



Mr Mark Hand
Newport City Council
Environment and Regeneration
Civic Centre
Godfrey Road
Newport
NP20 4UR

Ein Cyf/Our ref: qA1141583/1
Eich Cyf/Your ref:
Dyddiad/Date: 18 September 2014

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77 CALL IN REQUEST
DEVELOPMENT OF 248 NO DWELLINGS AND ASSOCIATED WORKS, LAND SOUTH
OF GLAN USK PRIMARY SCHOOL, HERBERT ROAD, NEWPORT, NP19 7BH
APPLICATION NO. 13/1279**

1. I am writing to inform you that the Welsh Ministers have been requested to call in the planning application referred to in the title of this letter.
2. I am authorised, by the Minister for Resources, to consider whether the application should be called in for determination by the Welsh Ministers.
3. The Welsh Government's policy on calling in planning applications is set out in Planning Policy Wales (Edition 7, July 2014). The Welsh Government considers that local planning authorities, as elected bodies, should be left to make decisions about development proposals wherever possible. The Welsh Ministers do not, in practice, call in many planning applications and will only do so where the proposal raises issues of more than local importance.
4. To assist me in the consideration of whether the application raises issues of more than local importance I have consulted colleagues and their responses are as follows:
 - Welsh Government Planning Policy Branch with responsibility for residential matters

This is an application for 248 dwellings on a former industrial site, owned by Newport City Council, within the urban boundary of Newport. The application site is allocated for

housing development in the adopted Newport UDP. There is an extant planning permission for 169 dwellings on the main part of the site.

According to the Officer's Report, the proposal includes the provision of 15% affordable housing, to be secured by a section 106 agreement. The proposal is for a mix of dwelling types, including both houses and flats.

Under national policy, local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Also, previously developed land should, wherever possible, be used in preference to Greenfield sites (Planning Policy Wales, paragraphs 9.1.1 and 9.1.2).

The Officer's Report assesses the above issues and recommends that the application be approved (subject to conditions and the signing of a section 106 agreement within six months of the grant of planning permission) as it is considered that the proposal complies with the relevant policies in the adopted UDP.

*Based on the information available, the proposed development does not appear to be contrary to national policy on housing development and therefore **call-in is not recommended**.*

- Welsh Government Planning Policy Branch with responsibility for flooding matters

"The proposed development is located with Zone C1 on the Development Advice Maps supporting TAN15. The site is allocated (in part) within the adopted Unitary Development Plan, and is identified as having been previously developed land.

A Flood Consequence Assessment has been prepared in support of the application, and the Officer's report states that this has had regard to the Dear CPO Letter issued in January 2014. Consequently it is proposed to mitigate the risk of flooding through raising the site (9.8m AOD) and finished floor levels (9.95mAOD).

It is noted that the access to the site would be at risk of flooding in the 0.5% event. However an alternative dry evacuation route can be provided through the school grounds to the North.

In terms of the policy considerations for flood risk set out in TAN15 and Planning Policy Wales, the site is located in Zone C1, is part of the adopted development plan, is previously developed land, has demonstrated that appropriate mitigation through land raising is possible, and has identified a means of access/egress for the lifetime of the development.

Consequently I do not consider that this application is contrary to national planning policy in respect of flood risk, and no intervention is required."

- Welsh Government Planning Policy Branch with responsibility for landfill matters

"From the land contamination perspective there does not appear to be any conflict with national planning policy. The issue of contamination on this site is known, there is a history relating to the matter and there appears to be agreement with regard to the investigations undertaken and the proposed remediation strategy. On this basis there do not appear to be any issues of more than local importance raised which would suggest that the decision should be taken by Welsh Ministers."

- Natural Resources Wales with responsibility for environmental matters:

(iii) Has the local planning authority identified the national planning policies and legislation/directives relevant to those issues?

Our view is that the local planning authority has identified the national planning policies and legislation/directives relevant to those issues.

(iv) Has the local planning authority assessed those issues in an appropriate manner? Here we are not asking whether or not you agree with the conclusions of the authority on the merits of the issue – that is not something we can take into consideration – but whether the authority's assessment has been made in a reasonably robust way, using up-to-date methodology and knowledge.

Our view is that the local planning authority has assessed those issues in an appropriate manner.

(v) Does your consideration of these issues lead you to conclude that the application is one which should be determined by the Welsh Ministers rather than the local planning authority? It would be appreciated if you would give your reasons for your conclusion.

Having regard to the six criteria in Welsh Government's policy for call in, we are not of the opinion that the proposed development will raise issues of more than local importance and are unaware of any reasons or evidence to suggest otherwise. We are also satisfied that the local planning authority has fully identified the issues relating to our remit in order to determine the planning application. The Council's case officer appraisal identifies the relevant planning policies and legislation in the context of the application.

We therefore, believe it is appropriate for the application to be determined by the Local Authority."

A copy of Natural Resources Wales' letters dated 5 February and 29 July 2014 are enclosed.

5. Having considered the issues associated with the application in the light of the Welsh Government's policy on call-in and the advice provided by the consultees, which advice I accept, I am of the opinion that those issues are not of more than local importance. In view of this, I do not consider that the application should be called in for determination by the Welsh Ministers and it is now for your Council to determine the application as it sees fit.
6. In reaching my decision I did not consider the planning merits of the proposed development and my decision not to call in the application should not in any way be taken as a reflection on the planning merits of the proposals.
7. Your Council has jurisdiction for deciding whether environmental impact assessment is required for this proposal and I have not considered the matter. Any screening opinion will need to be made available for public inspection.

“ We note that you seek our views as to whether the planning application should be called-in by Welsh Government and given planning issues associated with:

(i) Land within the National Forest Inventory; and

(ii) Sites of Special Scientific Interest (SSSI), in this instance the River Usk

Our view is that call-in by Welsh Ministers is not required given the six criteria in Welsh Government’s policy. We also refer you to our representations for this planning application (29th July 2014, ref. SE/20141175/02-L01 and 5th February 2014, ref. 1962690/C.38.07.02/AH). We have no grounds to object to the proposed development given the information submitted with the planning application and provided that sufficient planning controls are effectively implemented should planning permission be granted. We also assisted Newport City Council on their Appropriate Assessment, required under the Conservation of Habitats and Species Regulations 2010 (as amended) with regards to the possible impacts on the integrity of the River Usk Special Area of Conservation (SAC).

In respect of the specific questions raised in your letter we have the following observations to make;

(i) What do you consider to be the issues raised by the application which are relevant to your remit.

We refer you to our latest representation of 29th July 2014 (ref. SE/2014/117546/02-L01), which gives our advice on planning matters. This includes;

Our advice on flood risk management matters, where we requested that the development be carried out in accordance with the submitted flood consequence assessment; where site and finished floor levels are to be set at a level to manage the risk of flooding;

Our explanation that a layout plan attached to the extant permission refers to culverting of the existing ordinary watercourse. The current FCA (March 2014) supports proposals for an opened watercourse. We support the latter proposals for an open watercourse and do not support proposals for culverting.

Our request asking for planning conditions to ensure the remediation of contamination in relation to controlled waters and impacts on ecology.

Our request for agreement(s) to be implemented for mitigation and/or compensation in relation to landscaping. We also ask for responsibilities and long term management plans to be controlled through the planning permission (conditions or agreement).

reference to our letter of 5th February 2014 (1962690/C.38.07.02/AH) in regard to other environmental matters, including, the Environmental Management Plan (CEMP), Drainage Ditch, Water Features, Water Supply, and Water Efficiency, Landscape, Nationally Protected Species and Local Biodiversity.

Our recommendation for consultation by the local planning authority with other appropriate bodies on issues where we are not able to provide advice given our remit and approach.

Our regulatory advice to the applicant on Environmental Permitting and Abstraction Licence requirements, which is outside of the town and country planning regime.

(iii) Has the local planning authority identified those issues in its consideration of the application?

We refer you to the Councils Report to Planning Committee, which documents how the local planning authority Case Officer assessed material planning considerations and which documents their Appropriate Assessment. We are satisfied that the local planning authority has fully identified the issues relating to our remit in its consideration of the application.

8. It would assist us if a copy of any planning decision which your Council issues could be sent to my colleague, John Saunders (Ext 3878).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'C Dicks', written in a cursive style.

CLARE DICKS
Decisions Manager
Planning Division

Signed under authority of the Minister for Natural Resources
one of the Welsh Ministers

