

**Newport LDP Examination  
Hearing Session 1: Development Strategy**

**Comments of Natural Resources Wales**

**1. Plan preparation process and consultation**

**(i) Has the Plan preparation process met the requirements of the Delivery Agreement (DA) and associated Community Involvement Scheme (CIS)? What adjustments (if any) to the DA have been necessary along the way? Where there have been departures from the DA and CIS, what steps have been taken to ensure that the required level of community engagement has nonetheless taken place?**

No comment.

**(ii) Was the decision to produce a revised deposit plan rather than focussed changes to the first deposit plan based on appropriate authoritative advice? Was the subsequent revised deposit and revised alternative sites consultation process made sufficiently clear to all relevant parties?**

No comment.

**(iii)(a) Has the Plan and its policies as now submitted for examination been subjected to sustainability appraisal (SA) including Strategic Environmental Assessment (SEA)?**

No comment.

**(b) Are the results of the SA/SEA process properly reflected in the completed SA/SEA of the Plan?**

We understand that a SA/SEA Report was undertaken by the Council in December 2013. However we have not been consulted on that document, and are unable to comment on whether the concerns raised in our letter of 26 July 2013 to the June 2013 SA/SEA Report have been addressed by it and reflected in the completed SA/SEA of the Plan.

**(c) Have the recommendations of the SA/SEA regarding allocations and proposals on sites within or partly within SSSIs and/or flooding constraints been carried forward into the Plan? If not, which allocations/proposals remain contentious in this respect, and on what basis are these allocations/proposals maintained?**

NRW do not consider that all of the recommendations of the SA/SEA Report (June 2013) regarding allocations and proposals on sites within or partly within SSSIs have been carried forward into the Plan. The allocations where we consider the recommendations of the SA/SEA have not been taken forward into the Plan are as follows:

## **SSSIs**

### **EM1 Employment Land Allocations**

#### **(i) Duffryn**

Part of this allocation consists of an area notified as the Gwent Levels: St Brides SSSI. The Wildlife and Countryside Act 1981, as amended, places a duty on Local Authorities to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features for which the SSSI is of special interest and has been notified. Development at this location has the potential to lead to the direct loss of an area of the SSSI, and/or indirect adverse impacts on a wider area of the SSSI. It would therefore be in breach of the Council's duty to further the conservation and enhancement of the SSSIs features of special interest, and be inconsistent with national policy set out in Planning Policy Wales.

In its response to the consultation responses to the Sustainability Appraisal accompanying the Deposit Plan, the Newport City Council (NCC) LDP Team stated: "*The employment sites have been reviewed and it is considered appropriate for those areas within a SSSI designation to be removed. This proposed amendment to the plan will be assessed at the Revised Deposit LDP Stage.*" (Appendix I of the Sustainability Appraisal Report, June 2013).

However, it does not appear that the proposed amendment to the Plan was implemented, as when the amended allocations were subsequently assessed, Table D.5 of the Sustainability Appraisal Report (SAR) accompanying the Revised Deposit Plan (June 2013) recommended that, in relation to Policy EM1 (i) Duffryn, that "*any development likely to harm the environmental designations or protected species should not be permitted.*" Additionally, Table D.5 recommends that "*only the previously developed sites are considered for development.*" Given that the majority of the SSSI area within the allocation is undeveloped, if this SEA recommendation is carried forward into the Plan, all areas of the SSSI would be excluded from the allocation, with the exception of the existing development located at Grid Reference: ST2858083717.

Additionally, in responding to the recommendations of the SA, NCC state in Table D.6 of the SAR accompanying the Revised Deposit Plan (June 2013) that the "*Plan proposes to allocate a larger area as the employment site is considered to be of key importance to Newport and the region. The extent of the allocation has been determined by the proposed Duffryn Link Road, which will form a physical boundary to the allocation.*"

Whilst we acknowledge the need to ensure there is sufficient supply of quality employment land within the Plan, we note that the Employment Land Review: Final Report (March 2013) suggests that the level of employment land allocated under Policy SP 17 represents a provision that is very likely to be a maximum delivery rate for Newport in the future, and includes an allowance for an optimistic one off inward investment. Additional land for B Class uses is also allocated in the Plan under Policy EM3. On the basis of the likely delivery rate for Newport identified by the Employment Land Review, we therefore consider there is adequate land allocated within the Plan without developing part of an SSSI through the allocation of EM1(i).

We welcome the proposal in Focused Change 1 (Focussed Changes, February 2014) to further reduce the size of the allocation EM1(i), and to remove most of the SSSI from the allocation.

However, 0.8ha of the SSSI remains within the employment allocation, and our aerial imagery indicates that the allocation is not limited to previously developed sites.

Given the level of provision for employment land which already exists within the Revised LDP, Natural Resources Wales does not consider that amending the area allocated under Policy EM1(i) to exclude all areas of the SSSI will undermine the Plan's ability to provide an appropriate level of employment land to meet expected delivery rates. The deletion of the area of SSSI from the allocation would be consistent with the recommendations of the SA, and the Council's duty to have regard to the conservation and enhancement of the features of the SSSI which are of special interest.

Although a number of other allocations are proposed within the Gwent Levels SSSIs, they are not in conflict with the recommendations of the SAR accompanying the Revised Deposit Plan (June 2013). NRW will make further representation on those sites at Hearing Session 10: Environment and Heritage.

We understand that a subsequent SA/SEA was undertaken by the Council in December 2013. However we have not been consulted on that document, and are therefore unable to comment on any further comments/recommendations it has made.

**(iv) Has a Habitats Regulations Assessment (HRA) of the Plan been undertaken in accordance with the Habitats Directive, including consideration of any requirement for Appropriate Assessment in relation to any relevant sites?**

We consider that the authority has undertaken a HRA of the Plan that is in accordance with the Habitats Directive. We note and support the amendments that have been made to the Plan to address the potential for any likely significant effects from Plan policies and allocations, and that there is no requirement for an Appropriate Assessment of the Plan.

However, there will be a requirement to undertake project level HRA at a number of the sites allocated in the Plan when proposals for planning permission are submitted. Although most of the relevant policies make reference to this, we consider that Policy CE11: Renewable Energy also requires such a reference to ensure proposals for renewable energy do not adversely affect the integrity of European sites. We therefore recommend that paragraph 4.51 of the Plan state that proposals for renewable energy schemes near the Severn Estuary SPA or which have the potential to affect the River Usk SAC may be required to provide sufficient information to enable the Council to undertake a project level HRA.

## **2. Development of Plan Strategy**

**(i) Do the Plan Vision and Objectives articulate a clear, distinctive and coherent direction for the Plan? Does the Plan strategy align clearly with the key objectives of the Plan?**

No comment.

**(ii) What evidence demonstrates that the Plan strategy is based upon a comprehensive and robust consideration of an available range of meaningful options?**

No comment.

**(iii) Do the Plan Vision, Objectives and broad strategy align with (a) national planning policy guidance, including the Wales Spatial Plan; (b) the corporate objectives and plans of the local authority, including the Single Integrated Plan?**

(a) Although the Vision of the Plan refers to the three elements of sustainability - the economy, society and the environment – the only reference to the environment is that people should live in harmony with the city's 'unique natural environment'. We do not consider that this provides a clear aspiration for the county's natural heritage during the Plan period, or accord with National Planning Policy.

Paragraph 3.3.1 of Technical Advice Note 5 (TAN5): Nature Conservation and Planning (2009) states that in developing the overall strategy of a plan, local planning authorities should seek to *“to develop an ambitious vision for the environment of the Plan area including healthy, functioning ecosystems, a wealth of native wildlife and natural features and the habitats and natural processes on which they will depend”*.

In the Revised LDP the Vision for the environment of the Plan area is for “communities living in harmony in a unique natural environment”. Given the wealth of the natural environment within Newport and the pressure for development on much of it, NRW does not consider that this statement in the Plan vision provides the clear vision, or ambition intended by TAN 5, for the City's natural environment during the plan period. In developing an ambitious vision for the environment in line with TAN5 guidance, the authority should clearly set out at the very least, what it considers a “unique environment” will consist of.

The LDP Vision should therefore highlight the authority's aspirations for the protection and enhancement of the natural heritage features within the authority area. This could be closely aligned with the aims set out in the Wales Spatial Plan, which for the Capital Region identified that the quality of life could be protected and enhanced by *“protecting environmentally sensitive areas, such as the Gwent Levels, identifying opportunities to restore and create other sites which will safeguard the Area's biodiversity.”*

**(iv) Does the Plan strategy fit with Newport's sub-regional and regional context, including the strategies of neighbouring local planning authorities? Has there been meaningful dialogue with these neighbours concerning possible need for cooperation or a collaborative approach in relation to significant issues or policy areas covered by the Plan?**

No comment.