

## **APPENDIX 1.2**

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**Regeneration and Regulatory Services**  
**Gwasanaethau Adfywio a Rheoliadol**



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26 November 2012

**APPLICATION DETAILS**

No: 12/1011 Ward: **ST JULIANS**

Type: **EIA SCREENING OPINION**

Expiry Date: 27/11/2012

Applicant: **ASBRI PLANNING**

Site: **LAND TO SOUTH OF AND INCLUDING GLEBELANDS STADIUM BANK STREET NEWPORT SOUTH WALES**

Proposal: **SCREENING OPINION FOR RESIDENTIAL DEVELOPMENT**

**1. CONSULTATIONS**

- 1.1 GWENT AND GLAMORGAN ARCHEOLOGICAL TRUST (GGAT): There are no known archaeological sites in the area. Therefore consideration has been given to the likelihood that unrecorded archaeological sites could be buried in the alluvium alongside the river. Although there is a possibility that boats and other maritime equipment could have been abandoned alongside the river, there are no significant pills marked on the historic maps. It is thought that the area surrounding pills could have been the location for settlement in the prehistoric and Roman periods but given the lack of such topographical features, it is our opinion that it is unlikely that any significant archaeological features are located in the proposed development area. GGAT do not envisage any archaeological or historic environment issues that will be material considerations in the determination of any planning application in this area and have concluded that these issues will not need to be considered in any environmental impact assessment of the proposed development.
- 1.2 THE COUNTRYSIDE COUNCIL FOR WALES (CCW): Any planning application for this development should include sufficient information to enable the planning authority to determine the extent of any environmental impacts arising from the proposed scheme on protected species and other nature conservation, countryside and landscape interests.
- 1.2.1 CCW's view, is that, from the information provided, we can not rule out significant effects on natural heritage interests within our remit. We therefore advise that these issues be addressed through an EIA. We have reached this view due to the proposed development being a Schedule 2 development exceeding 0.5 hectares in area and located adjacent to the River Usk SAC and SSSI. Due to the proximity of the proposed development to the River Usk SAC, a Habitats Regulations Assessment (HRA) under the Conservation of

Habitats and Species Regulations 2010 may be required. It is recommended that sufficient information is collected as part of the environmental assessment to enable determination of whether an HRA is required, and if so to undertake the HRA. The CCW can provide further advice on this if required.

- 1.2.2 CCW's view is that it can not rule out significant effects on natural heritage interests within its remit. It therefore advise that these issues be addressed through an EIA.
- 1.3 THE ENVIRONMENT AGENCY WALES (EAW): The proposal is for a residential development which is over 0.5 hectares, therefore it could be considered as Schedule 2 development, under 9 Urban development projects (b) of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 Selection criteria under Schedule 3 should also be considered.
- 1.3.1 As the Local Authority is the determining Authority, it will be able to assess all the environmental issues relating to the proposed development. Furthermore this site has a complex history. Whether an EIA is required or not, our continued aim is to influence the planning process to ensure that environmental matters (relating to our remit) are addressed. In considering whether an EIA is required for the proposed development, we have considered only the issues within our remit. There may be environmental risks from this proposed development, however we consider these are likely to be managed, and are not deemed 'significant' in the context of the Regulations and Welsh Office Circular 11/99. We do not consider that the development is likely to have 'significant environmental effects' that requires a formal EIA.

## **2. INTERNAL COUNCIL ADVICE**

- 2.1 PUBLIC PROTECTION MANAGER (POLLUTION): The proposed development is located at least in part on a well know former industrial / domestic landfill site, in addition to the other historic industrial activities being recorded on the site. Therefore full consideration of ground conditions and likely remediation will be required.
- 2.2 HEAD OF STREETSCENE (PUBLIC RIGHTS OF WAY): There is a Public Right of Way (Footpath) running along the Western edge of the site boundary. This footpath (reference 407/1) must be fully considered during the design of the new development. We would not object to a formal Planning Application for this site as long as the following conditions were met:
1. No structures (including walls or fencing) are to be erected that cross through the line of the Public Right of Way (as shown on the Definitive Map).
  2. The line of the Public Right of Way (as shown on the Definitive Map) is not obstructed in any way and remains clear at all times (including during construction).
  3. The users of the Public Right of Way are not disadvantaged or endangered in any way by the construction (during the works and following completion).
  4. The surface of the Public Right of Way is not adversely affected in any way.
- 2.3 HEAD OF STREET SCENE (ECOLOGY OFFICER): Concludes that EIA is required and offers the following advice on the scope of the EIA:
- 2.3.1 The assessment of ecological interests in the EIA should be undertaken according to the Institute of Ecology and Environmental Management's (IEEM) best practice Guidelines for Ecological Impact Assessment. The EIA should have regard to the relevant legislation, including:
- The Countryside and Rights of Way Act 2000
  - The Wildlife and Countryside Act 1981 and various amendments;
  - The Conservation (Natural Habitats &c.) Regulations 1994
  - The Habitats & Species Directive 1992
  - The European Birds Directive 1979
  - The International Convention on Wetlands of International Importance 1971
  - Planning Policy Wales 2012
- 2.3.2 The EIA should also address Newport's Local Biodiversity Action Plan (currently under review). The EIA should contain an initial desktop study as a pre-cursor to survey work.

The desk-top study should include an interrogation of the local biological records centre (SEWBReC) for relevant ecological data for the site and surrounding area, and identification of gaps in this data.

2.3.3 The EIA should address:

- Issues of changing topography, and infrastructure, related to the proposed development of the site, and how these changes might affect valued ecological receptors.
- Potential impacts on ecological receptors related to increased use of the area by humans, including: lighting; noise; traffic; and litter.
- Potential impacts on the soil and geology of the area;
- Provide information on the phases of construction of the proposed development;
- Any potential ecological impacts that result from the construction phase (e.g. drilling, noise, and dust);
- Provide information on the timing and longevity of the impact, and the potential scale and extent of the impact.
- Give information on proposed measures to prevent or mitigate for any negative ecological impacts, and provide reference to other relevant mitigation schemes in the vicinity.

2.3.4 The application area lies adjacent to the River Usk Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Strategic policy CE5 of the Deposit Unitary Development Plan applies. The Conservation (Natural Habitats, &c.) Regulations 1994 [Habitats Directive] require an Appropriate Assessment if there is potential for a development to adversely affect the integrity of a European site of nature conservation significance. The application area lies close to the eastern bank of the River Usk, therefore there is the potential for this development to have an adverse impact on this site of European importance during the construction process and possibly during the operational phase. The Countryside Council for Wales should be consulted with regards to the potential for adverse impacts. In the likelihood of the project being judged to have a significant effect, an Appropriate Assessment must be undertaken (Regulation 48), which will allow consideration of conditions which might avoid harmful effects on these European sites.

2.3.5 In order for an adequate assessment of the affects of the proposed development to be carried out, the following ecological baseline information should be provided within the EIA.

- A Phase 1 Habitat survey
- Protected species surveys including Bats (including use of site for foraging, commuting and roosting), Otters, Badgers, Breeding and migratory birds, Reptile and Amphibian survey, Invertebrate survey.

2.3.6 The above surveys should be carried out using the relevant best practice guidelines. Survey reports should also identify issues encountered during the survey period, e.g. inclement weather conditions. Results of the surveys should also be submitted, in an appropriate format, to the local biological records centre (SEWBReC).

2.3.7 In conclusion, I recommend that the EIA for the above proposed development includes the following:

- Desk-top (data-gathering) exercise as pre-cursor to survey work;
- A programme of ecological monitoring, covering relevant protected species and designated sites (as mentioned above);
- Full assessment of potential ecological impacts, and proposed mitigation strategy.

I would also advise that the application be subject to an Appropriate Assessment under the Conservation (Natural Habitats, &c.) Regulations 1994 [Habitats Directive].

2.4 HEAD OF STREETSCENE (HIGHWAYS): Concludes a Transport Statement is required to be submitted to assess the development in terms of accessibility, trip/traffic generation, walking and cycling provision and sustainability.

2.4.1 The Head of Streetscene further comments that in terms of traffic generation the Transport Statement must assess the impact of the proposal on the Turner Street/Caerleon Road junction including the existing priority arrangement under the railway bridge and the East

Usk Road/Clarence Place signalised junction. The site must also be fully accessible from the public highway and the proposed estate roads must be constructed to the Council's standard for adoption.

- 2.4.2 The Head of Streetscene would be grateful to discuss the scope of the Transport Statement in more detail with the applicant as appropriate. He considers a Transport Statement will be required regardless of whether an EIA is required.

### 3. REPRESENTATIONS

- 3.1 J. S. Payne Limited, Enterprise House, Newport NP19 7BH. The proposal would be very close to an existing industrial use which can be periodically noisy. The local highway network is very restricted with narrow heavily parked roads. HGV access to the site can be difficult.

### 4. RELEVANT SITE HISTORY

00/0768	REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT & HARD PLAY AREAS & RESIDENTIAL DEVELOPMENT	Granted with Conditions
93/0901	REMOVAL OF WOODEN STORE SHED AND CONSTRUCTION OF REPLACEMENT STORES IN PERMANENT MATERIALS	Granted
92/0765	ERECTION OF NEW INFANTS AND JUNIOR SCHOOL TOGETHER WITH PLAYING FIELDS	Objection
03/1531	ERECTION OF A REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT (PURSUANT TO 00/0768)	Approved & Conditions
04/1537	VARIATION OF CONDITION 11 (FLOOD PREVENTION) AND REMOVAL OF CONDITION 19 (ARCHAEOLOGICAL WATCHING BRIEF) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, PLAY AREAS AND RESIDENTIAL DEVELOPMENT	Granted with Conditions
04/1536	VARIATION OF CONDITION 11 (FLOOD PREVENTION) OF PLANNING PERMISSION 00/0768 FOR DEVELOPMENT OF REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, PLAY AREAS AND RESIDENTIAL DEVELOPMENT	Granted with Conditions
06/0168	PARTIAL DISCHARGE OF CONDITION 16 (WORKING METHOD STATEMENT) OF PLANNING PERMISSION 00/0768 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	Approved
06/0169	PARTIAL DISCHARGE OF CONDITIONS 09 (WHEELWASH AND DUST SUPPRESSION) AND 10 (ROUTE OF CONSTRUCTION) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	Approved
06/0170	PARTIAL DISCHARGE OF CONDITION 06 (CONTAMINATION REMEDIATION) OF PLANNING	Approved

	PERMISSION 00/0768 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	
06/0171	VARIATION OF CONDITION 14 (DRAINAGE) OF PLANNING PERMISSION 00/0768 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	Approved & Conditions
06/0172	PARTIAL DISCHARGE OF CONDITION 01 (MATERIALS) OF PLANNING PERMISSION 03/1531 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	Approved
06/0173	PARTIAL DISCHARGE OF CONDITION 05 (HARD SURFACING) OF PLANNING PERMISSION 03/1531 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	Approved
06/0174	PARTIAL DISCHARGE OF CONDITIONS 06 (ACOUSTIC REPORT) AND 07 (MEANS OF ENCLOSURE) OF PLANNING PERMISSION 03/1531 AND 20 (ACOUSTIC REPORT) OF PLANNING PERMISSION 00/0768 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT (RESERVED MATTERS AND OUTLINE APPLICATIONS RESPECTIVELY)	Approved
06/0184	REMOVAL OF CONDITION 08 (OFF SITE HIGHWAY WORKS) OF PLANNING PERMISSION 00/0768/O FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	Granted with Conditions
07/0668	PARTIAL DISCHARGE OF CONDITION 05 (HARD PAVING DETAILS) OF PLANNING PERMISSION 03/1531 FOR ERECTION OF REPLACEMENT SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT	Approved
07/0820	PARTIAL DISCHARGE OF CONDITION 06 (CONTAMINATION REMEDIATION) OF PLANNING PERMISSION 00/0768 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT -AMENDMENT TO PARTIAL DISCHARGE UNDER REFERENCE 06/0170	Approved
07/0798	PARTIAL DISCHARGE OF CONDITION 10 (ROUTE OF CONSTRUCTION) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT - AMENDMENT OF PARTIAL DISCHARGE OF CONDITION 06/0169	Approved
07/0939	PARTIAL DISCHARGE OF CONDITION 06 (CONTAMINATION REMEDIATION RELATING TO RESIDENTIAL) OF PLANNING PERMISSION 00/0768 FOR THE ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	Approved
09/1150	PARTIAL DISCHARGE OF CONDITION 08 (OFF SITE HIGHWAY WORKS) OF PLANNING PERMISSION 00/0768 FOR A REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT	Approved

	AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT	
09/0591	DISCHARGE OF CONDITION 7 (CERTIFICATION REPORT FOR SCHOOL SITE ONLY) OF PLANNING PERMISSION 00/0768 FOR THE ERECTION OF A REPLACEMENT PRIMARY SCHOOL. ALL WEATHER PITCH, SOFT AND HARD PLAY AREA AND RESIDENTIAL DEVELOPMENT	Approved
09/1119	RETENTION OF 10NO. 10M HIGH FLOODLIGHTS TO MULTI USE GAMES AREA AND ARTIFICIAL TURF PITCH	Granted with Conditions
12/1012	SCOPING OPINION FOR RESIDENTIAL DEVELOPMENT	Undetermined

## 5. ASSESSMENT

5.1 The site falls within Schedule 2 10(b) of the EIA Regulations being an urban development project over 0.5Ha in size. It is located next to a sensitive area as defined in Regulation 2, the River Usk being a Special Area of Conservation as defined under the Habitats' Directive as well as being a Site of Special Scientific Interest (SSSI).

5.2 As Schedule 2 development regard must be had to Schedule 3 of the Regulations which requires consideration of the:

- Characteristics of the development;
- Location of the Development;
- Characteristics of the Potential Impact of the Development.

5.3 Welsh Office Circular 11/99 offers further advice on Environmental Impact Assessment and the application of the EIA Regulations.

### 5.4 CONTAMINATION

5.4.1 The Head of Public Protection reports the site is known to have been used for industrial purposes and as a landfill site. Particular risks arise from the likely contamination of the site. Significant levels of contamination were found and remediated when the site to the immediate north of this site was developed (the Glan Usk School Site). It is highly likely that this site will have similar high levels of contamination. Remediation to the required level is likely to be a complex process which runs the risk of mobilising pollution in the vicinity of highly sensitive receptors in the form the River Usk SAC which could be affected by run-off or ground water seepage. This site is known to overlie a minor sandstone aquifer. There also appears to be a perched water table that is contaminated. There is a risk of pollution being mobilised vertically by for example, piling activities. The containment of any pollution mobilised during any development phase should be considered. It will be necessary to remediate the site to a level appropriate to its residential end use and to protect the interests of the adjacent SAC.

5.4.2 It is noted that the Environment Agency Wales (EAW) do not consider that the proposal would constitute EIA development for their purposes. The Council has sought clarification of these points given to the best of the Council's knowledge the site in question has neither been de-contaminated nor raised above the known flood level. This did happen on the Glan Usk school site to the north of the proposed site currently being considered. Consequently given the known contamination issues from the Glan Usk School site and the lack of remediation and land raising the Council is of the view that site contamination and flooding are significant risks and should form part of the scope of an Environmental Statement. It is strongly recommended that further approaches are made to the EAW seeking its advice in regard to contamination and flooding issues on this site.

## 5.5 ACCESS AND HIGHWAYS

5.5.1 The Head of Streetscene reports that a Traffic Impact Assessment will be required regardless of any decision over EIA. A local business reports existing difficulties in the local highway network via the passage of HGVs. Access to the site is constrained and can only be achieved by routing through densely populated urban areas which are often heavily parked. The construction and operational phases of the proposal are likely to generate significant highway impacts in the vicinity of the site and the associated urban areas which should be assessed.

## 5.6 VISUAL IMPACT

5.6.1 The Usk River Front is an important vista in the area and contains an important public right of way that connects into the wider strategic network of public rights of way. Visual impacts and landscape impacts and the potential effects on users of the river front public right of way are capable of being significant and should be considered.

## 5.7 NOISE

5.7.1 Noise from the industrial uses to the south of the site and from the railway line on the eastern boundary of the site are likely to be significant and potentially adverse. Consideration of how this noise will affect outside amenity space and internal rooms should be given. The potential for curtailment of existing industrial activities via Noise Abatement Notice should be considered.

## 5.8 FLOODING

5.8.1 A large part of the site lies within a defended floodplain (C1) as identified in the Welsh Government's Development Advice Maps. It will be necessary to show that the effects of tidal flooding can be acceptably managed on the site. If land raising is proposed the impact of flood water displacement and run-off effects should be taken into account.

## 5.9 ARCHAEOLOGY

5.9.1 GGAT report there are unlikely to be any effects on the archaeological resource.

## 5.10 IMPACT ON LOCAL POPULATION

5.10.1 The principal impacts will be via traffic generation and visual impacts as discussed elsewhere in this report.

## 5.11 ECOLOGY AND NATURE CONSERVATION

5.11.1 The site is adjacent to the River Usk which is designated as a Site of Special Scientific Interest (SSSI) and as a Special Area of Conservation (SAC). Protected species are known to use the River and its bank as habitat and for transit. The Countryside Council for Wales cannot rule out significant effects on natural heritage interests and advise an EIA is undertaken. The Council's Ecology Officer agrees with this view and offers advice on the scope of the EIA.

## 5.12 TRAFFIC AND AIR QUALITY

5.12.1 There are Air Quality Management Areas on two parts of Caerleon Road (Caerleon Road and Saint Julians) and Chepstow Road (including the lower reaches of Caerleon Road close to the Caerleon Road / Turner Street junction which is specifically mentioned in the Head of Streetscene (Highways') advice. Consideration should be given to the impact of traffic generation from the proposal on air quality in these sensitive areas.

## 5.13 OTHER LOCAL FACILITIES

- 5.13.1 The proposal will increase the local population and increase the demand on local facilities in the vicinity of the site. There is no indication these will be incapable of being supported in what is a sustainable urban location.

## **6. CONCLUSION**

- 6.1 The proposed development constitutes 'EIA development' for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for the reasons outlined above.

## **7. DECISION**

- 7.1 THE PROPOSAL IS EIA DEVELOPMENT.

## **8.0 Statement for the purposes of Regulation (6)(b)(i) of the EIA Regulations**

- 8.1 The development is EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 because:
1. The site falls within Schedule 2 10(b) of the EIA Regulations being an urban development project over 0.5Ha in size. It is located next to a sensitive area.
  2. The site is next to a sensitive area: the River Usk SAC / SSSI. Particular risks arise from the likely contamination of the site. Significant levels of contamination were found and remediated when the site to the immediate north of the site of this proposal was developed (the Glan Usk School Site). It is highly likely that this site will have similar high levels of contamination. Remediation to the required level is likely to be a complex process which runs the risk of mobilising pollution in the vicinity of highly sensitive receptors in the form the River Usk SAC which could be affected by run-off or ground water seepage. This site is known to overlie a minor sandstone aquifer. There also appears to be a perched water table that is contaminated. There is a risk of pollution being mobilised vertically by for example, piling activities. The containment of any pollution mobilised during any development phase should be considered. It will be necessary to remediate the site to a level appropriate to its residential end use and to protect the interests of the adjacent SAC.
  3. Access to the site is constrained and can only be achieved by routing through densely populated urban areas which are often heavily parked. The construction and operational phases of the proposal are likely to generate significant highway impacts in the vicinity of the site and the associated urban areas which should be assessed.
  4. The Usk River Front is an important vista in the area and contains an important public right of way that connects into the wider strategic network of public rights of way. Visual impacts and landscape impacts and the potential effects on users of the river front public right of way are capable of being significant and should be considered.
  5. Noise from the industrial uses to the south of the site and from the railway line on the eastern boundary of the site are likely to be significant and potentially adverse. Consideration of how this noise will affect outside amenity space and internal rooms should be given. The potential for curtailment of existing industrial activities via Noise Abatement Notice should be considered.
  6. A large part of the site lies within a defended floodplain (C1) as identified in the Welsh Government's Development Advice Maps. It will be necessary to show that the effects of tidal flooding can be acceptably managed on the site. If land raising is proposed the impact of flood water displacement and run-off effects should be taken into account.
  7. The site is adjacent to the River Usk which is designated as a Site of Special Scientific Interest (SSSI) and as a Special Area of Conservation (SAC). Protected species are known to use the River and its bank as habitat and for transit. The Countryside Council for Wales cannot rule out significant effects on natural heritage interests and advise an EIA is undertaken. The Council's Ecology Officer agrees with this view and offers advice on the scope of the EIA.
  8. There are Air Quality Management Areas on two parts of Caerleon Road (Caerleon Road and Saint Julians) and Chepstow Road (including the lower reaches of Caerleon Road close to the Caerleon Road / Turner Street junction which is specifically mentioned in the Head of Streetscene (Highways') advice. Consideration should be given to the impact of traffic generation from the proposal on air quality in these sensitive areas.

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: HR-01 & Covering Letter from Asbri Planning (dated 19 October 2012)

02 The development plan for Newport is the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006). No Policies were relevant to the determination of this application.

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26 November 2012

### **APPLICATION DETAILS**

No: 12/1012 Ward: **ST JULIANS**

Type: **EIA SCOPING OPINION**

Expiry Date: 27/11/2012

Applicant: **ASBRI PLANNING**

Site: **LAND TO SOUTH OF AND INCLUDING GLEBELANDS STADIUM BANK STREET NEWPORT SOUTH WALES**

Proposal: **SCOPING OPINION FOR RESIDENTIAL DEVELOPMENT**

Dear Ms Hughson-Smith

I am writing to you in regard to your request for a scoping opinion for the above development under Regulation 11 (Scoping Opinion) of the Town and Country Planning (EIA)(England and Wales) Regulations 1999.

This scoping opinion relates to plan Nos: HR-01 & Covering Letter from Asbri Planning (dated 19 October 2012).

Please see the comments below.

## **1. CONSULTATIONS**

1.1 GWENT AND GLAMORGAN ARCHEOLOGICAL TRUST (GGAT): There are no known archaeological sites in the area. Therefore consideration has been given to the likelihood that unrecorded archaeological sites could be buried in the alluvium alongside the river. Although there is a possibility that boats and other maritime equipment could have been abandoned alongside the river, there are no significant pills marked on the historic maps. It is thought that the area surrounding pills could have been the location for settlement in the prehistoric and Roman periods but given the lack of such topographical features, it is our opinion that it is unlikely that any significant archaeological features are located in the proposed development area. GGAT do not envisage any archaeological or historic environment issues that will be material considerations in the determination of any planning application in this area and have concluded that these issues will not need to be considered in any environmental impact assessment of the proposed development.

- 1.2 THE COUNTRYSIDE COUNCIL FOR WALES (CCW): The CCW has already concluded that the proposal constitutes EIA development. The site of the proposed works is particularly sensitive as it is adjacent to the River Usk Special Area of Conservation (SAC), and River Usk (Lower Usk) Site of Special Scientific Interest (SSSI). The CCW's main concerns at this time relate to the potential for adverse impacts on fish and otter features of the SAC. The CCW's letter dated 09 November 2012 offers detailed advice on the methodology and content of any EIA in a series of annexes.
- 1.3 THE ENVIRONMENT AGENCY WALES (EAW): The proposal is for a residential development which is over 0.5 hectares, therefore it could be considered as Schedule 2 development, under 9 Urban development projects (b) of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 Selection criteria under Schedule 3 should also be considered.
- 1.3.1 As the Local Authority is the determining Authority, it will be able to assess all the environmental issues relating to the proposed development. Furthermore this site has a complex history. Whether an EIA is required or not, our continued aim is to influence the planning process to ensure that environmental matters (relating to our remit) are addressed. In considering whether an EIA is required for the proposed development, we have considered only the issues within our remit. There may be environmental risks from this proposed development, however we consider these are likely to be managed, and are not deemed 'significant' in the context of the Regulations and Welsh Office Circular 11/99. We do not consider that the development is likely to have 'significant environmental effects' that requires a formal EIA.

## **2. INTERNAL COUNCIL ADVICE**

- 2.1 PUBLIC PROTECTION MANAGER (POLLUTION): The proposed development is located at least in part on a well know former industrial / domestic landfill site, in addition to the other historic industrial activities being recorded on the site. Therefore full consideration of ground conditions and likely remediation will be required.
- 2.2 HEAD OF STREETSCENE (PUBLIC RIGHTS OF WAY): There is a Public Right of Way (Footpath) running along the Western edge of the site boundary. This footpath (reference 407/1) must be fully considered during the design of the new development. We would not object to a formal Planning Application for this site as long as the following conditions were met:
1. No structures (including walls or fencing) are to be erected that cross through the line of the Public Right of Way (as shown on the Definitive Map).
  2. The line of the Public Right of Way (as shown on the Definitive Map) is not obstructed in any way and remains clear at all times (including during construction).
  3. The users of the Public Right of Way are not disadvantaged or endangered in any way by the construction (during the works and following completion).
  4. The surface of the Public Right of Way is not adversely affected in any way.
- 2.3 HEAD OF STREET SCENE (ECOLOGY OFFICER): Concludes that EIA is required and offers the following advice on the scope of the EIA:
- 2.3.1 The assessment of ecological interests in the EIA should be undertaken according to the Institute of Ecology and Environmental Management's (IEEM) best practice Guidelines for Ecological Impact Assessment. The EIA should have regard to the relevant legislation, including:
- The Countryside and Rights of Way Act 2000
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  - The European Birds Directive 1979
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- 2.3.2 The EIA should also address Newport's Local Biodiversity Action Plan (currently under review). The EIA should contain an initial desktop study as a pre-cursor to survey work.

The desk-top study should include an interrogation of the local biological records centre (SEWBRc) for relevant ecological data for the site and surrounding area, and identification of gaps in this data.

2.3.3 The EIA should address:

- Issues of changing topography, and infrastructure, related to the proposed development of the site, and how these changes might affect valued ecological receptors.
- Potential impacts on ecological receptors related to increased use of the area by humans, including: lighting; noise; traffic; and litter.
- Potential impacts on the soil and geology of the area;
- Provide information on the phases of construction of the proposed development;
- Any potential ecological impacts that result from the construction phase (e.g. drilling, noise, and dust);
- Provide information on the timing and longevity of the impact, and the potential scale and extent of the impact.
- Give information on proposed measures to prevent or mitigate for any negative ecological impacts, and provide reference to other relevant mitigation schemes in the vicinity.

2.3.4 The application area lies adjacent to the River Usk Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Strategic policy CE5 of the Deposit Unitary Development Plan applies. The Conservation (Natural Habitats, &c.) Regulations 1994 [Habitats Directive] require an Appropriate Assessment if there is potential for a development to adversely affect the integrity of a European site of nature conservation significance. The application area lies close to the eastern bank of the River Usk, therefore there is the potential for this development to have an adverse impact on this site of European importance during the construction process and possibly during the operational phase. The Countryside Council for Wales should be consulted with regards to the potential for adverse impacts. In the likelihood of the project being judged to have a significant effect, an Appropriate Assessment must be undertaken (Regulation 48), which will allow consideration of conditions which might avoid harmful effects on these European sites.

2.3.5 In order for an adequate assessment of the affects of the proposed development to be carried out, the following ecological baseline information should be provided within the EIA.

- A Phase 1 Habitat survey
- Protected species surveys including Bats (including use of site for foraging, commuting and roosting), Otters, Badgers, Breeding and migratory birds, Reptile and Amphibian survey, Invertebrate survey.

2.3.6 The above surveys should be carried out using the relevant best practice guidelines. Survey reports should also identify issues encountered during the survey period, e.g. inclement weather conditions. Results of the surveys should also be submitted, in an appropriate format, to the local biological records centre (SEWBRc).

2.3.7 In conclusion, it is recommended that the EIA for the above proposed development includes the following:

- Desk-top (data-gathering) exercise as pre-cursor to survey work;
- A programme of ecological monitoring, covering relevant protected species and designated sites (as mentioned above);
- Full assessment of potential ecological impacts, and proposed mitigation strategy.

It is advised that the application be subject to an Appropriate Assessment under the Conservation (Natural Habitats, &c.) Regulations 1994 [Habitats Directive].

2.4 HEAD OF STREETSCENE (HIGHWAYS): Concludes a Transport Statement is required to be submitted to assess the development in terms of accessibility, trip/traffic generation, walking and cycling provision and sustainability.

2.4.1 The Head of Streetscene further comments that in terms of traffic generation the Transport Statement must assess the impact of the proposal on the Turner Street/Caerleon Road junction including the existing priority arrangement under the railway bridge and the East

Usk Road/Clarence Place signalised junction. The site must also be fully accessible from the public highway and the proposed estate roads must be constructed to the Council's standard for adoption.

2.4.2 The Head of Streetscene would be grateful to discuss the scope of the Transport Statement in more detail with the applicant as appropriate. He considers a Transport Statement will be required regardless of whether an EIA is required.

### 3. REPRESENTATIONS

3.1 J. S. Payne Limited, Enterprise House, Newport NP19 7BH. The proposal would be very close to an existing industrial use which can be periodically noisy. The local highway network is very restricted with narrow heavily parked roads. HGV access to the site can be difficult.

### 4. RELEVANT SITE HISTORY

00/0768	REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT & HARD PLAY AREAS & RESIDENTIAL DEVELOPMENT	Granted with Conditions
93/0901	REMOVAL OF WOODEN STORE SHED AND CONSTRUCTION OF REPLACEMENT STORES IN PERMANENT MATERIALS	Granted
92/0765	ERECTION OF NEW INFANTS AND JUNIOR SCHOOL TOGETHER WITH PLAYING FIELDS	Objection
03/1531	ERECTION OF A REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT (PURSUANT TO 00/0768)	Approved & Conditions
04/1537	VARIATION OF CONDITION 11 (FLOOD PREVENTION) AND REMOVAL OF CONDITION 19 (ARCHAEOLOGICAL WATCHING BRIEF) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, PLAY AREAS AND RESIDENTIAL DEVELOPMENT	Granted with Conditions
04/1536	VARIATION OF CONDITION 11 (FLOOD PREVENTION) OF PLANNING PERMISSION 00/0768 FOR DEVELOPMENT OF REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, PLAY AREAS AND RESIDENTIAL DEVELOPMENT	Granted with Conditions
06/0168	PARTIAL DISCHARGE OF CONDITION 16 (WORKING METHOD STATEMENT) OF PLANNING PERMISSION 00/0768 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	Approved
06/0169	PARTIAL DISCHARGE OF CONDITIONS 09 (WHEELWASH AND DUST SUPPRESSION) AND 10 (ROUTE OF CONSTRUCTION) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	Approved
06/0170	PARTIAL DISCHARGE OF CONDITION 06 (CONTAMINATION REMEDIATION) OF PLANNING PERMISSION 00/0768 FOR ERECTION OF	Approved

	REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	
06/0171	VARIATION OF CONDITION 14 (DRAINAGE) OF PLANNING PERMISSION 00/0768 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	Approved & Conditions
06/0172	PARTIAL DISCHARGE OF CONDITION 01 (MATERIALS) OF PLANNING PERMISSION 03/1531 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	Approved
06/0173	PARTIAL DISCHARGE OF CONDITION 05 (HARD SURFACING) OF PLANNING PERMISSION 03/1531 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	Approved
06/0174	PARTIAL DISCHARGE OF CONDITIONS 06 (ACOUSTIC REPORT) AND 07 (MEANS OF ENCLOSURE) OF PLANNING PERMISSION 03/1531 AND 20 (ACOUSTIC REPORT) OF PLANNING PERMISSION 00/0768 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT (RESERVED MATTERS AND OUTLINE APPLICATIONS RESPECTIVELY)	Approved
06/0184	REMOVAL OF CONDITION 08 (OFF SITE HIGHWAY WORKS) OF PLANNING PERMISSION 00/0768/O FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	Granted with Conditions
07/0668	PARTIAL DISCHARGE OF CONDITION 05 (HARD PAVING DETAILS) OF PLANNING PERMISSION 03/1531 FOR ERECTION OF REPLACEMENT SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT	Approved
07/0820	PARTIAL DISCHARGE OF CONDITION 06 (CONTAMINATION REMEDIATION) OF PLANNING PERMISSION 00/0768 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT -AMENDMENT TO PARTIAL DISCHARGE UNDER REFERENCE 06/0170	Approved
07/0798	PARTIAL DISCHARGE OF CONDITION 10 (ROUTE OF CONSTRUCTION) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT - AMENDMENT OF PARTIAL DISCHARGE OF CONDITION 06/0169	Approved
07/0939	PARTIAL DISCHARGE OF CONDITION 06 (CONTAMINATION REMEDIATION RELATING TO RESIDENTIAL) OF PLANNING PERMISSION 00/0768 FOR THE ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	Approved
09/1150	PARTIAL DISCHARGE OF CONDITION 08 (OFF SITE HIGHWAY WORKS) OF PLANNING PERMISSION 00/0768 FOR A REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL	Approved

	DEVELOPMENT	
09/0591	DISCHARGE OF CONDITION 7 (CERTIFICATION REPORT FOR SCHOOL SITE ONLY) OF PLANNING PERMISSION 00/0768 FOR THE ERECTION OF A REPLACEMENT PRIMARY SCHOOL. ALL WEATHER PITCH, SOFT AND HARD PLAY AREA AND RESIDENTIAL DEVELOPMENT	Approved
09/1119	RETENTION OF 10NO. 10M HIGH FLOODLIGHTS TO MULTI USE GAMES AREA AND ARTIFICIAL TURF PITCH	Granted with Conditions
12/1011	SCREENING OPINION FOR RESIDENTIAL DEVELOPMENT	Undetermined

## 5. ASSESSMENT

5.0.1 The proposal has been screened by the Local Planning Authority under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations and has been found to be EIA development. The scope of the EIA is considered below.

### 5.1 CONTAMINATION

5.1.1 The Head of Public Protection reports the site is known to have been used for industrial purposes and as a landfill site. Particular risks arise from the likely contamination of the site. Significant levels of contamination were found and remediated when the site to the immediate north of this site was developed (the Glan Usk School Site). It is highly likely that this site will have similar high levels of contamination. Remediation to the required level is likely to be a complex process which runs the risk of mobilising pollution in the vicinity of highly sensitive receptors in the form the River Usk SAC which could be affected by run-off or ground water seepage. This site is known to overlie a minor sandstone aquifer. There also appears to be a perched water table that is contaminated. There is a risk of pollution being mobilised vertically by for example, piling activities. The containment of any pollution mobilised during any development phase should be considered. It will be necessary to remediate the site to a level appropriate to its residential end use and to protect the interests of the adjacent SAC both during the construction and operational phase of the development

5.1.2 The Council notes the EAW's screening opinion which is attached but considers that contamination should be addressed in the scope of any EIA prepared for this proposal on this site.

### 5.2 ACCESS AND HIGHWAYS

5.2.1 The Head of Streetscene reports that a Traffic Impact Assessment will be required regardless of any decision over EIA. A local business reports existing difficulties in the local highway network via the passage of HGVs. Access to the site is constrained and can only be achieved by routing through densely populated urban areas which are often heavily parked. The construction and operational phases of the proposal are likely to generate significant highway impacts in the vicinity of the site and the associated urban areas which should be assessed.

### 5.3 VISUAL IMPACT

5.3.1 The Usk River Front is an important vista in the area and contains an important public right of way that connects into the wider strategic network of public rights of way. Visual impacts and landscape impacts and the potential effects on users of the river front public right of way are capable of being significant and should be considered.

## 5.4 NOISE

5.4.1 Noise from the industrial uses to the south of the site and from the railway line on the eastern boundary of the site are likely to be significant and potentially adverse. Consideration of how this noise will affect outside amenity space and internal rooms should be given. The potential for curtailment of existing industrial activities via Noise Abatement Notice should be considered.

## 5.5 FLOODING

5.5.1 A large part of the site lies within a defended floodplain (C1) as identified in the Welsh Government's Development Advice Maps. It will be necessary to show that the effects of tidal flooding can be acceptably managed on the site. If land raising is proposed the impact of flood water displacement and run-off effects should be taken into account.

## 5.6 ARCHAEOLOGY

5.6.1 GGAT report there are unlikely to be any effects on the archaeological resource.

## 5.7 IMPACT ON LOCAL POPULATION

5.7.1 The principal impacts will be via traffic generation and visual impacts as discussed elsewhere in this report.

## 5.8 ECOLOGY AND NATURE CONSERVATION

5.8.1 The site is adjacent to the River Usk which is designated as a Site of Special Scientific Interest (SSSI) and as a Special Area of Conservation (SAC). Protected species are known to use the River and its bank as habitat and for transit. The Countryside Council for Wales advises that it has particular concerns over the fish and otter populations of the river. The CCW's dated 09 November 2012 is attached. The letter contains annexes that deal with varying issues in detail and these should inform the content and methodology of the EIA.

5.8.2 The Council's Ecology Officer offers advice on the scope of any EIA as summarised above.

## 5.9 TRAFFIC AND AIR QUALITY

5.9.1 There are Air Quality Management Areas on two parts of Caerleon Road (Caerleon Road and Saint Julians) and Chepstow Road (including the lower reaches of Caerleon Road close to the Caerleon Road / Turner Street junction which is specifically mentioned in the Head of Streetscene (Highways') advice. Consideration should be given to the impact of traffic generation from the proposal on air quality in these sensitive areas.

## 5.10 OTHER LOCAL FACILITIES

5.10.1 The proposal will increase the local population and increase the demand on local facilities in the vicinity of the site. There is no indication these will be incapable of being supported in what is a sustainable urban location.

I hope the above information is of use to you. Please contact me as necessary.

Yours sincerely

*Geraint N. Roberts*

**Geraint N. Roberts**

**Principal Planning Officer**  
***Prif Swyddog Cynllunio***

Enc. / Att.

- Consultation Response, Head of Streetscene (Highways), 12/11/2012
- Consultation Response, Head of Streetscene (Public Rights of Way), 05/11/2012
- Consultation Response, Public Protection Manager(Pollution), 05/11/2012
- Consultation Response, Head of Streetscene (Ecology), 30/10/2012
- Consultation Response, GGAT, 01/11/2012
- Consultation Response, CCW 09/11/2012
- Consultation Response, EAW 12/11/2012