

WELSH GOVERNMENT

Examination Hearing Statement

**NEWPORT
Local Development Plan Examination**

**Hearing Session 10:
Environment & Heritage Matters**

01st May 2014

1. Protection of Natural Heritage

What evidence demonstrates that all development allocations in the Plan affecting SSSIs and other statutory natural heritage designations and protected habitat/species interests have been adequately assessed for their acceptability in principle in this respect?

This is for the authority to answer

Have the allocations raising natural heritage issues identified by NRW in its consultation response dated 26 July 2013 (and also by others) been the subject of further joint discussion - what is the present position concerning these sites? In particular, are changes needed to make the Plan sound as regards:

- i) SP16(iii) southern distributor road western extension (Gwent Levels - St Brides SSSI/Percoed Reen);
- ii) H1(47) Glan LLyn (potential impacts on adjacent SSSIs);
- iii) EM1(i) Duffryn (Gwent Levels - St Brides SSSI);
- iv) EM1(ii) East of Queensway Meadows (potential impacts on adjacent SSSIs);
- v) EM1(iv) Solutia (potential impacts on adjacent SSSIs);
- vi) EM1 (v) Gwent Europark;
- vii) EM2(ii) Llanwern former tipping area, south of Queensway (potential impacts on adjacent SSSIs);
- viii) T1 proposed rail station at Coedkernew (Gwent Levels - St Brides SSSI);
- ix) CF13(v) Duffryn High (potential impacts on adjacent SSSI);
- x) CF13(vii) School south of Percoed Lane, Duffryn (Gwent Levels - St Brides SSSI);
- xi) SP16(ii) Queensway eastern extension?

This is for the authority to answer.

Have all other matters concerning the natural environment raised by NRW been the subject of further consideration and dialogue - to what extent is there now an agreed way forward on these matters? What changes are needed to the Plan as a result?

This is for the authority to answer.

Should natural heritage designations such as SSSIs and SINCs be marked on the Proposals Map?

Planning Policy Wales, paragraph 5.4.6, states that, wherever practical, statutory or non-statutory designations should be clearly identified on the proposals maps or be capable of being identified from clear criteria in environmental protection policies.

It is the role of the Proposals Map to illustrate LDP policies and proposals which have a spatial component, as long as this is practicable and reasonable. In the first instance, it is for the LPA to determine what is of use, how this relates to the policies in the plan, and how it should be presented.

Are the provisions of policy GP5 sufficient to safeguard the natural heritage interest of sites which are also the subject of development allocations in the Plan? If not, what further safeguards are necessary?

This is for the authority to answer.

2. Allocations and Flood Risk.

What evidence demonstrates that all development allocations in the Plan (including those with extant planning permissions) have been fully assessed against the requirements of TAN 15 Development and Flood Risk, taking account of current Development Advice Maps?

See below.

What evidence demonstrates that, where a development allocation in the Plan involves land within zone C (either C1 or C2), all of the requirements of sections 6 and 7 of TAN 15 are satisfied in relation to each such allocation for the lifetime of the development?

Planning Policy Wales (section 13.3) and TAN 15: Development and Flood Risk are clear that inappropriate development should not be located in areas defined as being of high flood hazard. TAN 15, at paragraph 6.2, states, '*in Zone C the tests outlined in sections 6 and 7 will be applied recognising, however, that highly vulnerable development...in Zone C2 should not be permitted*', and at paragraph 10.8, states that '*sites in Zone C2 should not be allocated for highly vulnerable development*'. Highly vulnerable development (HVD) is defined in Figure 2 on page 7 of the TAN as '*all residential premises, public buildings, especially vulnerable industrial development, and waste disposal sites*'.

In respect of sites with extant planning permissions, the Dear CPO letter (09th January 2014) is particularly apt in its consideration of insurance industry flood cover. It states that new developments built after 2009 will be subject to uncapped risk reflective premiums. Clearly if such development does not get built because of this risk, then the units cannot contribute towards providing a 5 year supply of housing and should be deleted from the housing provision. If they require a fresh application it should be determined in accordance with TAN15.

What evidence demonstrates that surface water flood risk issues have been properly considered in relation to all development allocations in the Plan?

See above.

What evidence demonstrates that NRW is now content that all of the allocations in the Plan are sound in respect of flood risk matters? Have the allocations identified by NRW in its consultation response dated 26 July 2013 been the subject of further joint discussion - what is the up to date position concerning these sites?

See previous response.

3. Policy S8 Special Landscape Areas

PPW (Para 5.3.11) sets out national guidance in respect of non statutory landscape designations. The guidance states that local authorities can use and apply these designations to areas of substantive conservation value, where this is good reason to believe that normal planning polices cannot provide the necessary protection. Such designations should not unduly restrict acceptable development.

Is proposed SLA designation S8(vii) Tredegar Park sound (i.e. coherent and consistent) as regards the inclusion of the Graig y Saeson section of the designation, in the light of the character of the land and existing permissions for development?

This is for the authority to answer.

4. Policy SP6 Green Belt.

Is there a clear rationale and justification for the proposed extension proposed to the existing Green Belt? Is the proposed extension based on a formal assessment of the area's contribution to urban form and the location of new development? Is the resulting Green Belt designation consistent with PPW guidance concerning the purposes of Green Belts? Is it consistent with the Green Belt designation within the adjoining authority area of Cardiff?

No. National guidance regarding Green Belts/Green Wedge is set out in PPW (paragraphs 4.8.1 – 4.8.18) which states:

“..... Both Green Belts and green wedges must be soundly based on a formal assessment of their contribution to urban form and the location of new development and can take on a variety of spatial forms. The essential difference between them is the issue of permanence. Land within a Green Belt should be protected for a longer period than the current plan period, whereas green wedge policies should be reviewed as part of the development plan review process.”

Policy SP6 of the Revised Deposit Plan proposes an extension to the Green Belt along the Newport and Cardiff Boundary. **The rationale for the proposed extension has not been appropriately justified.** Indeed there is a lack of explanation as to what circumstances have changed since the UDP was adopted to justify a change to this designation.

Before designating land as Green Belt, local planning authorities must consider and justify why such a route would be the most appropriate means of protection. We note that tight settlement boundaries have been drawn around both the main urban area and rural villages, in addition the proposed extended area is in the middle of the M4 and the A48.

Taking into account the principle of no development (generally) outside of settlement boundaries, particularly as the plan claims to have accommodated sufficient development to meet its needs up to 2026, there appears to be an existing policy framework in addition to the Policy SP6 (most notably SP1 Sustainability, Policy SP5: Countryside and Policy GP5, Natural Environment) within which to refuse inappropriate development. Consequently, there appears to be a robust policy framework in place to ensure the land remains open within this plan period.

The Welsh Government considers that in light of a more strategic approach to planning as identified in the Draft Planning Bill, which is currently anticipated to achieve Royal Assent after the programmed adoption of the plan (if found ‘sound’) the Green Belt extension is premature and could prejudice any conclusions arrived at through a more strategic approach.

The Welsh Government considers that if a larger Green Belt is appropriate for the longer term then it would be better addressed outside of the LDP process. This would enable a more thorough discussion of the issues across potentially a wider physical area, taking into account wider issues.

5. Policy SP7 Green Wedges.

Are the green wedge designations in the Plan soundly based on a formal assessment of contribution to urban form and the location of new development? What evidence demonstrates that normal planning and development management policies cannot provide the necessary protection?

Do the green wedges include only land that is strictly necessary to fulfil the purposes of the policy?

Our previous comment highlights national policy in this matter. It is for the authority to explain both the rational for, and location of the green wedge designations as set out in policy SP6. The plan already has a raft of policies that could refuse inappropriate development in these areas. The rationale for this additional protection is unclear.

6. Policy CE1 Development in the Green Belt and Green Wedges.

Is this policy intended to add to or modify national policy concerning development in Green Belts and green wedges in any way? If not, why is an LDP policy proposed concerning this?

It is unclear how this additional policy adds value to the ‘inappropriate development’ criteria which are already set out in PPW (para 4.8.16) or Policies, SP5, SP6 and SP7. It is for the authority to justify the need for the additional policy and the criteria within it.

In addition, it is unclear why Policy CE1 does not include any reference to affordable exception sites which are advocated in Policy H5. Are there any other policies that would relate to, or would need to be included within the policy in order to ensure consistency with other policies in the plan?

Are the detailed provisions of policy CE1 consistent with those in PPW? In particular, is the policy and supporting text coherent and consistent as regards:

- i) Reference in criterion i) to agricultural or forestry uses rather than justified rural enterprises;
- ii) Reference in criterion vi) to mineral working being permitted;
- iii) reference to visual amenities not being harmed by development proposals outside the designated area;
- iii) references in paragraph 4.1 to various types of development being considered “appropriate” and potential confusion with PPW definitions of inappropriate development;
- iv) interpretation of 30% of original volume stipulation in paragraph 4.1 - and whether such a categorical proviso, if imposed, should be embodied within the policy

See previous comment.

7. Historic Environment - Polices CE5 - CE8.

What is the purpose of the references to historic battlefields in policy CE5 and paragraph 4.23? Are any such sites present within the Plan area?

This is for the authority to answer

What does paragraph 4.25 (supporting text to policy CE6 Locally Listed Buildings and Sites) mean?

This is for the authority to answer

Should this paragraph be re-worded and simplified, for clarity?

Yes, paragraph 4.25 should be amended for clarity. Paragraph 6.5.10 of Planning Policy Wales, Edition 6, requires applicants to justify their proposals and show why alteration or demolition of a listed building is desirable or necessary against a general presumption in favour of preservation.

Why is requirement i) of policy CE8 Conservation Areas different to the statutory duty concerning conservation areas - is this intentional? Is the difference in wording likely to introduce uncertainty and confusion? Should the wording be amended?

In accordance with paragraph 6.4.6 of Planning Policy Wales, Edition 6; Policy CE8 should make clear that development proposals will be judged for their effect on preserving or enhancing the character and appearance of conservation areas.
