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Geraint N. Roberts
12/1011

Regeneration and Regulatory Services
Gwasanaethau Adfywio a Rheoliadol



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NP20 4UR

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
 - The Wildlife and Countryside Act 1981 and various amendments;
 - The Conservation (Natural Habitats &c.) Regulations 1994
 - The Habitats & Species Directive 1992
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 - 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, 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

Mr Geraint Roberts
Newport City Council
Civic Centre Godfrey Road
NEWPORT
Gwent
NP20 4UR

Ein cyf/Our ref: SE/2012/115924/01-L01
Eich cyf/Your ref: CONEX/12/1011

Dyddiad/Date: 12 November 2012

Annwyl Mr Roberts / Dear Mr Roberts

SCREENING OPINION FOR RESIDENTIAL DEVELOPMENT AT LAND TO SOUTH OF AND INCLUDING GLEBELANDS STADIUM, BANK STREET, NEWPORT

Thank you for consulting us on the above screening opinion, which we received on 26 October 2012.

In response to your request as to whether a formal EIA is required, we offer the following advice;

On your Local Planning Authority's (LPA) consultation letter of 24th October 2012 the site is described as 'Land to the South of and including Glebelands Stadium, Bank Street, Newport'. While in the letter from Asbri Planning dated 19th October 2012 the site is described as 'Herbert Road, Newport.' We assume both descriptions relate to the same site.

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.

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,

Asiantaeth yr Amgylchedd Cymru/Environment Agency Wales
Rivers House (St. Mellons Business Park) Fortran Road, St. Mellons, Cardiff, CF3 0EY.
Llinell gwasanaethau cwsmeriaid/Customer services line: 03708 506 506
www.environment-agency.gov.uk

Cont/d..

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.

We also refer you to the views of the Countryside Council for Wales, which are outlined in their letter of 31 October 2012 (ref. 1756892/C.38.07.02/AH/CW), they are, CCW cannot rule out significant effects on natural heritage interests within our remit. We therefore advise that these issues be addressed through an EIA.

We note that you have also consulted us on a scoping opinion (CONEX/12/1012) to which we will provide our response under separate cover. Where an EIA is to be undertaken we are likely to scope in issues for assessment.

Please note that our advice and comments are offered without prejudice to any comments we may wish to make when consulted on any subsequent planning applications.

Should you have any further queries, please do not hesitate to contact us.

Yn ddiffuant / Yours sincerely

Miss Gemma Beynon
Swyddog Cynllunio / Planning Liaison Officer

Deialu uniongyrchol/Direct dial 029 20245297

E-bost uniongyrchol/Direct e-mail gemma.beynon@environment-agency.gov.uk



Cyngor Cefn Gwlad Cymru Countryside Council for Wales

CADEIRYDD/CHAIRMAN: MORGAN PARRY

Anfonwch eich ateb at/Please reply to:

Angela Hunt
Ffôn/Tel: 02920 772406
Ffacs/Fax: 02920 772412
Ebostr/Email: a.hunt@ccw.gov.uk

PRIF WEITHREDWR/CHIEF EXECUTIVE: ROGER THOMAS

Rhanbarth De a Dwyrain / South & East Region
Plas yr Afon/Rivers House
Parc Busnes Llanelirwg /St Mellons Business Park
Ffordd Fortran/Fortran Road
Llanelirwg/St Mellons
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CF3 0EY

Geraint N Roberts
Civic Centre
Newport
South Wales
NP20 4UR

Ein cyf/Our ref: 1756895/C.38.07.02/AH/LS
Eich cyf/Your ref: CONEX/12/1012

9 November 2012

Dear Mr Roberts

RIVER USK SPECIAL AREA OF CONSERVATION (SAC) AND SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)**REQUEST FOR SCOPING OPINION IN ACCORDANCE WITH TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999****RESIDENTIAL DEVELOPMENT, LAND TO SOUTH OF AND INCLUDING GLEBELANDS STADIUM BANK STREET NEWPORT**

The Countryside Council for Wales (CCW) is writing in response to your letter of 24 October 2012 requesting a scoping opinion for a proposed residential development at land to the south of and including Glebelands Stadium, Bank Street, Newport. We note the contents of the letter from Asbri Planning dated 19 October 2012. We have also responded to the screening consultation in our letter of 31 October 2012.

In discharging its functions under Section 130 of the Environmental Protection Act 1990 the Countryside Council for Wales (CCW) champions the environment and landscapes of Wales and its coastal waters as sources of natural and cultural riches, as a foundation for economic and social activity, and as a place for leisure and learning opportunities. CCW aims to make the environment a valued part of everyone's life in Wales.

Please note that our comments are without prejudice to any comments we may wish to make when consulted on any subsequent planning applications or on the submission of a more detailed scoping report or the full Environmental Statement. At the time of any planning application there may be new information available which we will need to take into account in making a formal response to the



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1756895 scoping Residential development Glebelands.DOC

Prif Swyddfa/Headquarters

MAES-Y-FFYNNON, PENRHOSGARNEDD, BANGOR LL57 2DW FFÔN/TEL: 01248 385500 FFACS/FAX: 01248 355782

<http://www.ccw.gov.uk>



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planning authority. These comments include those matters CCW consider will need to be taken into consideration as part of an Environmental Impact Assessment.

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).

Specific information about these sites including citations explaining the reasons for their notification, maps showing the extent of the notified site, and their conservation objectives are available from CCW's website (www.ccw.gov.uk) under 'Official Maps, Documents & Citations' and 'Landscape and Wildlife - Special Sites Project'.

Our detailed comments on the scope of the EIA are presented in the attached annex 1. Our main concerns at this time relate to the potential for adverse impacts on fish and otter features of the SAC. Possible measures to avoid adverse impacts on the features of the River Usk are outlined in Annex 2 attached to this letter.

We recommend that the EIA contain sufficient information to enable the relevant competent authorities to ascertain whether the proposal is likely to have a significant effect on the internationally important River Usk SAC as a requirement of Regulation 61 (1) of the Conservation of Habitats and Species Regulations 2010 as amended.

The EIA for this development should also include sufficient information to enable the local 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. Our detailed comments are included in Annex 1.

Other statutory organisations will also have a regulatory role in this process alongside, and in addition to any planning application. In particular, we recommend that the applicant consult the Environment Agency Wales for the necessary authority and advice.

I hope these comments are of assistance. If you have any further queries, please do not hesitate to contact me.

Yours sincerely

Angela Hunt
Conservation Officer
Cardiff and Newport



ANNEX I

RESIDENTIAL DEVELOPMENT, LAND TO SOUTH OF AND INCLUDING GLEBELANDS STADIUM BANK STREET NEWPORT

1. SCOPING FOR AN ASSESSMENT OF ENVIRONMENTAL IMPACTS

The Environmental Impact Assessment (EIA) should include sufficient information to enable the planning authority to determine the extent of any environmental impacts arising from the proposed scheme on natural heritage and landscape interests and the public's access to the countryside.

Evaluation of the impacts of the scheme should include: direct and indirect; secondary; cumulative; short medium and long term; permanent and temporary; positive and negative, and construction (including impacts of construction site access) operation and decommissioning phase impacts on the natural heritage resource (including landscape) and public access.

2. GUIDANCE

We recommend that the EIA make reference to the latest policy guidance including the following documents:

National Documents

- Welsh Assembly Government (November 2012). *Planning Policy Wales Edition 5*. Welsh Assembly Government, Cardiff.
- Welsh Assembly Government (September 2009). *Technical Advice Note 5 - Nature Conservation and Planning*. National Assembly for Wales, Cardiff.
- Welsh Office Circular 11/99: *Environmental Impact Assessment (EIA)*.

Local Documents

- Newport Unitary Development Plan and Relevant Supplementary Planning Guidance and emerging Local Development Plan

• DESCRIPTION OF THE PROJECT

The entire scheme should be described in detail. This description should cover construction and operation phases and include detailed, scaled maps and drawings as appropriate.



We would expect the description to include:

- The purpose and physical characteristics of the proposals;
- Location, development size and configuration of the development including flexibility of the site layout (including alternatives);
- Land use requirements and other physical features of the project;
- Procedures for good working practices;
- Resource use, including waste, minerals and energy;
- Identification of appropriate pollution contingency and emergency measures;
- Timing of all works and contingency plans should slippage in the programme occur;
- Details of noise and dust levels;
- Details of construction works including methodology, location and extent of construction sites, construction access/working corridors and stock piling sites;
- Quantity and content of any discharges from the development site;
- Identification of pollution contingency and emergency measures;
- Details of source, type and quantity of any filling material required;
- Details of the disposal of any surplus material e.g. material displaced from constructing bases or access roads.
- Maintenance requirements of structures.
- Maintenance of any habitats and species within the site;
- Details of access routes/transport links, alterations to traffic flows, including the type and frequency of vehicles, noise and dust levels;
- Identification of appropriate contingency plans for any emergency incidents on the site.

Whilst it is acknowledged that design parameters need to allow for minor variations in scheme design they should not be so great as to constitute a material departure from the scheme design assessed in the EIA or, result in a different assessment outcome. The ES should make clear that any changes within the parameters proposed will not result in significant effects not previously identified in the assessment of the EIA.

Illustrations within the Environmental Statement

Any maps, drawings and illustrations that are produced to describe the project should be designed such that they can be overlaid with maps, drawings and illustrations produced for other sections of the EIA such as biodiversity. It will also be necessary to scale from any maps, for example, so the width of buffer strips can be confirmed.



3. DESCRIPTION OF BIODIVERSITY

The EIA should include a description of all the existing natural resources and natural heritage interests within and in the vicinity of the proposed development, together with an assessment of the significance of any likely impacts.

We would recommend that the developer consults the Newport Biodiversity Team on the scope of the work to ensure that regional and local biodiversity issues are adequately considered, particularly those habitats and species listed in the Newport Local Biodiversity Action Plan. In addition, other species listed under Section 42 of the Natural Environment and Rural Communities (NERC) Act (2006) are important for the conservation of biological diversity in Wales, and it is expected that these species would also be considered within the EIA. Information about habitats and species listed under section 42 of the NERC Act may be found on the Wales Biodiversity Partnership website (www.biodiversitywales.org.uk).

CCW would expect the developer to contact other relevant people / organisations for biological information / records relevant to the site and its surrounds. These include:

- the South East Wales Biodiversity Records Centre (SEWBRc) 13 St Andrews Crescent, Cardiff CF10 3DB. Telephone: 02920 641110;
- the Gwent Wildlife Trust;
- the RSPB;
- the relevant Environment Agency Wales' Biodiversity Officer;
- any local ecological interest groups (bat groups, mammal groups, badgers groups, ornithological societies etc).

The Natural History Museum's website offers a useful list of nature societies that may also help in this respect (<http://internet.nhm.ac.uk/jdsml/research-curation/library/digital-library/nature-societies-online/>).

It should be noted that in many cases, no proactive survey work will have been undertaken to survey for species and the absence of records for a site should not be taken to indicate the absence of species of interest, but is more likely to reflect a lack of information.

4.1 THE SITE AND ITS ENVIRONMENT

The assessment should include a description of the aspects of the environment likely to be affected by the development; including the flora, fauna, soil, water, air and the inter relationship between these. Of particular relevance to this scheme are:

Statutory Nature Conservation Sites

The EIA should consider the likely impacts on statutory nature conservation sites within and in the vicinity of the proposed development including:





Special Areas of Conservation (SAC)

River Usk Special Area of Conservation

Sites of Special Scientific Interest (SSSI)

River Usk (lower Usk) Site of Special Scientific Interest

International Sites and Habitats Regulations Assessment (HRA)

Proposed developments that could affect a European site should be subject to special scrutiny.

Regulation 61 of the Conservation of Natural Habitats and Species Regulations 2010, as amended, (known as the Habitats Regulations) requires that 'a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which:

- a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives'.

The Habitats Regulations also confirm that 'a person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required' (Regulation 61 (2)).

Further, 'the competent authority must for the purposes of the assessment consult the appropriate nature conservation body (i.e. CCW) and have regard to any representations made by that body within such reasonable time as the authority specify' (Regulation 61 (3)).

In terms of permitting development concerning a European site, Regulation 61 (5) is clear that 'in the light of the conclusions of the assessment, and subject to regulation 62 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site. The Regulations also confirm that 'in considering whether a plan or project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given (Regulation 61 (6)).





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CCW recommends that sufficient information is provided in support of an application for these proposals in respect of both the Environmental Impact Assessment and Habitats Regulations Assessment processes.

Specific information about these sites including citations explaining the reasons for their notification, maps showing the extent of the notified site, and their conservation objectives are available from CCW's website (www.ccw.gov.uk) under 'Official Maps, Documents & Citations' and 'Landscape and Wildlife - Special Sites Project'. Other information likely to be required to assess the potential impacts of the proposal on international sites are condition status information for the features of the sites affected and recent trends in condition for those features. This will be needed in order to consider and assess the impacts of the scheme, and provide the determining authority with the relevant information so that they may assess the proposals in accordance with the requirements of Regulation 61 of the Habitats Regulations.

It is not sufficient to detail the measures that will be put in place to protect international sites in any construction or environmental management plan that will be agreed post-consent with the local planning authority, as part of a condition that may be attached to any permission that is granted. Such information needs to be provided up-front with the planning application in fulfilment of the requirements of Regulation 61 (2).

We strongly recommend that any measures that are required to protect international sites are secured through the use of appropriately worded conditions attached to any permission that may be granted. CCW would welcome the opportunity to comment on the draft wording for such conditions.

We would refer you to the following document for guidance and information on assessing projects under the Habitats Regulations:

- David Tyldesley and Associates for the Countryside Council for Wales (September 2008). *Assessing projects under the Habitats Directive: Guidance for Competent Authorities.*

An electronic copy of this document can be supplied if required.

Sites of Special Scientific Interest (SSSI)

LPA general duty regarding SSSIs

We would take this opportunity to remind the local planning authority of their general duty towards SSSIs under S.28G of the Wildlife and Countryside Act 1981 (as amended). This requires local planning authorities 'to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest'.



S.28I of the Act confirms statutory undertakers' duty in relation to authorising operations. It requires that 'before permitting the carrying out of operations likely to damage any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest, a section 28G authority shall give notice of the proposed operations to the [Countryside Council for Wales.]'

Further, the authority shall wait until the expiry of the period of 28 days beginning with the date of the notice before deciding whether to give its permission, unless the Countryside Council for Wales has notified the authority that it need not wait until then. The authority shall take any advice received from the Council into account;

- a) in deciding whether or not to permit the proposed operations, and
- b) if it does decide to do so, in deciding what (if any) conditions are to be attached to the permission.

If the Council advise against permitting the operations, or advise that certain conditions should be attached, but the section 28G authority does not follow that advice, the authority:

- a) shall give notice of the permission, and of its terms, to the Council, the notice to include a statement of how (if at all) the authority has taken account of the Council's advice, and
- b) shall not grant a permission which would allow the operations to start before the end of the period of 21 days beginning with the date of that notice.

Full information about each SSSI including the following are available from CCW's website under 'MAPS & DATA, Official Maps, Docs & Citations' and 'Landscape and Wildlife' – 'Special Sites Project':

- Citation – details the reasons why the site has been notified;
- List of Potential Damaging Operations – lists the operations that could potentially damage the site;
- Map – shows the extent of the notified site;
- Site Management Statement – sets out the management required to maintain the notified features of the site; and
- Favourable condition status information about the site.

Full details should be provided of the likely impacts of the proposals on the notified features of SSSIs and their significance, along with comprehensive information about the measures that will be put in place to, in priority order:

- i. avoid damage to SSSIs;
- ii. mitigate for any unavoidable damage to SSSIs;
- iii. compensate for any unavoidable SSSI damage that cannot be mitigated for; and
- iv. preferably enhance the SSSIs.



Non-statutory Nature Conservation Sites (e.g. Sites of Importance for Nature Conservation)

The EIA should consider the potential effects of the proposed development on sites of local or regional nature conservation importance (e.g. Sites of Importance for Nature Conservation). Full details about the location, extent and nature conservation interest of such sites may be obtained from the relevant local authority ecologist.

If non-statutory natural heritage interests are likely to be affected by the proposed development, the Environmental Statement should include all of the measures that will be implemented to ensure that there will be no overall loss of the resource.

Protected Species

The site should be comprehensively assessed for its potential to support protected species (e.g. bats, otters, great crested newts, birds, badgers, water voles and reptiles), and the proposed development assessed for its potential to impact upon such species. It should be noted that in many cases, no proactive survey work will have been undertaken to survey for species and the absence of records for a site should not be taken to indicate the absence of species of interest, but is more likely to reflect a lack of information.

If protected species are likely to be affected by a proposed development, full details will need to be provided of all avoidance, mitigation, compensation and enhancement proposals that will be implemented to maintain the favourable conservation status of the populations concerned in the long term.

Surveys for protected species should be undertaken by suitably qualified, experienced and where necessary, licensed surveyors in accordance with published guidance, where this exists, and best practice.

Planning Policy Wales (PPW) Technical Advice Note (TAN) 5 confirms that ‘the presence of a protected species is a material consideration when a local planning authority is considering a development proposal that, if carried out, would be likely to result in disturbance or harm to the species or its habitat. Local planning authorities should consult CCW before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations, under which the developer would take steps to secure the protection of the species.’

European Protected Species

In the UK, several species of animal and plant receive additional stringent levels of legal protection through their inclusion on Schedules 2 and 5 of the Habitats Regulations 2010. These regulations



transpose the requirements of the Habitats Directive into UK law. European Protected Species (EPS) present on the development site may include:

- **Bats (all species)**
- **Great Crested Newts**
- **Otter**

The legal protection afforded these species is set out Regulations 41 of the Habitats Regulations and the relevant licensing provisions are set out in Regulation 53. The animals themselves and the places they use to rest and breed are legally protected. If they are likely to be affected by the proposed development, full details will need to be provided of all the mitigation that will be implemented to maintain, and preferably enhance, the favourable conservation status of the population(s) concerned. The developer will also require a development licence from the Welsh Government.

The Welsh Government will consult the Countryside Council for Wales on one of the three tests that needs to be met in order to grant a development licence:

- 'that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

It is therefore essential that appropriate mitigation proposals are put forward in order that CCW can provide positive comment on any licence application.

Paragraph 6.3.6 of PPW TAN 5 advises that local planning authorities, when considering development applications that may require a licence, should have regard to the three tests that have to be met so as to prevent granting permission for a development that later cannot be implemented. For this reason, full details of all mitigation that is required to maintain populations of EPS at favourable conservation status should be incorporated into any submitted planning application.

Bats (All species)

Bats may feed and roost in the vicinity of the development site. We therefore recommend that the site and surrounding area is surveyed for bat species.

All bats and their roosts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (and subsequent amendments), the Conservation of Habitats and Species Regulations 2010, and Annex Iva of the Habitats and Species Directive. It will be necessary to apply for a licence from the Welsh Government prior to commencement of any works that will affect these species.

Surveys, assessments and proposed mitigation should follow guidance provided in:

- English Nature's '*Bat Mitigation Guidelines*' (Mitchell-Jones, A.J., 2004); and
- JNCC's '*Bat Worker's Manual 3rd Edition*' (Mitchell-Jones, A.J. & McLeish, A.P., 2004).



Otters (*Lutra lutra*)

There are records of otter at this particular site. We recommend that detailed surveys of the site are carried out to establish the likely impacts of the development on the distribution, population and supporting habitat of otters. In view of the mobility of this species and the current increasing occurrence of otter in the vicinity, survey work should be carried out a minimum of 12 months before construction starts by a suitably qualified and licensed environmental consultant or specialist.

As well as being a feature of the River Usk SAC this species is given full protection under the Wildlife and Countryside Act 1981 as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000. It is also included on Annex II and Annex IV of the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Article 6.1 of the Directive). In the event of otters being present at the site itself the development may only proceed under a license issued by the Welsh Government.

Relevant information about the ecology of otters and otters and development is contained in:

- 'Newport Urban Otter Habitat – A Survey for Otter habitat along the River Usk in the City of Newport' by Just Mammals on behalf of Newport City Council, August 2006
- Ecology of the European Otter. Conserving Natura 2000 Rivers Ecology Series No. 10. (Chanin, P., 2003)
- Otters: Guidelines for Developers. (Countryside Council for Wales, 2009)

Great Crested Newts (*Triturus cristatus*)

Although we are not aware of any great crested newt records in the vicinity of the application site nor of its potential to support the species, we would expect the EIA to make a detailed assessment in this respect, based on appropriate field survey work as required.

Surveys and any mitigation that is required for great crested newts should follow the guidance provided in:

- *Great Crested Newt Mitigation Guidelines* (English Nature, 2001); and
- *Great Crested Newt Conservation Handbook* (Langton, T., Beckett, C. and Foster, J., for Froglife, 2001).

We would take this opportunity to draw your attention to the appropriate period for surveying ponds for the presence of great crested newts (mid-March to mid-June).





Other Protected Species

Birds

The Environmental Impact Assessment should consider the potential impacts of the proposals on birds, in particular those that are:

- Notified features of statutory nature conservation sites within or in the vicinity of the proposed development;
- Legally protected through the provisions of Section 1 of the Wildlife and Countryside Act 1981 (including those listed on Schedule 1 of the Act);
- Listed on the relevant local Biodiversity Action Plan(s);
- Listed as priority species for Wales under Section 42 of the Natural Environment and Rural Communities Act 2006; and
- Listed on the Welsh red and amber lists of birds of conservation concern.

Desk study information and an initial walkover survey should be used to assess the potential of the site and surrounding land to support birds encompassed by the above. This should also guide more specific survey work.

Badgers (*Meles meles*)

Badgers and their setts are legally protected under the Protection of Badgers Act 1992. There is a provision for licensing for development, and CCW is the relevant licensing authority in this respect.

We recommend that surveys are carried out to establish the presence of badger setts within the site and within the vicinity of the site. If the legal protection afforded badgers is likely to be compromised by the proposed development, full details of all the mitigation that will be implemented should be provided in the Environmental Statement and a licence from the Countryside Council for Wales will be required.

For guidance on developments affecting badgers, survey and mitigation methods, we would refer you to:

- *Badgers: A Guide for Developers* (Countryside Council for Wales, 2005)
- *Problems with Badgers?* (RSPCA, 1994)

Water Voles (*Arvicola terrestris*)

Water voles are fully protected under the Wildlife and Countryside Act 1981 (as amended). We would recommend that surveys are carried out in appropriate conditions to ascertain the extent to which water voles use the site and are likely to be affected by the proposed development. If they are likely to be affected by the proposals, the Environmental Statement should detail all of the mitigation measures that will be implemented to protect, and preferably enhance, the animals and their habitat.



For information and guidance on developments affecting water voles, survey and mitigation measures, we would refer you to the following:

- *Water Voles and Development* (CCW, 2009)
- *Water Vole Conservation Handbook 2nd Ed.* (Strachan, R.& Moorhouse, T., 2006)

Reptiles

Common lizard (*Lacerta vivipara*), slow worm (*Anguis fragilis*), adder (*Vipera berus*) and grass snake (*Natrix natrix*) are frequently encountered in Wales. Legal protection under the Wildlife and Countryside Act 1981 makes it an offence to intentionally kill, injure or take these species.

Where reptiles may be present, we strongly recommend that surveys are conducted at the appropriate time of year (April-June & September) and in appropriate conditions to establish the extent to which reptiles may be present within the site. If reptiles are likely to be affected by the proposals, the Environmental Statement should include comprehensive details of all the mitigation that will be put into place to safeguard the population(s) concerned.

For ecology, survey, assessment and mitigation information we refer you to:

- Reptiles: Guidelines for Developers (English Nature, 2004)
- *Herpetofauna Workers' Manual* (Gent, T. and Gibson, S., 2003)

Species listed under S.42 of the Natural Environment and Rural Communities (NERC) Act 2006

The EIA should also consider the potential effects of the proposals on species listed under section 42 of the NERC Act 2006 as species of principal importance for the conservation of biodiversity in Wales. Some of these may have been covered above. Additional survey work may be required in this respect. If any such species are likely to be affected by the proposals, the Environmental Statement should detail all of the measures that will be put in place to conserve and enhance the populations of the species concerned.

Details of species listed under S.42 of the NERC Act may be found on the Wales Biodiversity Partnership website (www.biodiversitywales.org.uk).

Key Habitats

A Phase I survey of the site should be undertaken to describe and map the key habitats of the site and species of particular importance. This should be undertaken in accordance with the NCC Phase 1 survey guidelines (NCC (1990). *Handbook for Phase 1 habitat survey*. NCC, Peterborough) and should be undertaken and completed during the summer to ensure the best chance of identifying the habitats



present. CCW also recommends that an NVC survey to sub-community level is undertaken of any key habitats that are identified on the site.

With the botanical information collected for the site and its surroundings, the EIA should consider the potential effects of the proposals on habitats listed under S.42 of the NERC Act 2006 as considered to be of importance for the conservation of biodiversity in Wales (including local Biodiversity Action Plan (BAP) habitats). The Environmental Statement (ES) should detail the measures that will be put in place to ensure that the overall nature conservation resource will be conserved and enhanced.

4.2 POTENTIAL MITIGATION AND ENHANCEMENT MEASURES

With respect to all natural heritage interests that could be affected by the scheme (e.g. habitats, flora and fauna in and outside designated and non-designated sites), landscape & geology it is only possible at this stage to advise on general mitigation measures. We would welcome the opportunity to discuss this issue in greater detail as the scheme progresses. In order of priority, the scheme should seek to:

- i. avoid damage to ecological interests within and without the proposed development boundary;
- ii. mitigate any unavoidable damage; and
- iii. compensate for any residual damage that cannot be mitigated for.

The Environmental Statement should include a detailed description of all the measures that will be implemented to avoid, mitigate and if necessary, compensate for any significant adverse effects on the environment. These measures should be relevant and proportionate to the nature and scale of the likely adverse impacts.

Only measures that the developer firmly commits to should be included in the ES for the purpose of assessment. Measures not committed to are unable to be taken into account by the authorising body(ies) CCW. Such measures should take account of and combat cumulative effects and combined impacts and where possible mitigation and compensation proposals should benefit more than one interest feature.

4.3 MONITORING AND SURVEILLANCE DURING AND POST CONSTRUCTION

We recommend the inclusion of details of a monitoring programme covering all the natural heritage interests affected by a scheme through construction and operational phases of the development. This programme should be proportional to the heritage affected.

Monitoring of the identified ecological features likely to be adversely affected must be linked to appropriate contingency plans and monitoring results should trigger the implementation of the relevant contingency measures identified in the various Environmental Management Plans (EMPs). Monitoring must be related to good quality recent and accurate baseline data and include controls. Monitoring should be started at an early stage in the project and be carried out over a sufficient length of time to demonstrate positive or negative trends. It may be necessary to amend construction procedures if the monitoring programmes identify adverse impacts linked to construction or post construction activities and CCW would wish to be consulted where such impacts affect a designated site and/or species.



5. DESCRIPTION OF THE LANDSCAPE AND VISUAL IMPACTS

The EIA should include a description of all the existing landscape interests within and in the vicinity of the proposed development. This should be done using CCW's LANDMAP methodology (<http://landmap.ccw.gov.uk/>). LANDMAP is an all-Wales GIS based landscape resource where landscape characteristics, qualities and influences on the landscape are recorded and evaluated into a nationally consistent data set. LANDMAP comprises five spatially related datasets known as Evaluated Aspects, the five layers are the Geological Landscape, Landscape Habitats, Visual & Sensory, Historic Landscape and Cultural Landscape. All information is managed through a Geographical Information System and associated Collector database.

6. WIDER ISSUES

Cumulative Impacts

In assessing the potential impacts of the proposed development, the EIA should consider the potential cumulative impacts of this development along with other developments in the area that already exist or have planning permission; and proposals for other developments in the area that are in the public domain (i.e. those that are presently under consideration in the planning system).

Period Between Planning Permission and Commencement of Construction Works

If several years may elapse between the granting of planning permission and the commencement of construction works, we would recommend that appropriate ecological field surveys are undertaken during this period to repeat and update those undertaken to inform the EIA and inform the developer of any change of circumstances, for example, with respect to protected species. We recommend that this aspect is covered in the Environmental Statement for the proposals.

Deviation from Policy

If the proposed development will deviate from national and/or local policy, full justification should be provided for this deviation in the Environmental Statement.

Content of the ES

CCW advise that:

- a separate section is required on 'alternatives';
- more significant impacts are given greater prominence;





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- Technical difficulties and lack of know how should be indicated;
- The ES should demonstrate how it has taken account of CCWs advice;
- The ES should not read as separate chapters on natural heritage and each section should link across topic areas drawing together environmental impacts and remedies for these into a set of comprehensive and interconnected measures.

Cardiff
November 2012



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1756895 scoping Residential development Glebelands.DOC

Prif Swyddfa/Headquarters

MAES-Y-FFYNNON, PENRHOSGARNEDD, BANGOR LL57 2DW FFÔN/TEL: 01248 385500 FFACS/FAX: 01248 355782

<http://www.ccw.gov.uk>

ANNEX 2

RESIDENTIAL DEVELOPMENT, LAND TO SOUTH OF AND INCLUDING GLEBELANDS STADIUM BANK STREET NEWPORT

POSSIBLE MEASURES TO AVOID ADVERSE IMPACTS ON THE RIVER USK SPECIAL AREA OF CONSERVATION (SAC)

Some recommendations to avoid adverse impacts from the proposed development on the features of European importance are listed below. Please note, in view of the lack of detailed design and construction information, advice on measures to avoid possible impacts can only be of a very general nature at this stage.

1. SHAD AND LAMPREY

- Avoid any construction works that result in vibration e.g. boring, piling, at sensitive times of the year i.e. migration and spawning period from 1 March – 30 June. Any such activities will require a specific monitoring programme and proposed remedial actions if adverse affects on the shad are detected;
- Avoid works within the river such as construction of coffer dams or other works that could affect river flows at sensitive times of year;
- Where construction works with adverse impacts (such as piling or other activities with acoustic/pressure impacts) have to take place at sensitive times of year activities should be regulated to ensure that shad and lamprey migration can occur;
- Avoid discharges of polluted or turbid water;
- Seek advice from the Environment Agency on maintaining riparian habitats for shad and lamprey within the proposal site.

CCW and the Environment Agency have provided advice on the possible impacts on shad of other developments adjacent to the River Usk, through the centre of Newport. We refer you to the Environment Agency and Newport City Council for information on the relevant conditions attached to flood defence consents and planning applications respectively.

2. SALMON

- Where construction works with adverse impacts (such as piling or other activities affecting flows and/or with acoustic/pressure impacts) have to take place at sensitive times of year activities should be regulated to ensure that migration can occur;
- Avoid discharges of polluted or turbid water;
- The developer should seek advice from the Environment Agency on the above points and maintaining riparian habitats.

3. OTTERS

- Avoid operations within and immediately adjacent to the River at sensitive periods of the





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day, for example the hours around dawn and dusk;

- Provide a buffer area of at least 10 metres between the development and the River during both construction and operation phases;
- Identify and maintain an appropriate working corridor that does not impact on the buffer area;
- Restrict any construction lighting to working areas. Do not light the riverbank;
- No trenches to be left open overnight, (or an escape route to be provided, eg plank of wood);
- All construction debris should be removed from the river and its banks; and the areas disturbed by the construction should be restored to as natural a condition as possible.
- The developer should seek advice from the Environment Agency on maintaining riparian habitats for otters within development sites.



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<http://www.ccw.gov.uk>

Our ref: NEW1046/CNM

CURATORIAL DIVISION

Planning Services Division
Newport City Council
Civic Centre
NEWPORT
NP9 4UR

FAO Geraint N Roberts

2nd November 2012

Dear Sir

Re: Town and Country Planning (Environmental Impact Assessment) (England And Wales) Regulations 1999
Application for Screening and Scoping Opinion:
Screening and Scoping Opinion For Residential Development
Glebelands Stadium, Bank Street, Newport
Pl.App.Nos. 12/1011 & 12/1012

Thank you for consulting us on these screening and scoping opinions.

We have read the letter from Asbri planning accompanying these applications and note that the potential historic environment issues for development on this site have not been considered. We have therefore consulted the information available to us contained in the adopted Newport Historic Environment Record along with historic maps of the area. The area appears to have been agricultural land alongside the River Usk since at least the medieval period when it was located in one of the open fields. Later the land was enclosed but remained in agricultural use until the 20th century, when it was developed for factory use. Therefore there are no known archaeological sites in the area. We have therefore considered the likelihood that unrecorded archaeological sites could be buried in the alluvium alongside the river. Although there is always a possibility that boats and other maritime equipment could have abandoned alongside the river, there are no significant pills (small tidal estuaries that could have been used as harbours) 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. Consequently, we 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.

Thank you for providing us with this opportunity to comment on this screening opinion. If we can be of any further assistance please do not hesitate to contact us.

Yours faithfully



Neil Maylan
Archaeological Planning Manager

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From: Katie Godfrey
To: Geraint Nicholas Roberts
Date: 30/10/2012 15:50
Subject: CONIN 12/1012

Dear Geraint,

Thank-you for consulting the Ecology Officer. Please see comments below regarding application CONIN 12/1012:

SCOPING OPINION FOR RESIDENTIAL DEVELOPMENT

LAND TO SOUTH OF AND INCLUDING GLEBELANDS STADIUM BANK STREET NEWPORT

General requirements of the EIA

The assessment of ecology 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 2002

The EIA should also address Newport's Local Biodiversity Action Plan (currently under review).

I would expect the EIA to 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.

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.

Address potential impacts on ecological receptors related to increased use of the area by humans, including: lighting; noise; traffic; and litter.

Address potential impacts on the soil and geology of the area;

Provide information on the phases of construction of the proposed development;

Address 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.

Statutory Designations and Appropriate Assessment

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. CCW 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 (Reg 48), which will allow consideration of conditions which might avoid harmful effects on these European sites.

Ecological issues to be addressed in the EIA

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:Phase 1 Habitat survey

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

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).

Conclusion

**In conclusion, I recommend that the EIA for the above proposed development include the following:Desk-top (data-gathering) exercise as pre-cursor to survey work;
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].

Kind regards

Katie Godfrey
Ecology Officer
Green Team
StreetScene
NP20 4UR
Tel: 01633 232164

From: Martyn Richards
To: Geraint Nicholas Roberts
Date: 12/11/2012 14:39
Subject: 12/1012 - LAND TO SOUTH OF AND INCLUDING GLEBELANDS STADIUM BANK STREET NEWPORT SOUTH WALES

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

SCOPING OPINION FOR RESIDENTIAL DEVELOPMENT

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. In term so 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 Councils standard for adoption.

I'd be grateful to discuss the Transport Statement scope in more detail. with the applicant as appropriate. The Transport Statement will be required regardless of whether an EIA is required.

Regards

Martyn Richards
Senior Traffic and Development Officer
Streetscene
Newport City Council
Civic Centre
Newport
NP20 4UR

(tel) 01633 232896

From: Andy Williams
To: Geraint Nicholas Roberts
Date: 05/11/2012 17:35
Subject: 12/1011

Planning Application Number:12/1011
Site Address:LAND TO SOUTH OF AND INCLUDING GLEBELANDS STADIUM BANK STREET
NEWPORT SOUTH WALES
Description:SCREENING OPINION FOR RESIDENTIAL DEVELOPMENT

Contaminated land

Hi Geraint

This 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, by way of planing conditions.

Regards
Andy

Andy Williams BSc (Hons) MSc
Senior Scientific Officer

Newport City Council
Environmental Health
Public Protection
Telford Street
NP19 0ES
01633 851474

From: Kris Jenkins
To: Geraint Nicholas Roberts
CC: Development Planning; Steve Bowden
Date: 05/11/2012 09:27
Subject: CONIN/12/1012 LAND TO SOUTH OF AND INCLUDING GLEBELANDS STADIUM BANK STREET NEWPORT

Geraint,

CONIN/12/1012 LAND TO SOUTH OF AND INCLUDING GLEBELANDS STADIUM BANK STREET NEWPORT SCOPING OPINION FOR RESIDENTIAL DEVELOPMENT There is a Public Right of Way (Footpath) running along the Western edge of the site boundary. (Note, the North point is incorrect on the Applicants' plan). This footpath (reference 407/1) must be fully considered during the design/construction of the new development. We have no objection to make on this Planning Application as long as the following conditions are 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. Regards, Kris