIL AVIATION AUTHORITY: The proposed development would not constitute an obstruction to aviation.

NATIONAL AIR TRAFFIC SERVICES: No objection.

REPRESENTATIONS

LETTERS: 23 letters received in total, 9 from Newport residents, including 7 from pupils of Marshfield Primary School and 14 from elsewhere in the UK. The letters raise the following objections and concerns:

- biofuels destroy rainforests and animals;
- biofuels make climate change worse;
- the destruction of rainforests means people will lose their homes;
- in light of the national and international nature of the project it is more appropriate to move the application to the higher decision-making platform of the Welsh Assembly Government;
- need to be growing plants to feed the hungry not to produce energy;
- multinational companies behind huge soya plantations are ignoring human rights abuses. Indigenous people are losing their basic human rights to live and farm on land that they have occupied for thousands of years;
- concerned about the impact which biofuel burning will have on air pollution and the health of local communities living close to the South Dock area;
- the objective of limiting carbon dioxide emissions is not fulfilled by choosing vegetable oil as a fuel. This causes more emissions than the equivalent petroleum;
- the additional emissions are not redeemed by the application providing combined heat and power;
- vegetable oils sourced both locally and internationally cause indirect land use changes;
- Indonesia and Malaysia are the dominant producers of palm oil. Forest fires and destruction of peatlands directly associated with the expansion of oil palm plantations have made Indonesia the world's third largest contributor to global warming;
- plantations covering over 7 million hectares in Indonesia, producing 18 million tonnes of crude palm oil per year, are not ecologically or economically sustainable. The RSPO system does not address the issue of such vast monoculture;
- Jatropha curcas oil could be considered, this is a plant grown on marginal land unsuitable for food crops;
- biofuel crops grown in developing countries compete with food for land so we are depriving people of food to get our biofuel;
- Vogen energy says that biofuel will be certified as sustainable. However, several certification schemes for biofuels have been shown to be responsible for deforestation, peatland destruction, land conflicts and violation of land rights.
- the public event held on 25 August should have been a traditional public meeting with opportunity for debate, presided over by a neutral chair There has been a democratic deficit;

- every ton of palm oil produced results in 33 tons of carbon dioxide emissions - ten times more than petroleum;
- quoting an Edinburgh University Study, "Rapeseed.....produce up to 70%.....more greenhouse gases.....than fossil fuels" In Europe 80% of biofuels come from rapeseed;
- more and more arable soil which would normally be used to produce food staples is now being turned over to biofuel cultivation;
- the checkability of crops from accredited sources is difficult. The Roundtable of Sustainable Palm Oil often can't trace the palm oil beyond the processor, leaving companies unable to determine whether it comes from destroyed areas;
- accredited sustainable sources are now being discredited by hundreds of charities;
- Councillors and planners have to act in the world as it is now. Balance the extremely modest job creation against the emission of particulates into the Newport air and the globally destructive unintended consequences of biofuels.

EMAILS: 223 identical emails have been received which appear to have derived from a campaign group called biofuelwatch. This group's policy is to "campaign against industrial bioenergy, ie energy linked to industrial agriculture and industrial forestry. This includes agrofuels, both current ones and "second generation" ones[1]". Their website invites supporters to submit a pre prepared email objection to the proposed development, (4 received from Newport residents, 217 from elsewhere in the UK, one from the USA and one from Spain). The emails raise the following issues:
- concern about the effects that the additional demand of vegetable oil, probably mainly palm oil and soya oil will have on climate change, on communities in countries such as Indonesia, Colombia and Argentina, on deforestation and other ecosystem destruction;
- concern about the impact which biofuel burning will have on air pollution and the health of local communities living close to the South Dock area;
- burning palm oil and soya in power station will result in plantation expansion and will thus worsen the disastrous impacts caused by the palm oil and soya industries regardless of where the biofuels are sourced from;
- Vogen claims that they will only use sustainable feedstock. This is impossible, for example, they say that they will use feedstock certified by the Roundtable on Sustainable Palm Oil (RSPO) and the Roundtable for Responsible Soy (RTRS). Both of those roundtables have been strongly criticised by civil society groups, particularly in countries where palm oil and soya are grown;
- vegetable oil burning will lead to more emissions of PM10, PM2.5 and Nitrogen Oxide which are associated with increases in respiratory and other illnesses and premature death.

POSTCARDS: 331 (duplicates forwarded from Assembly Members and Local Authority Councillors not included in the total) have been received which appear to have derived from the campaign group biofuelwatch approaching members of the public in the City Centre over a number of days since the beginning of July. The postcards are identical and raise the following concerns:
- biofuels are not renewable energy;
- biofuels make climate change worse;
- biofuels destroy rainforests;
- biofuels cause up to 75% of world food prices rises which aggravate world hunger;
- biofuel production causes native forest peoples to lose their homes and livelihoods;
- biofuel production means that animals are injured, burnt, orphaned and killed;
- there are other better ways to generate clean renewable electricity.

252 of these postcards were received from Newport residents, a further 15 specifically from Pillgwenlly residents and 64 from outside of Newport. The postcards also urged for a public meeting to be arranged.

FEEDBACK FROM PUBLIC INFORMATION EVENT: A public exhibition and information event was subsequently held on the 25 August 2009 in the Newport Leisure Centre (2.00 pm – 7.00 pm), providing information about the proposed development, an opportunity to ask the applicant questions or discuss concerns, and an opportunity to record comments on the proposals. 35 comments supporting the proposals, 6 against, 2 undecided, 10 businesses wishing to provide business support, and 183 people interested in employment opportunities.

NEWPORT CIVIC SOCIETY: The Committee raises reservation about traffic problems at Junction 28 of M4.

OXFAM CYMRU: Given the need expressed in Planning Policy Wales for developments to comply with the principles of sustainable development Oxfam Cymru is concerned that a hasty increase in the use of biofuels risks destroying ecosystems, fuelling climate change and pushing up food prices for the poorest and most vulnerable people in the world. *A paper was provided with the response entitled Oxfam Briefing Paper "Another Inconvenient Truth", in summary the paper raises the following concerns:*

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[1] *Source:* www.biofuelwatch.org.uk

- “rich countries’ biofuels policies currently offer neither a safe nor effective means to tackle climate change”;
- “rich countries’ biofuels policies currently offer neither a safe nor an effective means to address fuel security”;
- “biofuel mandates and support measures in rich countries are driving up food prices as they divert more and more food crops and agricultural land into fuel production”.

RELEVANT SITE HISTORY
None

POLICY CONTEXT
Ministerial Interim Planning Policy Statement 01/2005 – Planning for Renewable Energy
This policy document replaces paragraphs 12.8 to 12.10 of Planning Policy Wales 2002.
12.8.1 It is now widely accepted that climate change is occurring and that the burning of fossil fuels, which generate greenhouse gas emissions, is a major contributor. Unless such emissions, particularly carbon dioxide, are brought under control, there will be severe and unpredictable global impacts which in turn will lead to a significant climatic effect at a local level.
12.8.3 The UK Energy White Paper published in 2003 sets out the UK Government’s aim to ensure a secure, diverse and sustainable supply of energy at competitive prices consistent with wider economic policies, the promotion of energy efficiency and health and safety and the full and proper protection of the local and global environment. The Assembly Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions. It has established specific renewable electricity production targets for Wales of 4TWh per annum by 2010 and 7TWh per annum by 2020. These targets should be seen in the context of the Assembly Government’s overall Energy Strategy and its commitment to energy efficiency. Planning policy at all levels should facilitate both.
12.8.4 The Assembly Government’s aim is to secure an appropriate mix of energy provision for Wales, whilst minimising the impact on the environment. This will be achieved in part by strengthening renewable energy production, and through a greater focus on energy efficiency and conservation. This forms part of the Assembly Government’s aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.
12.8.5 For the purposes of this policy, renewable energy is the term used to cover those sources of energy, other than fossil fuels or nuclear fuel, which are continuously and sustainably available in our environment. This includes wind, water, solar, geothermal energy and plant material often referred to as biomass. Biomass is generally regarded as fuel (other than fossil fuel), at least 98 per cent of the energy content of which is derived organically from plant or animal matter. This includes agricultural, forestry or wood wastes or residues, sewage and energy crops.
12.8.6 In order to broaden the range of renewable energy technologies in Wales planning policy must also favour developments that support research, development and demonstration for alternative sources of renewable energy production.
12.8.12 Local planning authorities should facilitate the development of all forms of renewable energy and energy efficiency and conservation measures which fit within a sustainable development framework. Specifically, they should make positive provision for such development to meet society’s needs now and in the future by:
- considering the contribution that their authority area can make towards developing and facilitating renewable energy and energy efficiency and conservation, and ensuring that development plan policies enable this contribution to be delivered;
- ensuring that development control decisions are consistent with national and international climate change obligations, including contribution to renewable energy targets, having regard to emerging national and international policy on the levels of renewable energy required and on appropriate technologies; and
- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to wider planning goals and objectives and the delivery of renewable energy targets.
12.8.13 At the same time local planning authorities should:
- ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are protected from inappropriate development; and
- ensure that any potential detrimental effects on local communities are minimised.
12.10.1 Local planning authorities should consider the effects of any scheme and its associated infrastructure in relation to sustainable development criteria relating to economic, social and environmental impacts including the need to meet national renewable energy targets. Where a development is likely to cause demonstrable harm to a designated area by virtue of having a significant adverse impact on the qualities for which the site was designated, consideration should be given to refusing the development if such effects cannot be overcome by mitigation measures, planning conditions or obligations. Conditions should also be attached to any planning permission specifying requirements for removal of the turbines and all associated infrastructure and remediation of the site as soon as their use ceases.
12.10.3 Whilst having regard to the contribution of renewable energy use to wider planning goals such as the diversification of the rural economy, local planning authorities should ensure that any potential detrimental

environmental effects on local communities are minimised, to safeguard quality of life for existing and future generations.

National Planning Policy – Technical Advice Note 8 (Renewable Energy) (July 2005)
Paragraph 3.11 under heading "Fuel Crops, including Woodfuel" states that "there is likely to be a close locational relationship between the energy generation plant and the growing of crops specifically for fuel in rural areas. The growing of the fuel crop is an issue that lies outside of planning control; the planning process can only directly influence the development of plant and associated infrastructure".
Paragraph 12.10.1 under heading "development control and sustainable energy" the policy states that "local planning authorities should consider the effects of any scheme and its associated infrastructure in relation to sustainable development criteria relating to economic, social and environmental impacts including the need to meet national renewable energy targets. Where a development is likely to cause demonstrable harm to a designated area by virtue of having a significant adverse impact on the qualities for which the site was designated, consideration should be given to refusing the development if such effects cannot be overcome by mitigation measures, planning conditions or obligations".
Paragraph 12.10.3 states "whilst having regard to the contribution of renewable energy use to wider planning goals such as the diversification of the rural economy, local planning authorities should ensure that any potential detrimental environmental effects on local communities are minimised, to safeguard quality of life for existing and future generations".

National Planning Policy – Technical Advice Note 8 (Renewable Energy) (July 2005)
Paragraph 3.11 under heading "Fuel Crops, including Woodfuel" states that "there is likely to be a close locational relationship between the energy generation plant and the growing of crops specifically for fuel in rural areas. The growing of the fuel crop is an issue that lies outside of planning control; the planning process can only directly influence the development of plant and associated infrastructure".

Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006)
The proposal has been assessed with regard to the above Plan. The site is located on land designated for employment purposes and so has been considered with regard to the following policies:
Policy SP1 states that proposals will be favoured which make a positive contribution to sustainable development. Criteria for assessment include: energy conservation; minimising the need to travel by car; supporting access to public transport and facilities for walking and cycling; re-use of previously developed land; conservation and enhancement of the natural environment; improving the environment, facilities and services for the wider community; conservation and efficient use of resources such as water and minerals; minimisation and re-use of waste.
Policy SP16 (Employment Sites) seeks to direct new industrial and business development to particular areas of the City including the docks.
Policy ED1(v) (Employment Land Allocations) allocates 30.5 hectares in Newport Docks for uses within Class B1, B2 and B8. The supporting text of that Policy goes on to state that 'proximity to the River Usk (Lower Usk) Site of Special Scientific Interest and to the River Usk Special Area of Conservation and the policies relating to them should be noted'.
Policy CE14 (Coastal Zone) states that development will not be permitted in the coastal area or adjoining the tidal rivers unless:
(i) in the undeveloped coastal area such development is required to be on the coast to meet an exceptional need which cannot reasonably be accommodated elsewhere;
(ii) in the developed coastal area such development requires a coastal location;
(iii) the area is not itself at risk nor will the proposed development exacerbate risks from erosion, flooding or land instability.
The supporting text goes on to state that 'previously developed areas around the River Usk do however provide opportunities for redevelopment and regeneration. The Severn Estuary itself is a Wetland of International Importance (Ramsar site), a Special Protection Area for birds, a possible Special Area of Conservation under the European Habitats Directive and is also a Site of Special Scientific Interest. The River Usk (Lower Usk) is also a Site of Special Scientific Interest and a Special Area of Conservation.'
Policy SP25 (Polluting Development) states that development will not be permitted which would have an unacceptable effects in terms of risk to health or safety or would be harmful to communities or the environment by way of atmospheric, water, noise or other forms of pollution.
Policy CE4 (Landscaping Schemes) states that planning applications for significant or prominent developments should be accompanied by a landscape design statement. The following will be sought:
(i) a design which reflects local landscape character;
(ii) the use of native tree and shrub species;
(iii) the retention of existing landscape features such as ponds, hedgerows and trees;
(iv) implementation of some or all of the landscape scheme before development commences where necessary to protect nature conservation or biodiversity interests.
Policy CE6 (National Sites) states that development which would affect nationally designated sites of nature conservation will only be permitted where the development would not have an adverse effect on the nature

conservation interest of the site, and the reasons for development clearly outweigh the value of the site and it is possible to agree conditions to mitigate the harmful effects.
Policy CE9 (Species Protected By European Legislation) states that planning permission will not be granted for development which could disturb or adversely affect a species protected by European legislation unless there is no alternative location and mitigation measures can be implemented and it can be established that the development would not be detrimental to the protected species.
Policy CE10 (Species Protected by United Kingdom Legislation) states that planning permission will only be granted for development which could disturb a species protected by United Kingdom legislation where the harmful effects of the development can be mitigated or minimised to an acceptable level.
Policy CE26 (Archaeologically Sensitive Areas) states that within archaeological areas, details of ground works and services, along with a written assessment of the likely archaeological impact will be required.
Policy CE38 (Quality of Design) requires good design and states that development should be sensitive to the qualities of the site and character of the area.
Policy U4 (Sustainable Drainage Systems) states that developers should seek to incorporate sustainable drainage systems into development proposals.
Policy U9 (Renewable Energy) states that development of sites for power generation from renewable resources will be encouraged and permitted where there will be:
(i) no significant adverse effect on the environment and the amenities of local residents by the scale and appearance of the development and by resultant air or water pollution, noise or traffic;
(ii) no unacceptable impact on sites of special scientific interest, Ramsar site or special protection area;
(iii) no unacceptable visual impact on or physical damage to features of archaeological or historic interest or to the green belt.

ASSESSMENT

Application Site and Brief Description of the Proposal

This application seeks full planning permission for the construction and operation of a 25 MWe power plant within Newport Docks. The energy generated from the development would provide sufficient electricity (to be fed into the local electricity distribution network) to supply approximately 60,000 households in the Newport area. The plant will process between 30,000 and 40,000 tonnes of feedstock per annum.

The application site is located within the South Dock complex bounded on the north west and west by the docklands perimeter road, to the south by disused land and to the east by existing warehouse buildings. The site covers 2.05 hectares of derelict land covered by sporadic vegetation. Beyond the perimeter road to the northwest is derelict scrub/waste land. On the south eastern extent of the site there is an area of hardstanding which is used as a storage area. There is commercial industry to the east and northeast, which includes scrap metal and timber companies. The site is accessed via the main docks road called West Way Road which joins directly onto the public highway via a controlled entrance point with barriers.

In terms of the setting, the site is within the heart of the working docks. The buildings here are generally large, at 20m in height and above, and industrial in appearance. There are examples of other taller structures such as emission stacks, power lines and cranes for use with dock activity. There is also the extant planning permission (No 08/1257) for the significantly larger Biomass building towards the south of the docks approximately 530m from this site and the extant planning permission (No 08/1470) for a 12 MWe energy from waste recovery facility towards the north of the South Dock approximately 430m away.

Need for the Development

The Climate Change Act 2008 sets legally binding targets for greenhouse gas emission reductions of at least 80% by 2050, and reductions in CO_2 emissions of at least 26% by 2020, against a 1990 baseline.

In Wales, the Welsh Assembly Government has set a target for renewable energy production at 4 Terrawatt hours (TWh) of energy production per annum in 2010, rising to 7TWh by 2020[2]. The Welsh Assembly Government, Renewable Energy Route Map for Wales (consultation February 2008) states that interim analysis indicates that biomass (both indigenous and imported) might annually generate some 4 to 7TWhr per annum of electricity and about 1.5TWh per annum of heat and that a policy which gives highest priority ' to local biomass for local energy production' is likely to meet most sustainable development objectives.

The term biomass means "fuels used in generating stations where: at least 90% of its energy content is derived from relevant material (that is to say, material which is, or is derived directly or indirectly from, plant matter, animal matter, fungi or algae")[3]

Background to Technology

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[2] *Source: Paragraph 12.8.3 of Ministerial Interim Planning Policy Statement (01/2005) Planning for Renewable Energy (www.new.wales.gov.uk)*
[3] *Source: The Renewable Obligation Order 2009 (www.opsi.gov.uk)*

The process involves the use of a reciprocating engine (also known as a piston engine) which would convert liquids or gaseous fuels into energy. It would use crude, unrefined bio-oils (details of fuel sources are reported further on). Thermal heat generated by the process will be recovered for temperature control of the bio-oil, increasing overall efficiency, and would also have the potential to supply other projects/facilities within the vicinity should there be demand in the future. Currently there is no other significant heat demand in the vicinity so the plant would be operating as a combined cycle plant for optimised power generation.

Similar power plants are already in operation or construction on mainland Europe, notably Italy, Belgium and the Netherlands. In the UK a number of similar bio –oil fuelled plants are in operation or being planned. For example in London Borough of Newham a plant by Blue NG was granted planning permission in January 2009. The plant is to be located in Beckton and is a Combined Cycle Biofuel Generation Plant. The plant will generate electricity by recovering wasted thermal energy from existing gas pressure reduction. The plant will be powered by vegetable oils likely to be imported from EU countries as well as Malaysia, India, Brazil and the US. Another bio fuelled plant is under consideration by the London Borough of Ealing.

Proposal and How it will Operate

The scheme would involve the construction of the following main buildings, structures, plant and uses:

- site access with security/administration building and weighbridge. The security/administration building would measure 25m x 15m x 7.45m to the ridge;
- office, laboratory testing, workshop and staff facilities. This would be an L shaped building, 28m x 14m and 14m x 8m x 7.45m to the ridge;
- staff and lorry parking. The car park will provide 30 parking spaces;
- the powerhouse with flue stack. The powerhouse would measure 37.5m x 35m x 19m high to the ridge. The flue stack would be 28m high;
- air cooled condensers which would comprise of 3 units measuring 15m x 5m x 7m in height;
- a tank farm for liquid feedstock storage/handling. This would comprise of five steel single skinned, vertical cylindrical tanks measuring between 15-20m in diameter and 15.75m in height;
- pipeline connection from the quay;
- fire protection and fuel pre-treatment building measuring 25m x 15m x 7.35m to ridge;
- small water treatment and effluent treatment package plants; and
- an area suitable for sustainable drainage system (SUDs).

The construction programme would take approximately 12 months and during operation the plant is expected to have a lifetime of around 25 years. The feedstock would primarily be brought to the site by ship and transferred from the quay to the site by pipeline. It is envisaged that deliveries would not occur more frequently than once every 4 weeks, with off loading taking around 24-36 hours. Waste product in the form of residual oil will be removed by lorry tanker at a rate of one tanker per week.

CHP (Combined Heat and Power) Operation

Up to three reciprocating engines would combust the liquid bio-oil, each driving individual generators that would produce electricity. Turbocharging and air intercooling would be provided to maximise engine efficiency.

Heat from the engine cooling systems would be utilized to produce process heating in the form of Low Temperature Hot Water using heat exchangers. Heat from the engine exhaust gases would be utilised by the heat recovery boilers to produce steam, which would be used to power a bottom cycle steam turbine, thereby producing more electricity. The exhaust steam from the turbine would be condensed by air cooled condensers and then returned to the boilers and recycled to produce more steam.

Electricity Generation and Transmission

The CHP plant would have a maximum net electricity output of approximately 25MWe. This electricity would be fed into the local electricity distribution network operated by Western Power Distribution (WPD), the grid connection is envisaged to be to WPD's substation at Newport south/former Whitehead Works substation and connection would be made via underground cable.

The CHP engine generators in the powerhouse would be connected to a large oil/air-cooled transformer that converts the electrical energy produced to the appropriate voltage for transmission on the local network, which would then supply the national electricity grid.

Assessment

The site is located within an area designated for industrial and employment use by the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006). The principle of the development is considered acceptable.

Planning Policy Wales [March 2002] states that Local Planning Authorities should consider the effects of any scheme and its associated infrastructure on the local environment.

The Ministerial Interim Planning Policy Statement 01/2005 'Planning for Renewable Energy' July 2005 states that 'renewable energy projects should generally be supported by local planning authorities provided environmental impacts are avoided or minimised, and nationally and internationally designated areas are not compromised'.

The application has been accompanied by an Environmental Statement. The following issues are considered to be of most relevance:
- Ecology;
- Landscape;
- Air Quality;
- Noise and Vibration;
- Transport;
- Cultural Heritage;
- Hydrology;
- Ground conditions.

Ecology
Prior to site clearance the habitats present comprised of areas of bare ground, grassland, ruderal herbs, scattered ephemeral pools and dense and scattered shrub. All of these were considered to be recent habitats that had developed over the course of dock site management and the ongoing process of demolition, clearance, partial neglect and re-development. Due to the highly disturbed nature of the site these plants and habitats are unlikely to be of any more than local importance to nature conservation. The applicant proposes an area for sustainable drainage which has the potential to provide some ecological enhancements to the scheme. Should planning permission be granted conditions to ensure suitable landscaping and details of the sustainable drainage area will be imposed.

The site is also located within relatively close proximity of the Severn Estuary and the River Usk which have a number of designations of ecological importance. The Seven Estuary is a Wetland of International Importance (Ramsar Site), a Special Protection Area for birds (SPA), a Site of Community Involvement (SCI) and a Site of Special Scientific Interest. The River Usk (Lower Usk) is also a Site of Special Scientific Interest and a Special Area of Conservation (SAC). These sites have been designated due to their importance for certain habitat types, fish, birds and waterfowl.

There are three designations (Severn Estuary SPA, Severn Estuary SCI, River Usk SAC) that require an Appropriate Assessment to be undertaken under Regulation 48 of the Conservation (Natural Habitats) Regulations 1994. This is where the 'competent authority' (in this case Newport City Council) must undertake an Appropriate Assessment of the implications for the site in view of the site's conservation objectives where a plan or project:
- is likely to have a significant effect on a European site in Great Britain (either alone or in combination with other plans or projects), and
- is not directly connected with or necessary to the management of the site.

While the application site is not located within a designated area there is considered to be a possibility of significant effects on the nearby designated areas. It is considered unlikely that the effects may be direct and solely from this proposed development but there may be some indirect, temporary and combination effects that need to be considered. After consultation with CCW the advice gained has been that an appropriate assessment is required to ensure that the proposed development does not adversely impact on the features of the European designated sites, in particular with respect to: site drainage and release of any existing land contamination causing pollution of the River Usk and Severn Estuary during construction; site discharges causing pollution of the River Usk and Severn Estuary during operation of the development; and, aerial emissions causing pollution of the River Usk and Severn Estuary during operation of the development. Particular concern has been raised regarding 'in-combination' effects, taking into account the existing industrial uses and recently approved power plants.

Non Native Species
Stands of Japanese Knotweed have been recorded within the boundary of the application site. The presence of Knotweed would require remediation to prevent spread and ideally eradicate it on site. Should planning permission be granted then a scheme for the eradication of the Knotweed should be required via a suitable planning condition.

Appropriate Assessment
The Severn Estuary has been designated a SPA as it supports populations of European importance of over wintering species of Bewick's Swan, over wintering migratory species of Gadwall, European White fronted Goose, Dunlin, Shelduck and Redshank and internationally important assemblage of waterfowl. CCW advises that the Bewick's swan feature is not found in the Welsh part of the SPA, so there is no need to

consider impacts on this feature further in the Appropriate Assessment. Similarly, Gadwall now qualify but are associated with fresh water discharges across the SPA foreshore, mostly in England and therefore do not need to be considered here.

Feeding and roosting over wintering birds can be disturbed by movements (visually) and sudden noises. Bewick's swans are found within Newport's Wetlands so would be mainly affected from the landward side. There is intermittent disturbance to the internationally important migratory species and waterfowl assemblage from both the landward and seaward side of the SPA which has increased in recent years, due to the estuary becoming more populated and the development of all weather recreational pursuits. Birds using all supporting habitats are currently highly vulnerable to noise and visual disturbance.

The relevant conservation objectives of the SPA are:
- to maintain the population size of the above mentioned species and assemblages;
- to maintain the extent of supporting habitats of the above mentioned species and assemblages;
- to ensure aggregations of the above mentioned species at feeding, roosting and refuge sites are not subject to significant disturbance;
- to ensure that unrestricted bird sightlines of >200m at feeding and roosting site are maintained for the Dunlin, European white fronted goose, Redshank and Shelduck and at >500m for internationally important assemblage of waterfowl.

The Severn Estuary also qualifies as a Ramsar site by meeting a number of criteria which include its importance as a run of migratory fish between the sea and the river, its importance for migratory birds, it supports over 20,000 waterfowl in winter including internationally important populations of five species of waterfowl. Ramsar sites are not covered in the same way as EU sites and it is not therefore necessary to consider them as part of the Appropriate Assessment.

The Severn Estuary has also been designated a Site of Community Importance (SCI), this is a site which has been adopted by the European Commission but not yet formally designated by the government of each country. The Severn Estuary has been designated a SCI as it contains habitat types and species threatened within a European context of Atlantic Saltmeadows, mudflats and sandflats, reefs, sandbanks, assemblage of fish species, assemblage of waterfowl species and assemblage of vascular plant species. The conservation objectives of the SCI include the maintenance of the qualifying features in a favourable condition.

The mudflats support dense populations of marine invertebrate species, which provide a food source for the large populations of waterfowl and many species of fish. The fish fauna of the Severn Estuary is very diverse. The estuary is one of the most important British estuaries for several rare species, including River Lamprey, Sea Lamprey and Twaite Shad. Sea and river lampreys spend their adult life in the sea or estuaries but spawn and spend the juvenile phase in rivers. The River Usk is included in this and forms a migratory route for sea and river lampreys. Three of the four confirmed UK spawning populations of Twaite Shad are in the River Usk. The shad enter estuaries in spring and move up into the rivers to spawn. The SCI features are vulnerable to effects from contamination but also from sound and vibration. Impacts at particularly times of the year (eg spring for the spawning fish) are to be avoided.

The River Usk has been designated a SAC as it supports the species of Allis Shad, Twaite Shad, Bullhead, River Lamprey, Brook Lamprey, Sea Lamprey, Atlantic Salmon and Otter. The conservation objectives of the River Usk SAC are attached in ***Appendix A***.

Light Pollution
This consideration relates to the otters that are a feature of the River Usk SAC. The site is not suitable to support otters and lacks connection to areas of suitable habitat. There is not considered to be any disturbance from any light spill on any protected species. However, detail of external lighting to be used at the site is subject to Condition 6 so the Local Planning Authority can control the general light spill created from the site.

Water Run Off and Contamination
The accidental release of sediment laden water run off into the estuary would affect fish features of the Severn Estuary SCI and River Usk SAC and reduce prey available for the bird features of the Severn Estuary SPA.

During construction and operation there is considered to be potential for adverse impacts on adjoining habitats from surface water run off due to the nature of the proposed development/activities and the location of the application site and its distance from the European designation and the other use/activities in between. The provision of on site sanitary facilities for construction site staff and the accidental release of fuels or oils has similar potential impact that could impact upon fish features of the Severn Estuary SCI and River Usk SAC, invertebrates and the bird features of the Severn Estuary SPA.

The applicant proposes an area to the north west of the site for SUDs which would facilitate runoff treatment in addition to attenuation of drainage rates. Details of the proposed SUDs method or ground conditions have not been submitted with the application. It is therefore considered appropriate that the applicant submits a drainage strategy setting out a method for SUDs, including controls of contamination during construction, controls to surface water run off, storage of fuels and hazardous materials, spill response plans, pollution control measures. It should also set out controls to contamination during operation. Details of the drainage strategy for construction will have to be submitted as a requirement of Condition 3 which relates to an Environmental Management Plan. Condition 4 and 5 relates to a scheme to install oil and petrol interceptors and adequate storage of oils, fuels and chemicals respectively.

No sewer infrastructure is available on the site and the applicant proposes to install a packaged treatment plant. Condition 2 requires details of the foul drainage during operation and Condition 3 requires the submission of an Environmental Management Plan that would clarify pollution prevention and contingency measures.

Solid waste from the process will be managed in accordance with relevant regulations and so will not cause an impact.

Condition 1 is imposed to ensure that a site investigation of contamination on the site is carried out and any contamination which is found is remediated in accordance with an approved remedial strategy. If needed, suitable mitigation measures can also be controlled via these conditions.

Air Emissions
The Environmental Statement, further clarified by an Addendum (June 2009) sets out that abatement has been incorporated within the design of the proposed development. An abatement of 90% of emissions is achievable as such there is not considered to be a likely significant effect on either the European protected sites of nationally protected sites.

It has been confirmed that if planning permission is granted it will be subject to the Environmental Permitting Regulations as controlled by Newport City Council's Head of Public Protection and Environmental Services (Environmental Health). Air quality issues will be regulated by this permit and so a mechanism exists to ensure adverse impacts from air emissions on the integrity of the EU sites can be avoided. The Council's Environmental Health will have a duty to have regard to the Habitat Regulations when regulating the air emissions for the site.

With regard to air quality generally a report on the potential air quality impacts of the proposed development has been provided in the Environmental Statement and Addendum report. It concludes that air quality impacts resulting from the operation of the plant on ecologically sensitive locations would be less than the AQS objectives. Moreover, there are no objections from Environmental Health regarding odour.

The Environmental Statement sets out mitigation measures for the control of dust, the imposition of these measures will be secured through the submission of Condition 3 which related to an Environmental Management Plan.

Grid Connection
A connection to the National Grid will be required. The Countryside Council for Wales consider that this 'ancillary development' is inextricably linked to the project and should be assessed 'in combination' with the current proposals. The precise connection details are not known at this stage however, the applicant has advised that following feasibility assessment by Western Power Distribution (WPD) the grid connection is envisaged to be to the WPD 33kv circuit at the former Whitehead Works substation (north of the application site). Within ABP land the connection would be made via an underground cable, following an existing service corridor. This would either be adjacent to or in the Port road, going north from the site within ABP land. Between ABP land boundary and the Whitehead Works substation, the underground cable will then either be within an existing WPD service corridor or the highway.

The form of connection would be subject to a separate application, probably to BERR, and a full assessment would be made with that application. The proposed connection, highlighted in the feasibility assessment, is likely to head northwards from the site and away from the designations mentioned and therefore avoid adverse impact on the European Sites. Moreover, due to the proximity of existing power lines, the connecting link would be short.

In-Combination effects
There are two extant planning permissions, one to the south and one to the north of this site. The site to the south is approximately 530m away and is for a biomass plant. The site to the north is approximately 430m away and is for a 12MWe energy from waste recovery facility. There are no other current developments

within the vicinity likely to result in an 'in combination' effect. The applicants have carried out an assessment of the cumulative impacts of the proposed development in combination with the two extant planning permissions. The assessment concludes that the proposed development would not result in any cumulative impacts. In particular the air quality assessment states that NO_2 and PM_{10} emitted from all three plants indicate that there would be no breach of the AQS objectives at the River Usk and Severn Estuary designated sites. The combined impacts from the three processes do not cause any exceedances of critical loads at the Severn Estuary or River Usk designated sites.

In addition the two other power plants were subject to their own Appropriate Assessments with the key issues relating to disturbance to bird, fish and otter features arising from construction activities, contamination during development and when operational, and by aerial emissions. The proposed Bio Fuel facility should not impact upon these features provided that the conditions are adhered to. The Environmental Permitting Regulations will control the air emissions. There are not considered to be any significant 'in combination' effects that are likely to affect the nature conservation interests in the vicinity of the application site that will not be avoided through conditions imposed on those projects or those recommended here.

Conclusion of Appropriate Assessment
With the inclusion of appropriate conditions as shown below and as discussed above, it is considered that any adverse effects on the Severn Estuary SPA, Severn Estuary SCI, and River Usk SAC can be avoided. It is therefore considered that provided these conditions are fully implemented and complied with, the proposed development would not adversely affect the integrity of the Severn Estuary SPA, SCI and River Usk SAC.

Landscape
As part of the Environmental Impact Assessment, an assessment of the impact on the landscape of the site and surrounding areas was undertaken. The development would be visible from the surrounding area including from the proposed M4 relief road, if constructed. However, being situated within the industrial area of the Docks, it is considered that the impact would be acceptable in visual terms. The development proposes to have an area for sustainable drainage; this is considered to add some aesthetic value, as well as its ecological enhancement and surface water drainage benefits. A landscaping scheme will also be required via condition which is considered to offer suitable mitigation of the proposals. The scale of the buildings and structures proposed is low key when viewed in the context of existing industrial buildings in the Docks.

Air Quality
An air quality assessment is contained within the Environmental Statement which considers the potential impacts of the proposed facility during construction and when operational. An addendum to the Environmental Statement also considers the cumulative impacts of the proposed development in relation to the recently approved Energy from Waste Plant and Biomass Plant north and south of the site. The two assessments establish the baseline air quality at the site and surrounding area, the potential effects of the emissions on air quality; the height of the facility's flue stack to ensure that pollutants are safely dispersed; generation and dispersion of dust; and any mitigation measures required.

The findings of the air assessments have shown that the air quality would not exceed any of the air quality objectives designated to protect human and ecosystem health during any of the construction, operational or decommissioning phases of the development.

The cumulative assessment considers the impact on sensitive receptors for nitrogen dioxide (NO_2) and particulates (PM_{10}). The air quality modeling concludes that there would be no exceedances of the Air Quality Strategy objectives at sensitive receptors for nitrogen oxide and particulates. The Countryside Council for Wales raised concern that levels of nitrogen oxide and nitrogen deposition were significant both for the proposed site alone and in combination with other developments. The applicants were able to revise their finding based on updated information presented on the Air Pollution Information System website. The revised air quality modeling concluded that there will be no exceedances of the Air Quality Strategy objective for nitrogen oxide at designated sites for the three plants operating together. The cumulative impact assessment also illustrates that the operation of the three power plants would not cause any exceedances of the nitrogen deposition critical loads at the Severn Estuary and River Usk designated sites. For other designated sites within 15km of the proposed development, the operation of the Biomass plant and the proposed development would not cause any exceedances of the nitrogen deposition critical loads. Where there are exceedances of critical loads at any of the designated sites, these are as a result of existing background concentrations already being higher.

Mitigation measures relating to the control of dust are highlighted during the construction and decommissioning phases to ensure good construction and working practices. A suitable condition is attached to ensure that this occurs. The Head of Public Protection and Environmental Services is satisfied with the

information submitted and offers no objection. During operation, the process is further regulated by the Local Authority's Environmental Health Department the Pollution Permits regime [formerly IPPC].

Noise
An assessment of noise and vibration has been undertaken which take on board both construction and operational impacts. The assessment illustrates that the predicted construction noise levels at identified noise sensitive receptors are well below the proposed construction noise limit of 70dB. A cumulative construction assessment was also undertaken and the noise assessment results indicate that there would be no noise exceedances. The assessment show that during the construction year, the traffic noise level would increase by 1.3dB for Docks Way, 0.7dB for A48 Docks Way and 0.8dB for A48 Usk Way combined with the proposed development.

Combined noise levels from the proposed development, the Biomass Power Plant and the Gasification Plant at Uskmouth Power Station site were calculated for New Dairy Farm (the closest sensitive receptor). The assessment results indicate that the internal noise levels would comply with the noise standards set out in British Standard BS:8233.

The Head of Public Protection and Environmental Services is happy with the submitted assessment and proposed development in this respect providing that the rating level of the noise from fixed plant and equipment on site do not exceed the existing background level at any time by more than 5dB(A) and that construction hours are restricted. This request is covered by a suitable condition.

Transport
A movement assessment of the potential effects of the development during construction and operation was undertaken. The assessment included road based access as well as possible effects on shipping in the port.

For the construction phase the assessment investigated the effect of all the proposed development traffic on two possible routes, a western and eastern route along the highway network from the proposed development to the M4 motorway. The applicant was also asked to assess the cumulative traffic effects of two additional developments alongside the traffic generations of the proposed development. The two other developments considered were the West Way Road mixed use development (B1, B2, B8 and Sui Generis uses covering 4.2 hectares) (No 07/0508) and the Energy from Waste power plant.

The results of the assessments indicate that the operational use of the site would have a minimal impact upon the Highway network. The construction phase does increase traffic movements especially HGV's along Docks Way and West Way Road however, the most intensive periods would occur for a relatively short time scale. The Head of Engineering and Construction is satisfied with the proposed development providing that a Construction Traffic Management Plan is provided and a Travel Plan for the operational phase to include a range of measures to encourage multi-modal accessibility to the site. These requests are covered by suitable conditions. It is also suggested that the import of fuels is restricted to shipping and/or rail as this forms the basis of the application and the movement assessment assumes that all deliveries of the fuel will arrive by ship or rail. Should this change to importation by road then this is likely to have a major impact on the highway network. This request is covered by a condition.

Archaeology
There are a number of non-statutory archaeological sites in the wider area, but none within the application site boundary itself. Notwithstanding this the archaeological potential of the Levels has been recognised and the applicant has carried out a baseline survey. This concludes that there would be no physical effects on known archaeological sites. Glamorgan Gwent Archaeological Trust (GGAT) are satisfied with the work undertaken by the applicants and raise no objection to the proposed development providing a condition regarding a written scheme of investigation is imposed which is duly attached.

Water Resources
The site is not known as a flood risk area although the site is known to have flooded in the past. Mitigation measures to prevent adverse impacts on the water environment will be formulated and submitted as part of the Construction Environmental Management Plan. During operation, the rainfall-runoff rate will increase due to the hardstanding areas and therefore has the potential to cause a marginal increase in the risk of flooding. This can be mitigated by appropriate and effective drainage design which forms a condition.

Ground Conditions
A preliminary ground investigation has been carried out but no detailed consideration has been given to the geotechnical ground conditions at this stage. Speculation of what is likely to be found has been provided based on the history of the site and the processes and industry that has taken place on and around the site. Detail has also been provided on how the site will be drained and all water flows from the site will be controlled. Suitable conditions have been attached with regard to drainage and land contamination. The Head of Public Protection and Environmental Services is satisfied that these conditions will ensure that

contamination outside the site will be avoided and there will be no issues to public health and safety during construction or operations.

Feedstock Supply Chain
The applicant has stated that there are 12-15 different types of crude vegetable oil that could be used at the proposed plant, these range from recycled cooking oil, Rapeseed Oil through to Jatropha, Millettia Pinnata and Palm.

A considerable amount of objection has been raised from organisations concerned with the use of biofuels, members of the public and Newport residents. Their concerns are listed above, but in general relate to deforestation, negative impacts on climate change, rises in world food prices, exploitation of native peoples in developing countries and the loss of ecosystems and habitats. They also raise concern that the burning of vegetable oil will lead to more emissions of PM10, PM2.5 and Nitrogen Oxide which will lead to respiratory illnesses within Newport.

With regard to air emissions the applicant has carried out assessments of air quality and emissions, including the cumulative impact of the other power plants recently approved within the docks area. These assessments considered the impact on sensitive receptors which included the nearest residential properties to the application site. The assessments do not indicate any significant impact on residential areas, predominantly due to the isolated location of the proposed plant. The Head of Public Protection and Environmental Services is satisfied with assessments carried out and raises no objection to the proposed development. As stated above, emissions are further controlled by the pollution permit regime and monitored by Environmental Health in consultation with the Gwent Public Health Trust and CCW.

With regard to the other issues raised these relate to the growing of bio fuel crops, particularly in developing nations. The applicant has provided a statement which sets out the Company's procurement policy of obtaining the feedstocks. The policy states that "without exception, and regardless of whichever bio-oils are utilised, Vogen feedstock will only be sourced from accredited and certified sources within a recognised and approved certification system. For example one such certification system, and widely recognized as currently being one of the 'best in class', is that established by the Roundtable on Sustainable Palm Oil (RSPO). The RSPO was originally founded by the World Wildlife Fund with more recent input by bodies such as Oxfam, and was set up to work with Palm Oil producers and end users to try and deliver a more sustainable approach for Palm oil production".

The applicants approach to procuring these certified feedstocks would be a 4 Tiered one.
- *Tier 1* - procure sustainably certified feedstock which is available from within the UK [this would still be delivered by ship or rail. A condition is recommended to control this.];
- *Tier 2* - where a shortfall is apparent following Tier 1 procurement activity, to then procure whatever balance of sustainably certified feedstock is required from within the EU;
- *Tier 3* - where a shortfall is apparent following Tier 2 procurement activity, procure whatever balance or 'top up' quantity of sustainably certified feedstock is then required, if any, from outside the EU, including the Centrally Independent States of Eastern Europe and the former Soviet Union;
- *Tier 4* – investigating and investing in research into the potential of developing Algae Oil or Pyrolysis Oil production platforms in the UK.

In addition there are mandatory sustainability reporting requirements to be achieved with respect to biomass energy feedstock sources as set out in "The Renewables Obligation Order 2009". Under the obligation the UK energy industry regulator (OFGEM) have the power to suspend the provision of renewable obligation certificates (ROC's) to an operator of a power station pending provision of an acceptable annual report on the sustainability of the biomass they have used. In short the applicants would receive a proportion of money for the renewable energy they would produce, which in this case would amount to 60% of gross revenue. The applicants would still "get paid" for the electricity they produce even where it is not renewable however without the 60% revenue the scheme would not be able to be built or operate. The applicants have stated that only crude vegetable oils will be used to power the plant. It is therefore considered necessary to impose three conditions to ensure all crude vegetable oils are procured under a recognised sustainability accreditation system, an audit of greenhouse gas emissions over the lifecycle of the project is submitted to ensure greenhouse gas emissions would be lower than from a fossil fuel equivalent and a condition to demonstrate that suitable policies and practices are in place to maintain the greenhouse gas emission profile of the project at a low level.

Whilst the global-scale concerns regarding the sourcing of biofuels is noted, it is considered that the procurement strategy proposed by the applicant, and the recommended conditions, provide the best possible control over sourcing fuel sustainably. Although some objectors consider that the certification schemes are flawed, it must be noted that planning applications must be determined on the basis of the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006) and other material planning considerations. National Planning Policy forms such a consideration, and clearly states that the growing of the fuel crop is an issue

that lies outside of planning control. WAG has written to the Planning Department and confirmed that it will not be "*calling in*" this application to determine because it does not consider the application to be of more than local importance.

As stated above, National Planning Policy – Technical Advice Note 8 (Renewable Energy) (July 2005) paragraph 3.11 advises that "there is likely to be a close locational relationship between the energy generation plant and the growing of crops specifically for fuel in rural areas. The growing of the fuel crop is an issue that lies outside of planning control; the planning process can only directly influence the development of plant and associated infrastructure". Whilst it is useful to understand the issues associated with the procurement of feedstocks there are other mechanisms and legislation which can control the sourcing of bio fuel crops. If for whatever reason, changes are needed to these mechanisms or legislation then this is an issue for national and possibly international policy makers. The Local Planning Authority is tasked with considering the local social, economic and environmental impacts of a development and its associated infrastructure.

FINAL COMMENTS AND CONCLUSION
The proposed development will be situated on vacant land that is classed as 'brownfield'. The proposal represents a significant economic benefit to Newport amounting to some £30m in capital investment and providing approximately 40 site staff during the construction period and then providing over 32-45 jobs when the facility is operational. The applicants' headquarters would be located at the site and it is envisaged that many of the positions would be filled by people in the local area.

The Environmental Impact Assessment and its Addendum provide the necessary reports and assessments which conclude that the proposed development would not result in a significant effect on the site or the surrounding area. The application is therefore recommended for approval subject to the following conditions.

RECOMMENDATION

GRANTED WITH CONDITIONS

01 No development shall commence on site until:
(a) A Desktop Study has been carried out for the site that includes the identification of previous site uses and potential contaminants that might reasonably be expected. This information should then be used to produce a Conceptual Model of the site for all potential contaminant sources, pathways, and receptors.
(b) A Site Investigation and Environmental Risk Assessment has been undertaken for the site that has enabled the refinement of a site conceptual model and the development of remedial recommendations suitable for the end use of the site; details of which should have been submitted to and approved by the Local Planning Authority. The site investigation should be conducted in accordance with BS:10175.
(c) A Remedial Strategy or method statement detailing suitable remediation requirements, using information obtained from a site investigation and risk assessment, has been submitted to and approved in writing by the Local Planning Authority.
Prior to the beneficial use of the development:
(d) Remedial works shall be completed in accordance with a remedial strategy as approved by the Local Planning Authority, and a Validation Report that certifies the site has been appropriately remediated for its end use shall be compiled by a suitably qualified engineer who supervised the works and shall be submitted to and approved by the Local Planning Authority.
(e) Evidence that any material imported to site is uncontaminated shall be submitted to and approved by the Local Planning Authority.
(f) The Local Planning Authority shall be notified of any additional or unforeseen contamination encountered during the development, and has approved a suitable remedial strategy for the end use of the site, and seen evidence that the work has been carried out accordingly.
Reason: To ensure that the site is comprehensively investigated, the presence of contamination clearly identified and its impacts appropriately mitigated to prevent pollution and to protect the ecological interests of the area and in the interest of safeguarding the features of the Severn Estuary SPA, SCI and the River Usk SAC and in the interest of residential amenity.

02 Prior to the beneficial use of the development, a foul water drainage system to operate during the operational phase of the development shall have been installed in accordance with a scheme which shall have first been submitted to and agreed in writing by the Local Planning Authority.
Reason: To prevent pollution of the water environment and protect the ecological interests of the area and in the interest of safeguarding the features of the Severn Estuary European SPA, SCI and the River Usk SAC.

03 Prior to the commencement of development, an Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall include details of the following:
- dust mitigation measures during construction and operation;
- details of temporary lighting during construction works;

- details of enclosure of working areas during construction;
- a drainage strategy setting out and including a method for SUDs, controls of contamination during construction, including controls to surface water run off, storage of fuels and hazardous materials, spill response plans and pollution control measures.
- pollution prevention and contingency measures during construction and operation.
Construction works and the operation of the development hereby approved shall be implemented in accordance with the approved Environmental Management Plan.
Reason: To protect the amenities of nearby residents and in the interests of ecology including European protected species and in the interest of safeguarding the features of the Severn Estuary European SPA, SCI and the River Usk SAC.

04 Prior to the commencement of works a scheme in install oil and petrol interceptors shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
Reason: To minimise pollution to controlled waters and in the interests of ecology including protected species and in the interest of safeguarding the features of the Severn Estuary European SPA, SCI and the River Usk SAC.

05 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank/storage body plus an additional 10% of that capacity. All filling points, vents, gauges and sight glasses shall be located within the bund and the drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed so as to discharge downwards into the bund.
Reason: To prevent pollution and protect the ecology of the European protected sites.

06 Prior to its installation, full details of external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The lighting shall be installed and maintained in accordance with the approved details.
Reason: To allow the Local Planning Authority to control the level of light spill from the development.

07 Prior to the beneficial use of the energy recovery facility hereby approved, permanent means of enclosure shall be erected in accordance with details which shall have previously been submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall thereafter be retained at all times.
Reason: In the interests of visual amenity.

08 Prior to the construction of any buildings, a scheme for the eradication of Japanese Knotweed on the site shall be implemented in accordance with a scheme which shall have first been submitted to and agreed in writing by the Local Planning Authority.
Reason: In the interests of ecology.

09 The buildings shall be finished in accordance with details and samples of materials which shall have first been submitted to and agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity.

10 Before the development is commenced, approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia grass mixtures and the number, species, heights on planting and positions of all trees and shrubs) and a management plan detailing future maintenance. The landscaping scheme shall also include species to maximise biodiversity interest in the area and in particularly provide species suitable for retaining/attracting the shrill carder bee in this location. Such scheme as approved shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be adequately maintained for a period of 5 years (or as agreed in the management plan) from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.
Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner.

11 Prior to the commencement of works, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority and then fully complied with as approved.
Reason: In the interests of highway safety.

12 Prior to the commencement of works, a travel plan relating to the operation of the facility shall be submitted to and agreed in writing by the Local Planning Authority. The approved travel plan shall then be fully complied with.
Reason: In the interests of highway safety.

13 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
Reason: To identify and record and features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

14 The biomass fuel shall be transported to the site by either rail or ship freight and not by road, unless with the prior written agreement of the Local Planning Authority.
Reason: To enable the Local Planning Authority to retain control over the development and any impact on the local highway network.

15 The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS4142:1997.
Reason: To protect the amenities of nearby residents from noise during the operation.

16 No construction work involving piling shall be carried out on the site other than between the hours of 08:00 and 17:00 Mondays to Fridays and no construction work involving piling shall be carried out on Saturdays, Sundays or Bank Holidays, where it would create noise audible at the boundary of any residential property.
Reason: To protect the amenities of nearby residents from noise during construction.

17 Any construction work which does not involve piling shall not be carried out other than between the hours of 08:00 and 18:00 Monday to Friday and between the hours of 08:00 and 13:00 on Saturdays, where it would create noise audible at the boundary of any residential property. Prior approval in writing will be required from the Local Planning Authority for any construction to take place outside permitted times and on Sundays and Bank Holidays, where it would create noise audible at the boundary of any residential property.
Reason: To protect the amenities of nearby residents from noise during construction.

18 Prior to construction an independent audit shall be carried out, and shall be submitted to and approved by the Local Planning Authority which demonstrates sufficiently that the Greenhouse Gas emissions over the lifecycle of the development hereby approved, and including those arising from the feedstock production and supply chain, will be lower than the Greenhouse Gas emissions that would otherwise arise from the fossil fuel feedstock equivalent used for the purposes of power generation and to produce a similar power output.
Reason: To ensure the development operates in a sustainable manner.

19 Prior to commencement of operation suitable policies and practices shall be submitted to and approved by the Local Planning Authority which shall demonstrate as being sufficiently in place to maintain the Greenhouse Gas emission profile of the development hereby approved at a low level when compared to that of the Greenhouse Gas emission profile that would otherwise result should the fossil fuel feedstock equivalent be used for the purposes of power generation activity in order to produce a similar power output. The policies and practices shall demonstrate that Greenhouse Gas emission shall be maintained at a low level for the lifetime of the development.
Reason: To ensure the development operates in a sustainable manner.

20 Prior to construction a fuel procurement policy shall be submitted to and approved in writing by the Local Planning Authority. The policy shall demonstrate and provide documented compliance that the fuels utilised as feedstock for the purpose of power generation shall be procured under a recognised sustainability accreditation system or certified as having been previously recycled to be used for such purposes.
Reason: To ensure the development operates in a sustainable manner.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 01/PA, 03/PA, 04/PA, 05/PA, 06/PA, 07PA, 08/PA, PA3 issue 04 Planning Statement (Dated 13 February 2009), Environmental Statement (February 2009), Non Technical Summary, Air Quality Assessment Addendum (received 17 June 2009), Highway and Movement Assessment – Cumulative Assessment Addendum (received 17 June 2009) and document entitled “Crude Vegetable Oil Feedstock Supply Chain: Sustainability Criteria, Commitments and Control (July 2009).

02 The development plan for Newport is the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006). Policies SP16, ED1, CE14, SP25, CE4, CE6, CE9, CE10, CE26, CE38, U4 and U9 were relevant to the determination of this application.

03 The application was accompanied by an Environmental Statement.

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4 CONSERVATION OBJECTIVES

Background to Conservation Objectives:

(a) Outline of the legal context and purpose of conservation objectives.

> Conservation objectives are required by the 1992 'Habitats' Directive (92/43/EEC). The aim of the Habitats Directives is the maintenance, or where appropriate the restoration of the 'favourable conservation status' of habitats and species features for which SACs and SPAs are designated (see Box 1).

In the broadest terms, 'favourable conservation status' means a feature is in satisfactory condition and all the things needed to keep it that way are in place for the foreseeable future. CCW considers that the concept of favourable conservation status provides a practical and legally robust basis for conservation objectives for Natura 2000 and Ramsar sites.

Achieving these objectives requires appropriate management and the control of factors that may cause deterioration of habitats or significant disturbance to species.

As well as the overall function of communication, Conservation objectives have a number of specific roles:

Conservation planning and management.

> The conservation objectives guide management of sites, to maintain or restore the habitats and species in favourable condition.

Assessing plans and projects.

Article 6(3) of the 'Habitats' Directive requires appropriate assessment of proposed plans and projects against a site's conservation objectives. Subject to certain exceptions, plans or projects may not proceed unless it is established that they will not adversely affect the integrity of sites. This role for testing plans and projects also applies to the review of existing decisions and consents.

Monitoring and reporting.

> The conservation objectives provide the basis for assessing the condition of a feature and the status of factors that affect it. CCW uses 'performance indicators' within the conservation objectives, as the basis for monitoring and reporting. Performance indicators are selected to provide useful information about the condition of a feature and the factors that affect it.

The conservation objectives in this document reflect CCW's current information and understanding of the site and its features and their importance in an international context. The conservation objectives are subject to review by CCW in light of new knowledge.

(b) Format of the conservation objectives

There is one conservation objective for each feature listed in part 3. Each conservation objective is a composite statement representing a site-specific description of what is considered to be the favourable conservation status of the feature. These statements apply to a whole feature as it occurs within the whole plan area, although Section 3.2 sets out their relevance to individual management units.

Each conservation objective consists of the following two elements:

1 Vision for the feature

2 Performance indicators

As a result of the general practice developed and agreed within the UK Conservation Agencies, conservation objectives include performance indicators, the selection of which should be informed by JNCC guidance on Common Standards Monitoring1.

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1 *Web link: http://www.jncc.gov.uk/page-2199*

There is a critical need for clarity over the role of performance indicators within the conservation objectives. **A conservation objective, because it includes the vision for the feature, has meaning and substance independently of the performance indicators, and is more than the sum of the performance indicators**. The performance indicators are simply what make the conservation objectives measurable, and are thus part of, not a substitute for, the conservation objectives. Any feature attribute identified in the performance indicators should be represented in the vision for the feature, but not all elements of the vision for the feature will necessarily have corresponding performance indicators.

As well as describing the aspirations for the condition of the feature, the Vision Section of each conservation objective contains a statement that the factors necessary to maintain those desired conditions are under control. Subject to technical, practical and resource constraints, factors which have an important influence on the condition of the feature are identified in the performance indicators.

The ecological status of the water course is a major determinant of FCS for all features. The required conservation objective for the water course is defined below.

4.1 Conservation Objective for the water course

The capacity of the habitats in the SAC to support each feature at near-natural population levels, as determined by predominantly unmodified ecological and hydromorphological processes and characteristics, should be maintained as far as possible, or restored where necessary.

The ecological status of the water environment should be sufficient to maintain a stable or increasing population of each feature. This will include elements of water quantity and quality, physical habitat and community composition and structure. It is anticipated that these limits will concur with the relevant standards used by the Review of Consents process given in Annexes 1-3.

Flow regime, water quality and physical habitat should be maintained in, or restored as far as possible to, a near-natural state, in order to support the coherence of ecosystem structure and function across the whole area of the SAC.

All known breeding, spawning and nursery sites of species features should be maintained as suitable habitat as far as possible, except where natural processes cause them to change.

Flows, water quality, substrate quality and quantity at fish spawning sites and nursery areas will not be depleted by abstraction, discharges, engineering or gravel extraction activities or other impacts to the extent that these sites are damaged or destroyed.

The river planform and profile should be predominantly unmodified. Physical modifications having an adverse effect on the integrity of the SAC, including, but not limited to, revetments on active alluvial river banks using stone, concrete or waste materials, unsustainable extraction of gravel, addition or release of excessive quantities of fine sediment, will be avoided.

River habitat SSSI features should be in favourable condition. In the case of the Usk Tributaries SSSI, the SAC habitat is not underpinned by a river habitat SSSI feature. In this case, the target is to maintain the characteristic physical features of the river channel, banks and riparian zone.

Artificial factors impacting on the capability of each species feature to occupy the full extent of its natural range should be modified where necessary to allow passage, eg weirs, bridge sills, acoustic barriers.

Natural factors such as waterfalls, which may limit the natural range of a species feature or dispersal between naturally isolated populations, should not be modified.

Flows during the normal migration periods of each migratory fish species feature will not be depleted by abstraction to the extent that passage upstream to spawning sites is hindered.

Flow objectives for assessment points in the Usk Catchment Abstraction Management Strategy will be agreed between EA and CCW as necessary. It is anticipated that these limits will concur with the standards used by the Review of Consents process given in Annex 1 of this document.

Levels of nutrients, in particular phosphate, will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC, and measures taken to maintain nutrients below these levels. It is

anticipated that these limits will concur with the standards used by the Review of Consents process given in Annex 2 of this document.

Levels of water quality parameters that are known to affect the distribution and abundance of SAC features will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC, and measures taken to maintain pollution below these levels. It is anticipated that these limits will concur with the standards used by the Review of Consents process given in Annex 3 of this document.

Potential sources of pollution not addressed in the Review of Consents, such as contaminated land, will be considered in assessing plans and projects.

Levels of suspended solids will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC. Measures including, but not limited to, the control of suspended sediment generated by agriculture, forestry and engineering works, will be taken to maintain suspended solids below these levels.

4.2 Conservation Objective for Features 1-5:

- Sea lamprey *Petromyzon marinus* **(EU Species Code: *1095*);**
- Brook lamprey *Lampetra planeri* **(EU Species Code: *1096*);**
- River lamprey *Lampetra fluviatilis* **(EU Species Code: *1099*);**
- Twaite shad *Alosa fallax* **(EU Species Code: *1103*);**
- Allis shad *Alosa alosa* **(EU Species Code: *1102*);**
- Atlantic salmon *Salmo salar* **(EU Species Code: *1106*);**
- Bullhead *Cottus gobio* **(EU Species Code: *1163*)**

Vision for features 1-5

The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied:

FCS component	Supporting information/current knowledge
The conservation objective for the water course as defined in 4.1 above must be met	
The population of the feature in the SAC is stable or increasing over the long term.	Refer to Sections 5.1 to 5.5 for current assessments of feature populations Entrainment in water abstractions directly impacts on population dynamics through reduced recruitment and survival rates. Fish stocking can adversely affect population dynamics through competition, predation, and alteration of population genetics and introduction of disease.
The natural range of the feature in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. The natural range is taken to mean those reaches where predominantly suitable habitat for each life stage exists over the long term. Suitable habitat is defined in terms of near-natural hydrological and geomorphological processes and forms eg suitable flows to allow upstream migration, depth of water and substrate type at spawning sites, and ecosystem structure and functions eg food supply (as described in Sections 2.2 and 5). Suitable habitat need not be present throughout the SAC but where present must be secured for the foreseeable future. Natural factors such as waterfalls may limit the natural range of individual species. Existing artificial influences on natural range that cause an adverse effect on site integrity, such as physical barriers to	Some reaches of the Usk SAC are more suitable for some features than others eg the Senni has important populations of brook/river lamprey and salmon but is not used by shad due to its small size and distance from the estuary. These differences influence the management priorities for individual reaches and are used to define the site units described in Section 3.2. Further details of feature habitat suitability are given in Section 5. In general, management for one feature is likely to be sympathetic for the other features present in the river, provided that the components of favourable conservation status for the water course given in Section 4.1 are secured. The characteristic channel morphology provides the diversity of water depths, current velocities and substrate types necessary to fulfil the habitat requirements of the features. The close proximity of

FCS component	Supporting information/current knowledge
migration, will be assessed in view of 4.2.4	different habitats facilitates movement of fish to new preferred habitats with age. The presence of hard bank revetments in a number of active alluvial reaches eg through Brecon and upstream of Abergavenny, adversely affects the processes that maintain suitable habitat for the SAC features. Hydrological processes in the Usk are currently affected by large abstractions, especially at Prioress Mill and Brecon Weir. However, there are many smaller abstractions not considered to cause a problem at present. Shad and salmon migration can be affected by acoustic barriers and by high sediment loads, which can originate from a number of sources including construction works.
There is, and will probably continue to be, a sufficiently large habitat to maintain the feature's population in the SAC on a long-term basis.	Allis and Twaite shad are affected by range contraction due to artificial barriers to migration in the Usk. It is likely that this loss of habitat affects their maintenance in the SAC on a long-term basis.

Performance indicators for features 1-5

The performance indicators are part of the conservation objective, not a substitute for it. Assessment of plans and projects must be based on the entire conservation objective, not just the performance indicators.

Attribute	Specified Limits	Comments	Relevant Unit[s]
Sea lamprey *Petromyzon marinus* :			
Performance indicators for feature condition			
(a) Distribution within catchment	Suitable habitat adjacent to or downstream of known spawning sites should contain *Petromyzon* ammocoetes.	This attribute provides evidence of successful spawning and distribution trends. Spawning sites known to have been used within the previous 10 years and historical sites considered still to have suitable habitat, are shown in Annex 4. Spawning locations may move within and between sites due to natural processes or new sites may be discovered over time. Silt beds downstream of all sites identified in Annex 4 will be sampled for presence or absence of ammocoetes. Where apparently suitable habitat at any site is unoccupied feature condition will be considered unfavourable.	1 - 5
(b) Ammocoete density	Ammocoetes should be present in at least four sampling sites each not less than 5km apart.	This standard CSM attribute establishes a minimum occupied spawning range, within any sampling period, of 15km. In the Usk, spawning sites within units 2 to 5 will be assessed against this attribute.	2 - 5
	Overall catchment mean >0.1m^{-2} (Harvey & Cowx 2003)[1]	Although this attribute is not used in CSM for sea lamprey, baseline monitoring in the Usk gave an overall catchment mean of 2.27 ammocoetes m^{-2} in suitable habitat[2], therefore 0.1 m^{-2} is a conservative threshold value for unfavourable condition.	
Brook lamprey *Lampetra planeri* and River lamprey *Lampetra fluviatilis* :			
Performance indicators for feature condition			
(a) Age/size structure of ammocoete population	Samples < 50 ammocoetes ~ 2 size classes Samples > 50 ammocoetes ~ at least 3 size classes	This gives an indication of recruitment to the population over the several years preceding the survey. Failure of one or more years recruitment may be due to either short or long term impacts or natural factors such as natural flow variability, therefore would trigger further investigation of the cause rather than leading automatically to an unfavourable condition assessment.	2 - 10

Attribute	Specified Limits	Comments	Relevant Unit[s]
(b) Distribution of ammocoetes within catchment	Present at not less that 2/3 of sites surveyed within natural range	The combined natural range of these two species in terms of ammocoete distribution includes all units above the tidal limit ie all except unit 1. Presence at less than 2/3 of sample sites will lead to an unfavourable condition assessment.	2 -10
	No reduction in distribution of ammocoetes	Reduction in distribution will be defined as absence of ammocoetes from all samples within a single unit or sub-unit/tributary, and will lead to an unfavourable condition assessment.	
(c) Ammocoete density	Optimal habitat: >10m^{-2} Overall catchment mean: >5m^{-2}	Optimal habitat comprises beds of stable fine sediment or sand ≥15cm deep, low water velocity and the presence of organic detritus, as well as, in the Usk, shallower sediment, often patchy and interspersed among coarser substrate.	2 - 10
Twaite shad *Alosa fallax* and Allis shad *Alosa alosa* :			
Performance indicators for feature condition			
(a) Spawning distribution	No decline in spawning distribution	Spawning distribution is assessed by kick sampling for eggs and/or observations of spawning adults. A representative sample of sites within units 2 to 5 will be monitored at 3 yearly intervals. Absence from any site in 2 consecutive surveys will result in an unfavourable condition assessment.	1 - 5
Performance indicators for factors affecting the feature			
(a) Flow	Targets are set in relation to river/reach type(s)	Targets equate to those levels agreed and used in the Review of Consents (see Annex 1). Shad are particularly sensitive to flow. The ideal regime is one of relatively high flows in March-May, to stimulate migration and allow maximum penetration of adults upstream, followed by rather low flows in June-September, which ensures that the juveniles are not washed prematurely into saline waters and grow rapidly under warmer conditions. The release of freshets to encourage salmonid migration should therefore be discouraged on shad rivers during this period.	1 - 5
Atlantic salmon *Salmo salar*:			
Performance indicators for feature condition			
(a) Adult run size	Conservation Limit complied with at least four years in five (see 5.4)	CSM guidance states: Total run size at least matching an agreed reference level, including a seasonal pattern of migration characteristic of the river and maintenance of the multi-sea-winter component. As there is no fish counter in the Usk, adult run size is calculated using rod catch data. Further details can be found in the EA Usk Salmon Action Plan.	All
(b) Juvenile densities	Expected densities for each sample site using HABSCORE	CSM guidance states: These should not differ significantly from those expected for the river type/reach under conditions of high physical and chemical quality. Assessed using electro fishing data.	6 – 10
Performance indicators for factors affecting the feature			
Water quality			
(a) Biological quality	Biological GQA class A	This is the class required in the CSM guidance for Atlantic salmon, the most sensitive feature.	6 - 10
(b) Chemical quality	RE1	It has been agreed through the Review of Consents process that RE1 will be used	All

Attribute	Specified Limits	Comments	Relevant Unit[s]
		throughout the SAC [see Annex 3].	
Hydromorphology			
(a) Flow	Targets are set in relation to river/reach type(s)	Targets equate to those levels agreed and used in the Review of Consents [see Annex 1].	All
Bullhead *Cottus gobio*:			
Performance indicators for feature condition			
(a) Adult densities	No less than 0.2 m^{-2} in sampled reaches	CSM guidance states that densities should be no less than 0.2 m^{-2} in upland rivers (source altitude >100m) and 0.5 m^{-2} in lowland rivers (source altitude ÿm). A significant reduction in densities may also lead to an unfavourable condition assessment.	2 – 10
(b) Distribution	Bullheads should be present in all suitable reaches. As a minimum, no decline in distribution from current	Suitable reaches will be mapped using fluvial audit information validated using the results of population monitoring. Absence of bullheads from any of these reaches, or from any previously occupied reach, revealed by on-going monitoring will result in an unfavourable condition assessment.	2 - 10
(c) Reproduction/age structure	Young-of-year fish should occur at densities at least equal to adults	This gives an indication of successful recruitment and a healthy population structure. Failure of this attribute on its own would not lead to an unfavourable condition assessment.	2 - 10

4.3 Conservation Objective for Feature 6:
- European otter *Lutra lutra* (**EU Species Code: *1355*)**

Vision for feature 6
The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied:

FCS component	Supporting information/current knowledge
The population of otters in the SAC is stable or increasing over the long term and reflects the natural carrying capacity of the habitat within the SAC, as determined by natural levels of prey abundance and associated territorial behaviour.	Refer to Section 5.9 for current assessment of feature population
The natural range of otters in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. The natural range is taken to mean those reaches that are potentially suitable to form part of a breeding territory and/or provide routes between breeding territories. The whole area of the Usk SAC is considered to form potentially suitable breeding habitat for otters. The size of breeding territories may vary depending on prey abundance. The population size should not be limited by the availability of suitable undisturbed breeding sites. Where these are insufficient they should be created through habitat enhancement and where necessary the provision of artificial holts. No otter breeding site should be subject to a level of disturbance that could have an adverse effect on breeding success. Where necessary, potentially harmful levels of disturbance must be managed.	Survey information shows that otters are widely distributed in the Usk catchment. While the breeding population in the Usk is not currently considered to limited by the availability of suitable breeding sites, there is some uncertainty over the number of breeding territories which the SAC is capable of supporting given near-natural levels of prey abundance. The decline in eel populations may be having an adverse effect on the population of otters in the Usk.
The safe movement and dispersal of individuals around the SAC is facilitated by the provision, where necessary, of suitable riparian habitat, and underpasses, ledges, fencing etc at road bridges	Restrictions on the movement of otters around the SAC, and between adjoining sites are currently a particular concern in the reach through Newport as a result of a continued decrease in undisturbed

FCS component	Supporting information/current knowledge
and other artificial barriers.	suitable riparian habitat.

Performance indicators for feature 6

The performance indicators are part of the conservation objective, not a substitute for it. Assessment of plans and projects must be based on the entire conservation objective, not just the performance indicators.

Attribute	Specified Limits	Comments	Relevant Unit[s]
Performance indicators for feature condition			
(a) Distribution	Otter signs present at 90% of Otter Survey of Wales sites	Ref: CCW Environmental Monitoring Report No 19 (2005)[3]	All
(b) Breeding activity	2 reports of cub/family sightings at least 1 year in 6	Ref: CCW Environmental Monitoring Report No 19 (2005)[3].	All
(c) Actual and potential breeding sites	No decline in number and quality of mapped breeding sites in sub-catchments (see Ref)	Ref: CCW Environmental Monitoring Report No 19 (2005)[3]. In the Usk catchment, 77 actual or potential breeding sites have been identified, distributed throughout the catchment on the main river and tributaries.	All

APPLICATION DETAILS

No: 08/1486 Ward: ***LLANWERN***

Type: OUTLINE

Expiry Date: 21/01/2009

Applicant: ***MR MARK GANE***

Site: ***MILTON HOTEL MILTON HILL LLANWERN NEWPORT SOUTH WALES NP18 2DU***

Proposal: ***SINGLE STOREY SIDE EXTENSION COMPRISING 10 ADDITIONAL BEDROOMS ASSOCIATED WITH HOTEL***

CONSULTATIONS

HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (CONTAMINATION): No comment.

HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (ENVIRONMENTAL HEALTH): No objection subject to the imposition of an informative relating to hours of construction.

HEAD OF ENGINEERING AND CONSTRUCTION: Initially raised concerns about the lack of a suitable pedestrian crossing facility between the car park and the hotel and requested a Section 106 agreement to require highway works to provide a crossing point. However, having considered draft layouts for such a crossing point, now concedes that the provision of a central refuge island would not be suitable due to the various traffic movements that must be considered, and would in fact make matters worse. Now recommends that permission be granted without the Section 106 Agreement.

WALES AND WEST UTILITIES – PLANT PROTECTION: No response.

ENVIRONMENT AGENCY: No objection.

GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No objection.

WESTERN POWER DISTRIBUTION: Advised of safe working procedures and apparatus in the area.

DWR CYMRU – WELSH WATER: The proposed development would overload the public sewerage system. However, improvements are planned for completion by 31 October 2010. It is advised to attach a condition restricting the use of the development until the improvements have been made. In addition, foul and surface water discharges shall be drained separately from the site and land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

REPRESENTATIONS

COUNCILLOR KELLAWAY: Expressed an interest in the application and was informed of the original recommendation, which included the Section 106 Agreement. Has subsequently been informed of the new recommendation and has requested that the application be heard by the Planning Committee on the basis that there are highways implications associated with intensified use of the site and the lack of a suitable crossing point from the car park to the hotel.

LLANWERN COMMUNITY COUNCIL: No objection in principle, however, has raised concerns regarding the impact of the proposal on the sewerage system, loss of permeable land which could exacerbate flood risk, road safety through increased traffic movements and; noise pollution from increased traffic movements.

RELEVANT SITE HISTORY

99/0933	Erection of single storey extension to provide 10 (No) bedrooms.	Withdrawn
00/0009	Erection of a single storey extension comprising dormitory accommodation (resubmission).	Granted with Conditions
06/1177	Change of use of outbuilding to dog grooming business.	Granted with Conditions

POLICY CONTEXT

Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006)

Policy SP1 refers to sustainability and states that proposals will be favoured which make a positive contribution to sustainable development, including their potential to contribute to energy conservation, minimising the need to travel and car usage in particular, supporting access to public transport and provision of facilities for walking and cycling, the re-use of previously developed land, conservation and enhancement

of the natural built environment, improving the environment, conservation and efficient use of resources, and the minimisation and re-use of waste.
Policy CE26 states that within the archaeologically sensitive areas of the levels, details of all proposed ground works and services, along with a written assessment of the likely archaeological impact of the development (archaeological statement) will be required.
Policy CE38 seeks good quality of design with developments being sensitive to the unique qualities of the site and responding to the character of the area. Scale and form of a development should appropriately reflect the existing human scale of adjacent townscape.
Policy CE41 seeks alterations and extensions to buildings to be in scale and respect the architectural integrity of the existing building and the character of the surrounding area.
Policy ED13 states that new and improved tourism related developments, including hotel and other visitor accommodation, will be permitted particularly where regeneration objectives are complemented and where amenities enjoyed by local residents will not be subject to significant adverse effects and there will be no significant detriment to landscape quality.
Policy U3 states that planning permisison will only be granted where the development can be served by a satisfactory foul sewerage system.

ASSESSMENT

This application was approved [subject to the signing of a Section 106 legal agreement] at the delegated meeting held on 19 March 2009. The Section 106 Agreement was to relate solely to a pedestrian refuge. Subsequently, revised comments have been issued by the Head of Engineering and Construction, stating that there is no longer a requirement for a legal agreement to be drawn up in relation to the need for a financial contribution towards the provision of a central refuge island, which was to facilitate safe pedestrian movement between the car park and the hotel.

On this basis it is recommended that planning permission is granted subject to conditions, exactly as before but without the Section 106 Agreement.

This application seeks planning permission to erect a single storey side extension to the Milton Hotel in Llanwern. The application has been made in outline with access and landscaping reserved for future approval.

The application site occupies a visually prominent position abutting the highway which runs through the village of Llanwern. The existing public house is a two storey property with a single storey chalet style extension off the side elevation. The car park is located some 40 metres north east of the site and currently provides an area for the ad hoc parking of vehicles. During site inspections, ample surplus space was evident. The land south west of the public house is currently overgrown and separates the pub from two small single storey semi-detached properties. It covers an area of approximately 316sqm extending along the road frontage and immediately to the rear of the property known as Avalon.

Two previous applications for similar proposals were considered in 1999 and 2000 respectively. The initial application was withdrawn as a result of design related concerns. An amended application was determined in 2000. The amended proposal encompassed a 10 bedroom extension to the Milton Hotel. To mitigate the Council's concerns the applicant had sought to reduce the impact of the proposal on nearby properties and reduce its overall mass when viewed from the adjoining highway. The application was granted subject to conditions.

The site is located in a predominantly residential area, within the urban envelope as shown on the proposal map accompanying the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006). As such, the principle of extending and intensifying the existing use as a hotel is considered to be acceptable subject to satisfying the relevant policies contained within the UDP. The main issues for consideration are whether the extension and intensification of the hotel would have a detrimental impact on the character of the area or amenities of adjoining users and whether the additional traffic associated with enlarged premises can be suitably accommodated on the highway network.

Policy ED13 is the principal policy consideration for this application. It states that new and improved tourism related developments including hotel and other visitor accommodation facilities will be permitted particularly where regeneration objectives are complemented and where:
(i) Amenities enjoyed by local residents will not be subject to significant adverse effects;
(ii) There will be no significant detriment to landscape quality;
(iii) The development is compatible with the environment and conservation policies of the UDP;
(iv) Additional traffic can be accommodated on the highway network and satisfactory provision can be made for vehicular access, parking and servicing;
(v) The development does not require the provision of unsightly infrastructure, and services can be readily economically provided;
(vi) The proposal can be accessed by a choice of means of transport.

Policy CE41 is also relevant to the determination of this application and refers to alterations to buildings. It states that alterations should respect the architectural integrity of the existing building and the character of the surrounding area.

The proposal would measure 26.8m in width by 14.3m in depth (maximum) with a maximum height of 4.3m (2.4m to the eaves) underneath a hipped roof. The extension would comprise 10 (No) bedrooms arranged around a central corridor.The height of the extension would not exceed the ridge level of the adjoining addition nor the ridge level of neighbouring properties located opposite the site. The scheme would require excavation works to the existing bank, reducing its level by some 2 metres in order to ensure a continuous ridge level along the proposed and existing extensions. Retaining walls would therefore be required. An existing retaining wall is evident along the highway frontage and there are no proposals to replace or alter this.

The extension would be finished in smooth render coloured white sandex with a slate roof and timber stained windows. A total of six windows are proposed along the front elevation of the building, five of these will serve bedrooms and four of these are proposed in forward projecting annexes off the main central corridor. These annexes project some 3 metres forward of the front wall of the existing extension, however the overhanging roof of the latter would reduce the visual impact of the proposed forward step in the front building line.

The proposal would be located some 20 metres from the front elevation of those properties located opposite the site, however the extension would be elevated in comparison to the ground level of the nearby properties. It is considered that the front boundary of the site should be reinforced with both a wall and landscaping not only to mitigate any concerns for loss of privacy to those residents opposite but also to reduce the extension's apparent height by obscuring its elevated ground level. A continuation of the adjoining stone wall which fronts the public house plus appropriate landscaping would perhaps achieve this.

The design is considered to be acceptable in its context. The extension's overall mass is also considered to be suitable in this location and would not detract from the appearance of the existing property nor surrounding area. The application which was withdrawn in 1999 (No 99/0933) gave rise to concerns regarding the overall size and massing of the extension. These concerns were rectified as part of the 2000 permission (No 00/0009). This was achieved by setting the two bedrooms at the end of the extension back from the remainder of the extension. This, in addition to the emphasis on a central corridor, provides breaks in the design which mitigate any concerns for a monotonous and overly long elevation. Given that the proposal has not altered since it was previously approved in 2000, there are not considered to be any design related concerns.

The Head of Engineering and Construction initially raised concerns in respect of the lack of a suitable pedestrian crossing facility from the car park to the hotel. The proposed increase in size of the hotel would inevitably led to an intensification of the existing use via an increase in customers to the site. It is felt that the increase in pedestrian traffic from the car park, which is divorced from the hotel, is potentially hazardous, especially given that visibility is extremely poor to the left. On this basis the possibily of the applicant providing a contribution to facilitate some informal crossing points including a central refuge island within the hatched area of the junction was investigated. The Head of Engineering and Construction has explored this solution further, however, has conceded that the provision of a central refuge island would not be suitable due to the various traffic movements that must be considered. Whilst the applicant had agreed to enter into a legal agreement to facilitate such a crossing point, such facilities are no longer required necessary. As a further matter, concerns have also be raised in respect of the condition of the existing car park, the surfacing of which is very poor and gives rise to trip hazards. The resurfacing of the car park is considered to be necessary given its current state. This can be controlled by suitable condition.

Llanwern Community Council has no objection to the proposal in principle, however, concerns have been raised in relation to the impact of the proposal on the sewerage system, loss of permeable land which could exacerbate flood risk, road safety through increased traffic movements, and noise pollution from increased traffic movements. In relation to the impact on the sewerage system, Welsh Water has not objected to the proposal and it is considered that surface water drainage can be suitably controlled by way of condition. Additionally, this area of Newport does not fall within a designated flood risk area and is therefore not classified as a high risk area susceptible to flooding. As for increased traffic movements, the Head of Engineering and Construction has raised no objection in this regard.

Dwr Cymru-Welsh Water has advised that the existing public sewerage system in this area is at capacity and the proposal would currently overload it. However, improvements are planned for completion by 31 October 2010. Policy U3 of the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006) does not permit private foul drainage facilities in sewered areas. Interim measures have been considered acceptable in areas where sewerage upgrades are planned; however this permission has been made in outline and is unlikely to

be completed prior to the upgrading works being completed. As such, it is considered that this can be suitably controlled by way of condition.

The proposal has previously been cited as a fundamental part of the pub's attempt to remain viable. The provision of new and improved tourist related developments, particularly where they extend existing buildings in the urban area, is encouraged and in this case is intended to facilitate the continued operation of a popular community facility.

Overall, it is considered that the proposed alterations are acceptable and would not adversely affect the amenities of adjoining occupiers. In addition, the Head of Engineering and Construction considers there to be sufficient provision of off-street parking. On this basis it is considered that this proposal is acceptable and it is recommended that planning permission be granted subject to the following conditions.

RECOMMENDATION

GRANTED WITH CONDITIONS

01 Approval of the details of the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority.
Reason: To safeguard the rights of control of the Local Planning Authority in respect of the reserved matters and to comply with the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2008.

02 Prior to the commencement of development, full details of all retaining walls (including the materials to be used, height and location) shall be submitted to and approved in writing by the Local Planning Authority. These walls shall be constructed in accordance with the details agreed and thereafter maintained in this state.
Reason: In the interest of visual amenity.

03 Prior to the first beneficial use of the hotel accommodation hereby approved, a boundary enclosure separating the approved extension from the adjoining public highway shall be erected, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The boundary enclosure shall thereafter be retained in perpetuity.
Reason: In the interest of safeguarding the privacy of nearby residents by minimising the potential for overlooking and to encourage continuity in the means of boundary enclosure along the road frontage.

04 Notwithstanding the details illustrated on the approved drawings, the extension shall be rendered in its entirety and timber boarding on gables shall be omitted. Samples of the slate to be used on the roof shall be submitted to and approved in writing by the Local Planning Authority and all other materials to be used on the external surfaces shall be as stated on approved drawing No 110.
Reason: To ensure that the extension is completed in an acceptable manner having regard to is scale and prominent location.

05 Prior to the first beneficial use of the extension hereby approved, the car park shall be hardsurfaced and parking bays marked out in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. All parking bays shall thereafter be kept clear of obstruction and retained in this state in perpetuity.
Reason: To ensure that adequate off street parking is provided in the interest of highway safety.

06 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme of details.
Reason: To prevent increased risk of flooding.

07 The premises shall be used entirely for the purpose of a hotel or guesthouse to be used by holiday makers or travellers requiring short term accommodation only (a maximum period of 4 weeks).
Reason: To ensure adequate off-street parking provision in the interests of and residential amenity.

08 Prior to the commencement of development, full details of the disposal of surface waters shall be submitted to and approved in writing by the Local Planning Authority. This shall then be implemented as approved prior to first beneficial use of the hotel accommodation and retained thereafter.
Reason: To prevent pollution of the water environment.

09 The extension shall not be brought into beneficial use earlier than 31 October 2010 unless the upgrading of the public sewerage system, into which the development shall drain has been completed and written confirmation of this has been issued to the Local Planning Authority by Dwr Cymru Welsh Water.
Reason: To mitigate the existing hydraulic overloading of the public sewerage system and ensure the local community and environment are not unduly compromised.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 110 Rev B, 102 Rev B and Access Statement prepared by Carl Bigmore.

02 The development plan for Newport is the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006). Policies SP1, SP2, ED13, CE38 and CE41 were relevant to the determination of this application.

03 Foul water and surface water must be discharged separately from the site. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

04 The applicant is advised to follow the following hours of construction times:
(i) No construction work involving piling shall be carried out on the site other than between the hours of 08.00 and 17.00 Mondays to Fridays and no construction work involving piling shall be carried out on Saturdays, Sundays or Bank Holidays.
(ii) Any construction work which does not involve piling shall not be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. Prior approval will be required for any construction to take place outside permitted times and on Sundays and Bank Holidays.
Reason: In the interests of residential amenity.

APPLICATION DETAILS

No: 09/0305 Ward: ***MARSHFIELD/TREDEGAR PARK***

Type: FULL

Expiry Date: 21/07/2009

Applicant: ***NCC LAW & STANDARDS***

Site: ***TREDEGAR HOUSE PENCARN WAY DUFFRYN NEWPORT SOUTH WALES NP10 8TH***

Proposal: ***CONSTRUCTION OF PERMANENT PARKING AREAS TO SERVE AS PARK AND RIDE FACILITY FOR A TEMPORARY PERIOD FOR THE RYDER CUP IN 2010 AND AS PARKING FACILITY THEREAFTER***

CONSULTATIONS

HEAD OF ENGINEERING AND CONSTRUCTION: As the junction onto Cardiff Road has been deleted from the scheme, there is no objection.

HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (HEALTH): There is potential concern about possible disturbance to residents arising from the park and ride operation, but as this is a short-term temporary measure offers no objection.

HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (TREES): The proposals have been amended to address previous concerns, and therefore has no objection to the application.

GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: The site is adjacent to Tredegar House and Park, which is listed Grade II* and is also within the register of Parks and Gardens of Special Historic Interest. It is unlikely that the insertion of grasscrete will directly affect any buried archaeological resource and would not impact upon the setting of the park being an addition to the existing car park.

ENVIRONMENT AGENCY: Due to the scale of the development, a flood consequence assessment is not required but the developer should be made aware of the flood risks as this site lies within Zone C1. Surface water should be discharged at a rate of 3.5 l/sec/ha: a condition is suggested requiring approval of a scheme for the provision of a surface water regulation system.

WALES AND WEST: Details of apparatus in the area.

HEDDLU GWENT POLICE: Car parking and vehicle crime is a major issue in Newport. Provides advice on security and lighting for the car park.

NEWPORT ACCESS GROUP: No objections. Comments that temporary metal road sheets need to be butted together properly to avoid problems experienced at the Eisteddfod, and comments that accessible buses will be required.

WELSH HISTORIC GARDEN TRUST: Concerned about the potential damaging impact of the temporary car park upon the historic landscape. Whilst it is acknowledged that this does not require planning permission, car parking should be carried out so that the features of this park area are protected. Seeks amendments to the coach parking area to avoid impact on trees (*NB these amendments have been made*). Expresses concern regarding the use of grasscrete and tarmac (*NB these aspects have also been amended to address these concerns*). Floodlighting needs to be of a design to minimise its visual impact. Recommends conditions relating to a detailed landscape proposal and archaeological watching brief.

CADW: The proposal lies within the Historic Park and Garden known as Tredegar House. The proposed temporary car park should not result in damage to the quality and character of the historic park and garden. The proposal for the enhancement to the existing car park which is sited to the south east of the registered site would not have a long-term detrimental effect on the registered site and the proposed temporary car park to the south west would also have a minimal impact as the majority of these areas are already used for parking and the remainder is screened by a high garden wall. However the car park to the north west is within the registered park and potentially more damaging. It is a very important and highly visible landscape, all measures should be put in place to prevent damage to the historic landscape during the event, namely protection of trees and their roots; making good the grassed areas afterwards. Concerns regarding the use of the northern access between the two lodges (*NB this access has since been deleted from the proposals*).

RELEVANT SITE HISTORY

None relevant.

POLICY CONTEXT

Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006)

Policy CE15 refers to the need to potect and preserve the historic character of a listed building Policy CE20 refers to developmnet in a Conservation Area and the preservation or enhancement of the character of the area.

Policy CE29 presumotion in favour of the protection and conservation of sites included within the register of landscapes, parks and gardens of special historic interest.

ASSESSMENT

The application site relates to grounds of Tredegar House which is a Grade I Listed Building, designated Conservation Area, and a Grade II* Registered Park. The proposals comprise a mixture of permanent and temporary works. It should be noted that some of the works detailed below do not require planning permission, but are included in the report for completeness as they are shown on the submitted plans and have been the subject of consultee comments.

RYDER CUP 2010

It is proposed to use the grounds of Tredegar House as a temporary car park during the Ryder Cup 2010. This would be one of the four departure points for visitors attending the Ryder Cup (the others being Llanwern Steelworks, the railway station, and Usk Showground). Visitors will drive to one of these departure points (or in the case of the station, arrive by train), go through security checks and then be transferred to the Celtic Manor Resort by bus (arriving at one of the two park and ride facilities recently approved by the Planning Committee).

In relation to this site, cars would access the site from Pencarn Way. The original proposal for access via Cardiff Road, between the two gate lodges, has been deleted from the application and will no longer be utilised.

The park land sited to the north-west of the Tredegar House (the country park), an existing overflow car park used by Lloyds TSB and an area to the south-east of the camping area would be used as car parking areas. This temporary use does not require planning permission, and some of the areas in question are already used for car parking. Comments made by consultees have either been addressed by amendments to the application, or will be addressed through the operation of the site. Any damage to the grass will be made good after the event. Cars would travel over temporary sheets creating a 'road'. Details of the siting of these temporary parking areas has been discussed with the Council's Woodland Officer to ensure that damage to tree roots is avoided. This temporary parking area would accommodate 3500 cars.

Coaches would be accommodated adjacent to the existing car park area (to the south of Tredegar House). Coaches would access/egress the area via Tredegar House Drive. Two areas of grassring (a modern and more subtle version of grasscrete) are proposed: one to the south of the existing car park and one to the east. These areas are currently grassed and once the grass ring is established the overall appearance of the area will remain unchanged. The grass ring surface requires planning permission and is considered to be acceptable. A further area to the east of the existing car park will be finished with bonded resin gravel, which again is considered to be an acceptable finish in this context. For the Ryder Cup event, the grass ring area to the south of the existing car park will be used for coaches to stack and await spaces in the boarding area. The coaches would move to the eastern grass ring area and bonded resin gravel area for passengers to board. Part of an existing bank will be removed to enable coaches to access the coach stacking area from Tredegar House Drive. It is planned to reinstate this bank after the event.

PERMANENT WORKS

The physical works to create the grass ring coach parking and boarding areas described above would be permanent and, after the Ryder Cup event, would be used as overflow parking for any special events at Tredegar House. The bonded resin gravel area to the east of the existing car park would remain as a permanent coach/bus drop-off point: this is part of the 'legacy' of Ryder Cup works intended to be of benefit for the future, and something requested by bodies associated with Tredegar House to improve their ability to accommodate events.

In addition, the existing car park would be resurfaced using a bonded resin gravel finish (similar to the existing surface), and parking spaces would be realigned and permanently marked out to encourage a more efficient use of this car park: this would be another permanent legacy feature of benefit to Tredegar House in the future.

It is also proposed to make the car park more secure. Security gates and flow plates are proposed at its entrance. The right angle bend currently sited as the access road enters the car park area is to be realigned to reduce the severity of the curve and improve safety. This would result in the loss of a small Rowan tree, which would be replaced elsewhere within the grounds. Fencing is proposed adjacent to the access road to

Tredegar House and the perimeter of the grassland which lies adjacent to the internal car park access and egress road.

A small number of trees would be affected as a result of the proposals: as stated above, one relatively small Rowan tree adjacent to the access road will be felled to allow the bend to be improved. Three Silver Birch trees will be felled to allow the existing car park layout to be improved, and a further tree in the bank adjacent to the Tredegar House Drive entrance must be felled: none of these trees are considered to be significant mature specimens worthy of Tree Preservation Orders, and they would all be replaced within the grounds.

The Environment Agency requests a condition regarding surface water drainage. However, the plans originally submitted have been revised significantly such that the extent of new permanent hard surfaces has been drastically reduced. With the exception of the small permanent coach park area, all new surfaces would be grassring, which is a permeable surface allowing for similar drainage to the existing grass surfaces. A condition requiring the submission of a surface water drainage plan is therefore no longer considered reasonable, because this issue has been addressed by deleting the previously proposed tarmac finishes and replacing them with better alternatives.

The comments from the Welsh Historic Gardens Trust regarding a landscaping scheme and archaeological watching brief are noted. However, it is considered that landscaping to screen the temporary works, which would be in place for a duration of a matter of weeks, is unreasonable. The amendments to the permanent works mean that landscaping to screen them is no longer considered necessary as their appearance would be discrete and acceptable: consequently only a tree replacement condition is considered appropriate. With regards to the archaeological watching brief, the Council's consultee on such matters (GGAT) considers such a brief to be unnecessary.

The Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006), states that any works to a Listed Building should protect and preserve the setting and features of architectural interest. It is also located within the Tredegar Park Conservation Area where any works shall preserve or enhance the landscape character or setting. It is considered that the materials proposed for the permanent works are considered to be appropriate which would preserve the character of the Area, Registered Park and the setting of the Listed Building. The proposed grass ring treatment is of a type which will help maintain the character of the grassed areas within which it is proposed. The bonded resin is considered to be an appropriate finish; however, final details are required for prior approval by condition. The final design of the perimeter fencing will require prior approval as will details of external lighting and tree replacement.

In conclusion the proposed works are considered to preserve and protect the setting of the Listed Building, its designation as a Registered Park and the character and appearance of the Tredegar Park Conservation Area. It is recommended that the application be approved subject to the following conditions.

RECOMMENDATION

GRANTED WITH CONDITIONS

01 Prior to the commencement of the development hereby approved, full details of the replacement trees shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the position, species and size of the replacement trees. The replacement trees as approved shall be planted within the first full planting season (October to April) following the felling of the existing trees.
Reason: To secure an appropriate replacement tree in the interests of the visual amenities of the area.

02 Notwithstanding the details submitted, prior to its installation, details/samples of the bonded resin car park and coach stacking area surface shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.
Reason: In the interest of safeguarding the character and appearance of the Conservation Area and the special character of the Listed Building.

03 Notwithstanding the details submitted, prior to the commencement of development, details of the perimenter fencing and security gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.
Reason: In the interest of safeguarding the character and appearance of the Conservation Area and the special character of the Listed Building.

04 Prior to its installaiton, full details of the siting, design, and lighting contract [Lux levels] of any external lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the intersts of preserving the character and appearance of the Conservation Area and the setting of the Listed Building and Historic Park.

NOTE TO APPLICANT

01 This decision relates to plan Nos: JNA2117/TH/11 and 12 JUN 09. Grass ring detail.

02 The development plan for Newport is the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006). Policies CE15, CE20 and CE29 were relevant to the determination of this application.

APPLICATION DETAILS

No: 09/0697 Ward: ***ALWAY***

Type: FULL

Expiry Date: 26/08/2009

Applicant: ***MRS BLANCHE HAWKER***

Site: ***36 BEECHWOOD CRESCENT NEWPORT SOUTH WALES NP19 8AB***

Proposal: ***ERECTION OF REAR CONSERVATORY***

REPRESENTATIONS

NEIGHBOURS: One letter of objection has been received from the occupants of 34 Beechwood Crescent. The following issues were raised:
- the proposed conservatory would invade their privacy when using their garden and patio area;
- due to the natural difference in ground level, the proposed conservatory would be like a 'gold fish bowl', eliminating privacy for both parties;
- the proposed conservatory would be on the boundary and overlook their property;
- a previous extension applied for at 34 Beechwood Crescent had to be set back from the boundary in order to protect the privacy of occupiers at 36 Beechwood Crescent.

COUNCILLOR GUY: Requested the application is determined by the Committee and suggests a site visit. Councillor Guy has expressed concern that the proposed conservatory would reduce the privacy currently enjoyed by the occupants of 34 Beechwood Crescent.

RELEVANT SITE HISTORY

99/1084 Erection of single storey conservatory to side elevation. Granted with Conditions

POLICY CONTEXT

Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006)

Policy CE38 seeks good quality of design with developments being sensitive to the unique qualities of the site and responding to the character of the area. Scale and form of a development should appropriately reflect the existing human scale of adjacent townscape.

Policy CE41 seeks alterations and extensions to buildings to be in scale and respect the architectural integrity of the existing building and the character of the surrounding area.

Supplementary Planning Guidance - House Extensions (January 2005)

This Supplementary Planning Guidance (SPG) adopted by Newport City Council in January 2005 contains the following advice applicable to this planning application. EGN 9.1 All extensions must respect the privacy and amenities enjoyed by the occupiers of neighbouring properties. Extensions can seriously disadvantage a neighbour by loss of privacy, reducing the level of daylight and being overbearing in size and scale. Section 3 gives guidance on side and rear extensions. Rear extensions should maintain a reasonable extension/back garden ratio and should not cause an unacceptable reduction in daylight or materially affect the residential amenities enjoyed by the neighbouring occupants.

ASSESSMENT

This application seeks full planning permission for the erection of a conservatory to the rear of a detached property at 36 Beechwood Crescent.

The proposed conservatory would measure 7.5 metres in width, 2.6 metres in depth and would have a maximum of 3.1 metres in height (2.1 metres to the eaves) underneath a hipped roof. It would be situated on an existing balcony which is 2 metres above ground level. A set of patio doors are proposed for the south-west (rear) elevation.

Due to the steeply sloping topography of the area, No 36 is a two storey house at the front but has basement accommodation/storage at the rear. The conservatory would be at ground floor level, which at the rear is elevated above the garden level. As well as sloping front-to-back, the land also slopes to the side, so the adjacent property (No. 34) is set at a much lower level.

By virtue of the orientation and siting of this property in relation neighbouring properties, the proposed conservatory would satisfy the tests specified in the Council's Supplementary Planning Guidance for House Extensions (adopted January 2005) in terms of maintaining adequate levels of daylight and sunlight. It is therefore considered that any impact on light reaching neighbouring properties would be minimal.

One letter of objection has been received from the occupants of 34 Beechwood Crescent, which primarily expresses concern that the proposed conservatory would eliminate the privacy they currently enjoy. However, it is considered that the proposed conservatory would offer only oblique views into the rear gardens of neighbouring properties. Furthermore, the proposed conservatory would be situated on an existing balcony which currently serves as an outdoor amenity area (and set back from the boundary on the south-east and south-west elevations). It is therefore considered that the view from 36 Beechwood Crescent into the gardens of any of the neighbouring properties, including 34 Beechwood Crescent would be unaltered. Consequently there would be no significant reduction in the privacy currently enjoyed by occupants of these neighbouring properties. However, to further mitigate any possible privacy concerns for the neighbouring property; 34 Beechwood Crescent, it is considered appropriate to attach a condition requiring the south-west (side) elevation of the proposed conservatory to be obscure-glazed.

The proposed conservatory is considered to be acceptable in terms of scale and design, in accordance with Policies CE38 and CE41 of the Newport Unitary Development Plan 1996-2011 (Adopted May 2006) and Supplementary Planning Guidance for House Extensions (Adopted January 2005). Despite concerns raised by occupants of the neighbouring property it is considered that the proposal would not be detrimental to visual or residential amenities. It is therefore considered appropriate to grant planning permission subject to the following condition.

RECOMMENDATION

GRANTED WITH CONDITIONS

01 The side elevation of the conservatory hereby permitted, on the boundary with No 34 Beechwood Crescent shall be obscure-glazed at the time of installation and shall remain in this state in perpetuity.
Reason: To protect the privacy of adjoining occupiers.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 01, 02 (existing rear elevation), 03 (proposed rear elevation), 04 (ground floor plan) and site location plan.

02 The development plan for Newport is the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006). Policies CE38 and CE41 were relevant to the determination of this application.

03 Supplementary Planning Guidance – House Extensions (Adopted January 2005) was relevant to the determination of this application.

APPLICATION DETAILS

No: 09/0619 Ward: ***ALLT-YR-YN***

Type: FULL

Expiry Date: 13/10/2009

Applicant: ***MRS SALLY LAU***

Site: ***GLEN VIEW 18 OAKFIELD ROAD NEWPORT SOUTH WALES NP20 4LY***

Proposal: ***CONVERSION AND EXTENSION OF EXISTING GARAGE AND OUTBUILDINGS INTO SINGLE RESIDENTIAL UNIT***

CONSULTATIONS

HEAD OF ENGINEERING AND CONSTRUCTION: No objection to the parking layout for the existing and proposed properties but the shared access would have to be increased to 4.1m in width. Whilst there are existing gates at the access, due to the intensification of use at the access the gates must be considered under current guidelines. Therefore any gates must be set back a minimum distance of 5.5m, which in this instance will mean that gates will not be permitted.

HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (WOODLAND OFFICER): If the building is raised then the tree canopies will be very close. At present the building is not occupied and it is bad practice to have a residential property so close to trees due to perceived and real threat of storm damage. This would result in repeated calls for tree trimming for safety issues and prejudice the long term future of the trees. Objection is offered.

WESTERN POWER DISTRIBUTION: Advise of equipment in the area.

WALES AND WEST UTILITIES: No objections.

DWR CYMRU – WELSH WATER: Foul and surface water must be drained separetely from the site. No surface water will be permitted directly or indriectly into the public sewerage system.

REPRESENTATIONS

NEIGHBOURS: One letter of objection raising a number of concerns including the following planning considerations:
- significant loss of privacy;
- the passing of planning for this application will definitely lead to other such applications in the area.

COUNCILLOR FOUWEATHER: Requested that the application be considered by Planning Committee because of the possible loss of amenity to the neighbouring property.

COUNCILLOR EVANS: Expressed an interest in the application and was informed of the recommendation in line with the Planning Protocol.

RELEVANT SITE HISTORY

98/0866	Remove 4 branches from 3 conifer trees located in a Conservation Area.	No objections
03/0764	Felling of 3 (No) trees protected by the Shrubbery Conservation Area.	Objection
04/1783	Felling of trees protected by the Shrubbery Conservation Area.	No objections
05/0012	Felling of conifer tree protected by the Shrubbery Conservation Area.	No objections
07/0447	Lopping of trees protected by the Shrubbery Conservation Area.	No objections
07/0883	Lopping of conifer tree protected by the Shrubbery Conservation Area.	No objections

POLICY CONTEXT

Newport Unitary Development Plan 1996-2011 (Adopted May 2006)

Policy SP2 refers to quality of development and seeks high quality design in all development.
Policy CE13 refers to tree on development sites and their loss is only granted if the criteria listed can be complied with.
Policy CE20 states that development proposals for sites within and adjacent to the Borough's Conservation Areas will be permitted only where the architectural or historic character or appearance of the Areas and their landscape settings will be preserved or enhanced.

Policy CE21 states that applications for planning permission in a Conservation Area must contain adequate detail to enable the impact of the proposals on the character and appearance of the Conservation Area to be assessed. Criteria against which applications will be assessed against are stated.
Policy CE22 refers to infill within Conservation Areas. Where it is acceptable in principle, any proposal should preserve or enhance the character of the area by reflecting the architectural characteristics, such including scale, building line, profile, detailing and the materials. Infill development should not compromise any open space which is considered to contribute to the character and appearance of the Conservation Area.
Policy CE35 states that subdivision of curtilages will not be permitted if it would result in the over intensification of the site, adequate access cannot be provided, amenities of residents is adversely affected or where the site is not served with local facilities and by public transport.
Policy CE38 states that good quality design will be sought in all forms of development.
Policy CE39 requires proposals for new residential development to respect or complement existing surroundings and neighbouring buildings.
Policy CE40 states that infill developments should respect the existing character of adjoining properties, and the overall scale of development in the area.
Policy H2 states that within settlement boundaries proposals for residential use will be permitted subject to certain criteria. These criteria include:
(i) No unacceptable loss of open space important for amenity or conservation value;
(ii) No adverse effects on existing residents;
(iii) Acceptable residential amenity for future residents;
(iv) Adequate open space can be provided;
(v) No unacceptable highway implications;
(vi) Adequate services exist or can be readily provided;
(vii) Design and environment policies of the plan will not be compromised.
Policy U3 states that planning permission will only be granted where the development can be served by a satisfactory foul sewerage system. Private treatment facilities within sewered areas will not be acceptable.

ASSESSMENT
This application seeks full planning permission for the conversion and extension of an existing detached double garage into a self contained dwelling. The application site is currently known as Glen View, 18 Oakfield Road. The property is situated within the Shrubbery Conservation Area. The garage in question is situated along the northern boundary of the site and to the north-west of the current dwelling. It is proposed to raise the roof of the garage to create first floor living accommodation for a separate dwelling and to erect a substantial two storey extension to the rear of the garage. The double garage would remain with the main living space being provided at first floor level (just a bathroom and hall on the ground floor). The current plot would be subdivided to create two separate amenity spaces at the rear but the existing one access and parking area to the front would remain, albeit with alterations, to serve both the existing dwelling and the proposed new dwelling.

The main Policy considerations are listed above under 'Policy Context'. The primary considerations in assessing this proposal are Policy H2, as the proposal is for a new dwelling within the settlement boundary and the statutory duty on the Local Planning Authority to preserve or enhance the character or appearance of the Conservation Area. Policy H2 interlinks with the other policies listed which are design and environment policies contained within the Plan.

The Shrubbery Conservation Area is characterised by the presence of large mature gardens surrounding each house and this is clearly the case with the application site. This application must therefore assess whether the proposed development would preserve or enhance the character and appearance of the Conservation Area.

It is proposed to increase the height of the garage to by 2.4m to 6.4m (2.2m to the eaves) with a steep sloping pitched roof (approximate 50 degree pitch). The depth of the completed dwelling would total approximately 11m. The current garage has a lean-to roof (maximum height of 4m) and is of a modest scale. Whilst having no architectural merit it is not prominent in the streetscape. The proposed dwelling would have one bedroom, a living room/kitchen and a bathroom. The double garage would remain at the front portion of the ground floor and remain for car parking purposes for the proposed dwelling. A generous garden for the scale of dwelling proposed is provided by sub-dividing part of the existing garden for Glen View. There is not considered to be any significant adverse impact on the existing property or the neighbouring property to the north by reason of overbearing impact, loss of light or by overlooking. It is considered that the majority of the criteria sited in Policy H2 of the Plan would be satisfied apart from H2 (vii) which relates back to the design and environment policies of the Plan which are addressed below.

From the road, and principle vantage point, the proposed dwelling would clearly be more prominent in the streetscape than the existing low key garage. Due to its increased height, depth and overall scale, the dwelling proposed is seen as excessive and would no longer appear as an outbuilding/garage: the proposal

would clearly read as a separate domestic unit. This is emphasised by the building ratio being significantly different to the surroundings, and the change in appearance that would occur at the frontage/access area of the property and by the physical subdividing into two plots. The new dwelling demands its own off-road parking and because the proposed dwelling will use the parking provision currently used by the existing dwelling (ie the garages) then extra parking for the existing dwelling is required. There is limited space to where this can go because of the position of the current vehicular access and it is proposed to the south western side of the existing dwelling. Three extra spaces are proposed. The applicant has demonstrated an acceptable level of car parking and turning area to serve both properties, in line with current standards, and it is considered that the new parking area could be acceptably screened by use of the existing hedge, and further landscaping if required. However, the increase in the width of the access for highway safety reasons (the intensification of the access to two dwellings requires a minimum width of 4.1m to allow two cars to pass) would have an adverse impact on the visual appearance of the Conservation Area. The applicant has indicated that the driveway would be surfaced with grasscrete to reduce runoff, which is welcomed, and it is considered that this would also assist visually by limiting the harshness of the larger expanse of hard standing. The applicant proposes to replace the existing gates with sliding gates, in order to prevent them opening out onto the highway or into the site blocking the parking spaces or turning areas. The Head of Engineering and Construction has advised that because of the intensification of the access that gates would not be acceptable because cars would have to park on the highway before the gates are opened which is detrimental to highway safety. It is considered that the current access would be detrimental to highway safety as it is not wide enough to allow two cars to pass. However, if the access were to be increased to 4.1m, as stipulated by the Head of Engineering and Construction this would have an adverse impact on the character and appearance of the Conservation Area.

The proposed dwelling would cover an area of approximately 65m². The footprint of the proposed building (65m²) is substantially smaller than the other properties in the vicinity and the plot size (290m²) is substantially smaller also. The proposal to sub divide the current property by creating a comparatively small plot with a small one bedroom dwelling, in a location which is characterised by the large properties with large gardens is considered to have a harmful effect on the appearance of the Conservation Area and fails to preserve or enhance its character and appearance. Moreover, the close proximity of the proposed dwelling to the existing house result in a cramped relationship that again fails to preserve or enhance the character or appearance of the Conservation Area.

The Head of Public Protection and Environmental Services objected to the proposal because there are trees adjacent to the garage with the canopies currently very close. Enlarging the building would only exacerbate this problem. All trees affected by this proposal are protected by virtue of their siting within a Conservation Area. At present the building is not occupied as living accommodation and has a much lower height than proposed. It is bad practice to build a residential property so close to trees due to perceived and real threat of storm damage. This would result in repeated calls for tree trimming for safety issues and prejudice the long term future of the trees and their contribution to the leafy character and appearance of the Conservation Area. The applicant was advised of these concerns. No plans or tree information such as surveys was submitted but it was addressed in a letter by the applicant. It is acknowledged in the letter that a lower branch would have to be removed but the next higher branch would be 2.2m above the proposed ridge height and the applicant therefore argues that this higher branch will not be a problem. Officers consider it is clear that allowing the proposal would result in the trees being very close to the dwelling and that there would be real pressure for them to be trimmed regularly given the fact that works would have to be done to accommodate the building of the scale proposed within the space. Further to this, there would be a percieved and real threat of storm damage and this could lead to increased pressure on the Council to allow the lopping or removal of trees in the future for safety reasons, to the detriment of the visual amenity of the Conservation Area. The applicant indicates that there are other properties within the Area and across Newport that have this problem and is just a situation that exists. It is considered that this comment shows that the applicant acknowledges that the problem of real or percieved storm damage at the proposed property would potentially occur. The other properties within this area that suffer from similar problems are historic, rather than being caused by approving new dwellings to close to mature trees. It is considered bad practice to allow a residential use this close to trees and any existing problem elsewhere is certainly not justification for allowing new dwellings. It is also worth noting that a few years ago (No 04/1783) two Lime trees adjacent to the garage had to be removed because they were casuing structural damage to the building. This is an example of a potential problem with siting a building near trees. One final point in relation to trees is that no information has been submitted to demonstrate that the trees would not be adversely affected by footings/excavations etc. (Ie no tree survey with root protection zones has been submitted).

During the assessment of the application a discrepancy was noticed with the submitted plans. They showed that the gutter of the proposed dwelling would overhang the boundary of the property. As such, an incorrect ownership certificate had been signed regarding the land. The applicant was advised of this and amended the plans to show a parapet style wall on the boundary side which enables the gutter to be within their control. When advising the applicant of the discrepancy Officers advised of the above concerns and also

advised of further concerns regarding the design of the proposed dwelling and suggested some small changes of how it could be improved. The applicant addressed the design suggestions and changed the front elevation window to give a more vertical emphasis and increased the Tudor feature at the top of the gable to relate more to the main dwelling. One of the proposed roof lights was also omitted. In response to the concerns regarding the size of the plot and how Officers consider it to be out of character with the Conservation Area and of the impact of the development on the existing trees, the applicant stated that the she disagrees and drew attention to the lack of architectural merit of the existing garage, the design of which would be improved by these proposals. However, as stated above, Officers consider that the proposed dwelling would become much more prominent in the streetscape and be out of keeping with the pattern of development in the Conservation Area. It would also be sited too close to the existing trees which would lead to problems as discussed above. As such, it is considered that the proposal fails to enhance or preserve the character and appearance of the Conservation Area.

The planning concerns expressed by a neighbour and Councillor Fouweather have been noted. Any impact on property values is not a material planning consideration. It is not considered that the proposed development would result in a loss of privacy to the detriment of the amenities of the neighbouring residents. There are no windows proposed in the elevation or roof slope to the northern side, and were the Committee minded to grant plannning permission a condition could be imposed to prevent windows being inserted in the future. The rear garden would be screened by the existing boundary treatment and would be no different in impact on residential amenities to the existing arrangement.

Overall, the design and environment policies of the adopted Plan are not supported and the proposal contravenes primarily Policy H2. It is recommended that Members refuse planning permission for the following reasons.

RECOMMENDATION

REFUSED

01 The proposal would be out of scale and character with the surroundings and fails to preserve or enhance the character or appearance of The Shrubbery Conservation Area, which is characterised by large properties set in large leafy plots. The proposal is therefore contrary to Policies H2, CE20, CE22 and CE35, CE39 and CE40 of the Newport Unitary Development Plan 1996-2011 (Adopted May 2006).

02 The existing width of the access is not suitable to accommodate two dwellings and would be detrimental to highway safety. Notwithstanding this, to meet the required standard the access would have to be increased to 4.1 metres in width and this would have an adverse visual impact on the appearance of the Conservation Area by opening up views of the increased parking area, and therefore fail to preserve the character and appearance of the Conservation Area. This is contrary to Policies H2 and CE20 of the Newport Unitary Development Plan 1996-2011 (Adopted May 2006).

03 The applicant has failed to demonstrate that the dwelling could be sited at the proposed position without having an adverse impact on the existing tress, protected by virtue of their siting within a Conservation Area. The proximity of the trees to the proposed dwelling would result in problems associated with leaf and branch drop, windblow, perceived storm damage and overall pressure to lop or remove the trees in the future which might be difficult to resist on safety grounds, to the detriment of visual amenity failing to preserve the character or appearance of the Conservation Area. This is contrary to Policies H2 and CE13 of the Newport Unitary Development Plan 1996-2011 (Adopted May 2006).

NOTE TO APPLICANT

01 This decision relates to plan Nos: 1018(01)09, 1018(02)09 rev A, design and access statement rev A June 2009, letter from Mrs Sally Lau received on 19 August 2009.

02 The development plan for Newport is the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006). Policies SP1, SP2, H2, CE13, CE20, CE21, CE22, CE35, CE39, CE40 and U3 were relevant to the determination of this application.

Andy Evans
Head of Planning, Regeneration and Strategic Housing