

APPLICATION DETAILS

No: 17/0138 **Ward:** ST JULIANS

Type: DISCHARGE CONDITIONS

Expiry Date: 16-APR-2017

Applicant: KEEPMOAT

Site: LAND TO SOUTH OF GLAN USK PRIMARY SCHOOL, HERBERT ROAD, NEWPORT

Proposal: PARTIAL DISCHARGE OF CONDITION 05 (OTTER MITIGATION) OF PLANNING PERMISSION 13/1279 FOR DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1

DECISION APPROVED

1. CONSULTATIONS

1.1 NATURAL RESOURCES WALES: No objection, based on revised information submitted in relation to the Otter Mitigation.

2. INTERNAL COUNCIL ADVICE

2.1 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY OFFICER): No objection.

3. REPRESENTATIONS

3.1 None.

4. RELEVANT SITE HISTORY

13/1279	DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1	GC 11 August 2015
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5. ASSESSMENT

5.1 The applicant is seeking to partially discharge Condition 05 (Otter Mitigation) of planning permission 13/1279. The condition reads as follows:

Prior to the commencement of any development on the site details of the offsite otter mitigation areas outlined at bullet point 3 of Paragraph 7.120 of the 'Addendum to Environmental Statement – Land South of Glan Usk, Newport' (April 2014) shall be provided to the Council. The scheme shall include details of a future maintenance programme both for the short term (5 years) and longer term (10 years). Following the Council's written agreement the approved details shall be implemented fully as approved prior to the commencement of any other works within 10m of the top of the river bank unless otherwise agreed in writing.

Reason: to protect the conservation objectives of the River Usk SAC, namely otters.

5.2 The submitted Otter Mitigation Strategy has been reviewed by Natural Resources Wales and by the Head of Streetscene and City Services (Ecology Officer). Initially, Natural Resources Wales could not recommend that Condition 05 was partially discharged. This was due to the submitted report not fully addressing the management provisions on site in

relation to the otter mitigation. The following comments were made in response to the strategy:

- We note that the otter mitigation strategy report describes the area where fencing is to be erected in section 2.1. However no habitat/vegetation survey has been provided. We would require further information prior to the discharge of condition.
- Welcome the proposal to provide a 1.5 m high fence 90m long with two 15m returns to the river (section 2.2). We note it should be demonstrated that the fence should be otter proof – i.e. angled towards the river along the top, to reduce likelihood of otters climbing over onto the development site side.
- The report only refers to maintenance of the otter holt, which will comprise of yearly inspections over 10 years. We require further details of who will complete this work.
- We would also wish to see commitments to inspection and maintenance of the fence and the vegetation within the otter mitigation area.
- We also note there is no reference to treatment of Japanese Knotweed, or the planting of new vegetation (replanting gaps with native thorny trees and shrubs) within the submitted information. We would request information be provided.

5.3 In light of the above concerns, the agent submitted further information within a revised Otter Mitigation Strategy. Natural Resources Wales were consulted on the amended Otter Mitigation Strategy highlighting the proposed measures to be incorporated on site. As a result, Natural Resources Wales have confirmed that the proposed strategy now includes sufficient information in regards to the short term and long term otter mitigation in order to partially discharge Condition 05, of planning permission 13/1279.

6. OTHER CONSIDERATIONS

6.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

6.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

6.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

6.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

6.5 *Planning (Wales) Act 2015 (Welsh language)*

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this

application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

6.6 ***Wellbeing of Future Generations (Wales) Act 2015***

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

7. CONCLUSION

7.1 Condition 05 of planning permission 13/1279 can be discharged in part.

8. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: *Otter Mitigation Strategy* (Revised and submitted 22 March 2017), *Site Location Plan* (Received 17 February 2017).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.
