

PRE-APPLICATION
CONSULTATION
REPORT

**Land to the south of Glan
Usk Primary School,
Herbert Road, Newport**

March 2018



Summary

Proposal:

The development of 206 no. residential units, internal road network, parking, landscaping and associated works

Location:

Land South of Glan Usk Primary School, Herbert Road, Newport

Date:

March 2018

Project Reference:

17.104

Client:

Pobl Group

Product of:

Asbri Planning Limited
Unit 9 Oak Tree Court
Mulberry Drive
Cardiff Gate Business Park
Cardiff CF23 8RS

Prepared by:

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Contents

Section 1	
Introduction	5
Section 2	
Publicity before applying for planning permission	7
Section 3	
Consultation before applying for planning permission	12
Section 4	
Response to community consultees	14
Section 5	
Response to specialist consultees	20
Section 6	
Response to other consultees	32
Section 7	
Conclusion	33

Appendices

Appendix A

Site Notice and photographs

Appendix B

Screenshot of the Asbri Planning Website

Appendix C

List of the addresses of adjoining land owners or occupiers and copy of notice

Appendix D

Copy of all notices issued to community consultees

Appendix E

Copy of all notices issued to specialist consultees

Appendix F

Responses received from community consultees

Appendix G

Responses received from specialist consultees

Appendix H

Responses received from 'other' consultees

Introduction

- 1.1 Asbri Planning have been instructed by Pobl Group to prepare a Section 2F – Pre Application Consultation Report (PAC) in respect of the proposed development at Land to the South of Glan Usk Primary School, Herbert Road, Newport.
- 1.2 In accordance with Part 1A of The Town and Country Planning (Development Management Procedures) (Wales) (Amended) Order 2016, all major development are required to be subject to pre-application consultation, prior to the Planning Application being validated by the Local Planning Authority.
- 1.3 The Order confirms that any 'Pre-Application Consultation' exercise would be required to undertake the following steps prior to compiling the PAC Report (Section 2F);
 - Publicity before application for Planning Permission (Section 2C);
 - Consultation before applying for Planning Permission (Section 2D); and
 - Duty to respond to pre-application consultation (Section 2E);
- 1.4 This PAC Report has been prepared in accordance with Part 1 Section 2F of the 2016 Order and demonstrates how the applicant has complied with Section 61Z of the 1990 Act and responded to the Consultation received from any person consulted under Section 61Z (3) or (4) of the 1990 Act.
- 1.5 In accordance with section 2F(2) this report includes;
 - a) a copy of the site notice and a plan showing its locations (Appendix A);
 - b) a declaration that the site notice was displayed in accordance with the order (Paragraph 2.2);
 - c) a list of the addresses of adjoining land owners or occupiers (Appendix C);
 - d) copies of all notices given to community and specialist consultees (Appendix E and F);
 - e) a summary of all issues raised by community and specialise consultees, including confirmation of whether the issues raised have been addressed, and, if so, how (Section 4 and 5);
 - f) copies of all responses received from specialist consultees (Appendix G).
- 1.6 The statement confirms how the consultation has been publicised at section 2, whilst section 3 confirms which consultees have been consulted as part of this PAC. Sections 4, 5 & 6 outlines the responses

received from Community, Specialist and 'other' consultees respectively and provides a response to each comment before the report concludes at section 7.

Publicity before applying for planning permission

2.1 In accordance with Section 2C of the DMP order 2016, the applicant has undertaken appropriate publicity by way of:

- Displaying a site notice for a period of no less than 28 days from the 09/02/2018 to 09/03/2018. A copy of the site notice is contained at Appendix A, whilst a declaration that the site notice was displayed in accordance with the order is available for review at paragraph 2.3;
- Given requisite notice in writing to owners/occupiers of any land adjoining the application site (list contained in Appendix C) (Please note that hard copies of the 1B notice were hand delivered to all industrial units to the south of the site, to ensure that the addresses/tenants received a letter; and
- Made the full draft planning package available for inspection on Asbri Planning's website from the 09/02/2018 to 09/03/2018. A copy of the screenshot is included at Appendix B. Computer Facilities were available to view the proposed application at Maindee Library, 79 Chepstow Road, Newport NP19 8BY on weekdays (excluding Tuesday) between 10am and 5pm, and on Saturdays between 10am and 1pm. The library is closed on Tuesday and Sunday. The following plans and documents were made available for inspection;

Drawing Title	Drawing No.
Site Location Plan	(04) 001
Proposed Site Layout	(04) 100 Rev E
House Type A Ground Floor Plan	(04) 201
House Type A First Floor Plan	(04) 202
House Type A Elevations Type 1	(04) 301
House Type A Elevations Type 2	(04) 302
House Type B Ground Floor Plan	(04) 211
House Type B First Floor Plan	(04) 212
House Type B Elevations	(04) 311
House Type C Ground Floor Plan	(04) 221
House Type C First Floor Plan	(04) 222

House Type C Elevations Type 1	(04) 321
House Type C Elevations Type 2	(04) 322
House Type C Elevations Type 3	(04) 323
House Type C & D Ground Floor Plan	(04) 231
House Type C & D First Floor Plan	(04) 232
House Type C & D Elevations Type 1	(04) 331
House Type C & D Elevations Type 2	(04) 332
House Type C & D Elevations Type 3	(04) 333
House Type E Ground Floor Plan	(04) 241
House Type E First Floor Plan	(04) 242
House Type E Elevations Type 1	(04) 341
House Type E Elevations Type 2	(04) 342
House Type E Elevations Type 3	(04) 343
House Type E Elevations Type 4	(04) 344
House Type F Ground Floor Plan	(04) 251
House Type F First Floor Plan	(04) 252
House Type F Second Floor Plan	(04) 253
House Type F Elevations	(04) 351
House Type G Ground Floor Plan	(04) 261
House Type G First Floor Plan	(04) 262
House Type G Elevations	(04) 361
House Type H Ground Floor Plan	(04) 271 Rev A
House Type H First Floor Plan	(04) 272 Rev A
House Type H Elevations	(04) 371 Rev A
House Type I and J Ground Floor Plan	(04) 281
House Type I and J First Floor Plan	(04) 282
House Type I and J Elevations	(04) 381
House Type K Ground Floor Plan	(04) 291
House Type K First Floor Plan	(04) 292
House Type K Second Floor Plan	(04) 293
House Type K Elevations Type 1	(04) 391

House Type K Elevations Type 2	(04) 392
House Type K and L Ground Floor Plan	(04) 2101
House Type K and L First Floor Plan	(04) 2102
House Type K and L Second Floor Plan	(04) 2103
House Type K and L Elevations	(04) 2301
House Type L1 Ground Floor Plan	(04) 2211
House Type L1 First Floor Plan	(04) 2212
House Type L1 Second Floor Plan	(04) 2213
House Type L1 Elevations Type 1	(04) 2311
House Type L1 Elevations Type 2	(04) 2312
House Type L1 Ground and First Floor Plans	(04) 2200
House Type L1 Second Floor Plan	(04) 2201
House Type L1 (Plots 1-36) Elevations Type 1	(04) 2321
House Type L1 (Plots 1-36) Elevations Type 2	(04) 2322
Street Scenes 01	(04) SS01
Street Scenes 02	(04) SS02 Rev A
Street Scenes 03	(04) SS03
Street Scenes 04	(04) SS04
Street Scenes 05 Rev A	(04) SS05
Street Scenes 06	(04) SS06
Street Scenes 07	(04) SS07
Birds Eye View from Phase 1	(04) V01 Rev A
Birds Eye View from School River End	(04) V02 Rev A
Birds Eye View from School Emr Acc	(04) V03 Rev A
Birds Eye View from Courtney Road	(04) V04 Rev A
Site Sections	(04) 601
Landscape Plans - Prepared by WYG – to follow	LA1 – LA 8
Reinforced Earth Details (60 degrees) – Prepared by Steve Morgan Associates	1155090-300 Rev A
Reinforced Earth Details (70 degrees) – Prepared by Steve Morgan Associates	1155090-301 Rev A
Gabion Basket Retained Boundary – Prepared by Steve Morgan Associates	1155090-302 Rev B

Gabion Basket Retained Boundary – Prepared by Steve Morgan Associates	1155090-303 Rev C
Gabion Basket Retained Boundary – Prepared by Steve Morgan Associates	1155090-304 Rev C
Gabion Basket and Reinforced Earth Bank Extents Plan - Prepared by Steve Morgan Associates	1155090-305
Reen Setting Out – Prepared by Steve Morgan Associates	1155090 551

Document	Prepared by
Application Form	Asbri Planning
Environmental Statement Volume 1 - 3	Asbri Planning
Planning Statement	Asbri Planning
Design and Access Statement	Asbri Planning
Acoustic Fence Data Sheet 12	Procter Contracts
Email 9 th June 2017 – Height of Acoustic Fence	Asbri Planning
Stone Facing Information Sheet	Hy-Ten Gabion Solutions
Specification of Gabion Fill	Hy-Ten Gabion Solutions
Herbert Road Retaining Walls Plan (Boundary Treatment only)	Keepmoat
Image - Stone	Keepmoat
Otter Mitigation Strategy	David Clements Ecology
Surface Water Calculations: Reen Sizing Rev A	SMA
Phasing Plan – to follow	Keepmoat/ POBL
Materials Schedule – to follow	EOS / POBL
Delivery Programme 0 to follow	Keepmoat
Construction Environmental Management Plan – to follow	Keepmoat
Piling Strategy – to follow	SMA

2.2 Any person who wished to make representations about the proposed development must have completed a Consultation Response Form, either online or as a hard copy, and issued to the agent by the 9th of March 2018.

- 2.3 In accordance with the requirements of Part 1A of The Town and Country Planning (Development Management Procedures) (Wales) (Amended) Order 2016 (DMPO 2016), I hereby declare on behalf of Pobl Group that Asbri Planning displayed the Site Notice correctly.
- 2.4 The applicant also undertook a public exhibition on the 7th March 2018 where members of the project team were available to answer any queries. Any comments raised in response to this exhibition have been addressed within this pre-application consultation report.

Consultation before applying for planning permission

- 3.1 In accordance with Section 2D of the DMP Order 2016, the applicant has undertaken consultation with all community and specialist consultees.

Community Consultees

- 3.2 The applicant has undertaken consultation with the following community consultees;

Table 3: Community Consultees	
Consultee	
Local Ward Members	Councillor Phil Hourahine Councillor Carmel Townsend Councillor Holly Townsend
Community Council	-
Adjoining land owner/occupier	Please see full list contained within Appendix C

Specialist Consultees

- 3.3 The applicant has undertaken consultation with the following specialist consultees;

- Health and Safety Executive
- The Canal and River Trust
- CADW
- Coal Authority
- Dwr Cymru / Welsh Water
- NRW
- National Grid
- Network Rail
- Welsh Government
- Trunk Agency
- NCC Highways

- 3.4 The above consultees were given notice that the responses were required within 28 days from the receipt of the notice (9/2/2018).

Other consultees

- 3.5 The client has gone beyond the requirements of the DMPO 2016 and has decided to consult the following additional ('other') consultees;
- Glamorgan Gwent Archaeological Trust (GGAT)
 - Conservation
 - Ecologist
 - Tree Officer
 - Contaminated Land
 - Drainage / Hydrology
 - Landscape Officer
 - Housing
 - Public Health & Protection
 - Public Rights of Way
 - Western Power
- 3.6 The above consultees were given notice that the responses were required within 28 days from the receipt of the notice.
- 3.7 The Public Engagement Event was held on the 7th of March 2018 at Gwent Bridge Academy, between 2:30 and 6:30 to publicise the proposed development at Land to the South of Glan Usk Primary School. 150 leaflets were delivered to adjacent land owners / occupiers notifying them of the event. The event was not very well attended, with only 4 residents attending the event (2 of which were Ward Councillors), and two written responses received.

Response to community consultees.

- 4.1 Following consultation with all consultees listed in table 3, the following comments were received. A fully copy of the representations received can be reviewed at Appendix F.

Ward Councillor – Carmel Townsend (Public Exhibition)

Comment I am happy with the proposed design.

Response The response is noted

M Williams (Public Exhibition)

The following comments were received

- Concerns about Parking and Traffic
- Access into and out of the site
- Would welcome a bus route.

Response The proposed development reduces the number of units by 25, and has a higher car parking space ratio than the previously consented scheme. The scheme will therefore reduce the peak flow, and increase the quantum of parking. A Transport Assessment has been produced to support the application which confirms that the proposals are acceptable in highway terms. A bus route is not applicable as the bus service is unable to reach the site due to the low bridges. It is noted that the access into and out of the site has already been accepted and agreed as part of the planning fallback (13/1229).

Newport Norse

Comment We have forwarded your email to Mr Don Waters, the Property Services Manager.

Response No further email was received.

R Buckley

Comment Hi, I'm a resident near the Glan Usk site and I want to know how are you going to control the flow of traffic in and out of the site.

There are only 2 ways in and out and are both heavily busy at all times.

One is on a massive junction and the other is off a main road with a one way to let system under a tiny bridge with businesses either side which have constantly go large trucks, the 48ft ones delivering at all times of the day.

There are 2 schools near by so lots of school runs going on and also small children walking to school. It is constantly busy at all times at both junctions and I'm not sure how the heck this will work.

Cheers

The comments are noted. The access to the site has already been confirmed via the planning fallback 13/1279. As such the traffic flows into and out of the site have already been considered to be acceptable for 251 residential units. Furthermore the new application includes a reduction in the number of houses and apartments which will reduce the level of traffic that could be generated and provides a betterment on the already consented scheme. Therefore the proposal is considered to be acceptable in terms of highways.

Darran Watts

Email 1

Further to your letter dated 9th February 2018, reference 17.104, copy attached.

Having reviewed the information online I am unable to locate specific drawings and information in relation to drainage and services installations for the proposed development.

Would you be able to provide me with details of the proposed drainage layouts along with the location of all incoming service mains and diverted apparatus, in order that I may provide appropriate representations?

Response Darran
1

Thank you for your recent letter with regards to the consultation at Herbert Road. The drainage information is provided on our website.

<http://www.asbriplanning.co.uk/statutory-pre->

application-consultation/herbert-road/

The relevant details relating to drainage are:

Environmental Statement Volume 2, Chapter 11
Drainage

Environmental Statement Volume 3, Appendix 11.1
(drainage strategy) and 11.2 (Welsh Water Sewerage
Plan) and 11.3 (LDP Extract). Drawings are contained
towards the end of the strategy (11.1).

I have attached the above documents for ease of
reference.

The website also provides details relating to the re-en
which are also available on the website.

Please let me know if you require anything further and
I would be grateful if you could confirm receipt of this
email and the attached documents.

Email 2 Thanks for your e mail – sorry I missed you're call
earlier, one of those days.

I am looking for a plan setting out the proposed
drainage layout for the scheme, which as far as I can
tell is not in the information you have sent or
highlighted. I am not interested in any of the blurb –
just the plan.

Similarly I would like to see a plan of the proposed
incoming services layout – mains Water, Gas, Electricity
and BT.

Both of these elements are likely to effect or
potentially pass through the adjacent land which I own,
hence why I would like to understand your clients
proposals to assess the potential impact.

Response Thank you for your email.
2

As discussed during our recent phone call the drainage
plans are attached to the drainage strategy which
forms part of the PAC documents (appendix 11.1 of the
environmental statement) which are available on the
Asbri website.

In terms of the new connections service plans these are not yet available but will be produced once consent has been granted and the layout confirmed which will provide clarity on the new connection requirements.

I hope the above is of assistance.

Email 3 Thanks for the confirmation, I will take a look at the drainage plan and let you have any comments in due course.

With regards to the services it's disappointing that no proposed plans are available. Given the potential issues surrounding the HV diversion required where Herbert Road connects to the site, adjacent to my retained land, I would have expected proposals to be available at this stage. I will need to consider this prior to deciding whether representations need to be made to the LAPD when the application is submitted.

Lastly could you please confirm the intention of the proposed roadway leading towards the existing Sea Cadets premises please

Response 3 Thank you for your email.

The access to the Sea Cadets will be implemented in accordance with planning consent 13/1279.

The remaining comments are noted.

Email 4 Thanks for the e mail

So just to be clear - are you saying the access road which is detailed on the plans contained within Pobl's proposed application will be used for and by the Sea Cadets ?

The previous consent is not relevant.

Response 4 Thank you for your email.

Phase 1 is being built in accordance with planning consent 13/1279 and these works include the Sea Cadet's access.

I hope the above is of assistance.

Email 5

Thanks again – I think you'll find that the access road location has altered and gabion walls adjacent to my land have been introduced.

I will take it up with NCC when the application goes in.

Response 5 Thank you for your email and apologies for the delay in responding.

The access is being constructed in accordance with 13/1279. The red and blue line for the application includes the access area as we need to connect to the adopted roads. The gabion detail has been agreed with NCC by condition for Phase 1.

I hope the above is of assistance.

Michael Enea (Late representations)

Comment As part of your public pre-application consultation on the fore-mentioned development, I wondered if you could inform me of:

1. What measures are being put in place to protect the potential development from flooding. The application is located in the floodplain of the River Usk, which is linked to Severn Estuary and has the 2nd highest tidal range in the World.

2. What measures are being taken to improve road access into the potential development as there are only 2 roads in/out of the area and rush-hour traffic is already a concern?

Many thanks for your anticipated reply.

Response The comments are noted. The application is supported by a Flood Consequences Assessment which addresses the site from a flooding perspective.

In terms of the access the access has already been confirmed as acceptable as part of the planning fall back (13/1279). In terms of traffic the planning fall back would allow for the construction of 251 units. The revised scheme is for 206 units plus the 20 from Phase 1. As such there is a reduction in the number of units

which will reduce the level of traffic generated from the development. Highways previously found the consented scheme to be acceptable from a Highways perspective

Response to specialist consultees

- 5.1 In accordance with the requests of 2E of the DMPO (2016), the following specialist consultees have responded to the pre-application Consultation (Copies included in appendix G)
- 5.2 Newport City Council Highways department have not respond to the consultations.

Specialist Consultee - CADW

No Objection

Comment *Our role*

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site.

We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological

site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The proposal is for the construction of 206 residential units on land south of Glan Usk Primary School on the east bank of the River Usk. The development area as indicated on plans accompanying the application is c 5.2 hectares.

Scheduled monuments within a 3km buffer of the development area are:

- MM009 Newport Castle
- MM014 Caerleon Castle Mound
- MM021 St Julian's Wood Camp
- MM023 Lodge Wood Camp
- MM037 Medieval Tower at Hanbury Arms
- MM087 Castle Mound E of Graig Wood
- MM230 Caerleon Legionary Fortress
- MM231 Caerleon Civil Settlement
- MM232 Caerleon Amphitheatre
- MM234 Caerleon Legionary Fortress: School Fields
- MM233 Caerleon Legionary Fortress: Goldcroft Common
- MM235 Caerleon Legionary Fortress: Grounds of St Cadoc's Home
- MM236 Caerleon Legionary Fortress: Area between Priory Hotel and Priory
- MM237 Caerleon Legionary Fortress: Field SE of Broadway
- MM238 Caerleon Legionary Fortress: Grounds of Museum
- MM239 Caerleon Legionary Fortress: Back Garden of No 4 Museum Street

- MM240 Caerleon Legionary Fortress: Area behind Caerleon House
- MM241 Caerleon Legionary Fortress: Town Hall Park, High Street
- MM242 Caerleon Legionary Fortress: Area of Myrtle Cottage Barracks
- MM243 Caerleon Legionary Fortress: Area off White Hart Lane
- MM244 Caerleon Civil Settlement: Site of Roman Building SE of Castle Street
- MM245 Caerleon Legionary Fortress: Grounds of Health Clinic
- MM246 Caerleon Legionary Fortress: Grounds of the Croft Nursing Home
- MM247 Caerleon Legionary Fortress: Old Vicarage Garden
- MM248 Caerleon Legionary Fortress: Former Garden of The Firs
- MM252 Caerleon Legionary Fortress: Car Park and Garden of Endowed School, North of Broadway
- MM254 Caerleon Civil Settlement: Area under Broadway Playing Fields
- MM262 Caerleon Legionary Fortress: Former Ambulance Station Field

Of the above solely Newport Castle (MM009), and Lodge Wood Camp (MM023) are potentially inter-visible with the proposal, intervening topography restricts views with the other monuments. Lodge Camp (MM023) is a large iron age hillfort occupying the west end of a ridge of high ground north of the Usk valley, a location giving it commanding views of the surroundings with the view southwards along the Usk to the estuary being of particular significance. The monument is heavily wooded along its southern side and therefore this significant view down the River Usk at present is restricted; this combined with the distance involved, where the development would be quite difficult to distinguish from the surrounding townscape of Newport means the change to the setting of the monument will be very slight.

Newport castle is a Norman medieval castle, crucial to the surrounding town's development, sited at the high water reach of water borne traffic and commanding a crossing place of the River Usk. At its closest the development would come c 660m to the monument.

The view north from the castle is a significant one as for periods during the castle's use territory in this direction in the region of Caerleon was in Welsh control. The proposed new housing would impact on the current view upstream from (the upper parts of) Newport castle by bringing an urban character already present in this viewpoint further to the foreground along the river's edge to an area which is likely to have been open agricultural land during the medieval period. The damaging effect to the monument's setting however would be slight however given the already urban character of much of the surroundings, and additionally because no specific medieval features, such as wharves are associated with this area of the river bank.

Finally, there may also be undesignated historic assets that could be affected by the proposed development and, if you have not already done so, we would advise that you consult the Historic Environment Record held by the Glamorgan- Gwent Archaeological Trust, Heathfield House, Heathfield Road, Swansea, SA1 6EL; www.ggat.org.uk.

Response GGAT have been consulted as part of this consultation. Their comments are noted in section 6 of this report.

**Specialist Consultee – Newport City Council Highways
Department**

Queries Raised

Comment Please accept my apology for the delay in a response.

Consultation response from our consultant attached.

The use of isochrones to determine distances to local services in the Sustainability Test is not acceptable. Due to the location of railway crossings actual walking distances must be provided from the centre of the site. Additionally a Quality Audit of the pedestrian routes will be required. This will determine the suitability of your parking provision.

Response Thank you for your recent email and for providing copies of the Capita reports with regards to the submitted Transport Statement and Travel Plan.

I note that the email raises some concerns about the sustainability test. Please note that this comment

doesn't match the comments within the Capita report that confirms the acceptability of this test.

To clarify the sustainability assessment was undertaken from the centre of the site along the proposed walking routes internally within the site (including the proposed pedestrian link into to the site from the west) and along existing pedestrian links external to the site. It should also be noted that the isochrone plan included in the report is for indicative purposes only and was not used to assess the walking distances from the site to local amenities/facilities.

I note that Oly Smith (Asbri Transport) agreed this with you in advance to ensure the robustness of the test and this is supported by Capita's report. As the reduction in parking has been accepted by the Capita report it is not considered that a Quality Audit of pedestrian routes will be required as the parking provision has already been accepted.

I note that the reports suggest some amendments to the TS and TP and requests some points of clarification. As such these will be reviewed and where possible will be addressed in the submission documents.

Please let me know if you require anything further.

Specialist Consultee – Canal and River Trust

No Objection

Comment This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

Response The response is noted.

Specialist Consultee – Coal Authority

No Objection

Comment have checked the site location plan against the information held by the Coal Authority and can confirm that the proposed development site is located outside of the defined coalfield.

Accordingly, there is no requirement to submit a Coal Mining Risk Assessment in support of a planning application for the redevelopment of this site. The Local Planning Authority will not consult the Coal Authority on any planning application for this site.

Response The response is noted.

Specialist Consultee - HSE

No Objection

Comment The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

Response No response required

Specialist Consultee – Trunk Road Agency

No Objection

Comment Welsh Government (Transport) would have no objection. The site would appear sufficiently distant from the M4 however any perceived noise nuisance from the M4 and subsequent mitigation would be the responsibility of the developer.

Response The response is noted.

Specialist Consultee – Dwr Cymru / Welsh Water

No Objection

Comment Having reviewed the details submitted I would advise there is no objection to the proposed development and offer the following standing advice which should be taken into account within any future planning application for the development.

SEWERAGE

It can be confirmed that the foul flows only from the proposed development can be accommodated within the

public sewerage system. We are also satisfied with the proposed discharge of surface water to the watercourse as shown on drawing number 001 Revision B within the drainage strategy.

Having previously been in extensive dialog with the developer regarding this site, the applicant is aware that the site is crossed by a number of large diameter sewers (as shown on the attached public sewer extract plan).

Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of any building will be permitted within 4 metres either side of the centreline of 750mm public sewer and 6 metres either side of the centreline of the 1200mm public sewer. As stated to the developer, we request that upon the submission of the planning application the drainage plans (001Revision B & 002 FW Revision B) within the drainage strategy are amended to also show all existing public assets crossing the site (including the 2100mm sewer crossing the north of the site).

We have also noted that the existing easement shown on drawing 002 FW Revision B is encroached upon by plot 46. In discussion with the developer it has been agreed that a piling strategy is to be submitted within the future Section 104 agreement demonstrating that the existing public sewer within this area will not be adversely affected.

You are also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist you may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus in and around your site. Please be mindful that under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

A water supply can be made available to service this proposed development.

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times.

I trust the above information is helpful and will assist you in forming water and drainage strategies that should accompany any future planning application. I also attach copies of our water and sewer extract plans for the area, and a copy of our Planning Guidance Note which provides further information on our approach to the planning process, making connections to our systems and ensuring any existing public assets or infrastructure located within new development sites are protected.

Please note that our response is based on the information provided in your enquiry and should the information change we reserve the right to make a new representation. Should you have any queries or wish to discuss any aspect of our response please do not hesitate to contact our dedicated team of planning officers, either on 0800 917 2652 or via email at developer.services@dwrwymru.com. Please quote our reference number in all communications and correspondence.

Response The comments are noted and have been addressed within the planning application.

Specialist Consultee – NRW

Concerns Raised

Comment Based on the information submitted to us, we have significant concerns with the proposed development. On this basis, we would recommend to the local authority that they should only grant planning permission if the scheme can meet the following requirement and the conditions listed below are attached to any future planning permission. Otherwise, we would likely object to any future planning application.

Requirement - Further flood risk information is

submitted demonstrating the risks and consequences of flooding are acceptable in line with TAN15.

Conditions – To avoid adverse effects on the River Usk Special Area of Conservation.

Please find further details of our requirements and conditions below.

Flood Risk - Requirement

The application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk(TAN15). We confirm the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, a designated main river.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. We refer you to the tests set out in section 6.2 of TAN15. If this development meets the tests set out in criteria (i) to (iii), then the final test (iv) is for you to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level in line with the criteria set out in TAN15.

We have reviewed the FCA prepared by Waterman (referenced: WIE12961-101-R-3-1-1-FCA, dated January 2018). Our advice is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in line with TAN15 for the reason explained below.

Section 10.7 of the Environmental Statement (ES) Volume 2, Chapter 10: Flood Risk, states that “the NRW Flood Map was obtained as part of a Request for Information, which is based on the ‘Newport SFRM Modelling – Update of Newport Tidal Model v3.1 study’. It appears that this has been “updated and verified” as part of the latest FCA by Waterman.

To allow us to assess the latest FCA we require further information on whether the modelling used to inform the FCA is fit for purpose. Our reason for this is that the FCA has used an older version of the NRW Newport SFRM model - Version 3.1. The latest NRW Newport

SFRM Modelling is Version 6.

Version 3.1 was developed in 2011 and if the latest FCA has used this as the baseline (prior to further updates and amendments by Waterman's) then best available information contained in Version 6 may have been missed from Waterman's assessment. This could result in inaccuracies with the predicted flood levels at the site and therefore proposed mitigation measures.

Therefore, the above confirmation should be provided to show that the modelling underpinning the FCA is fit for purpose. If this is not confirmed, we may request an updated FCA is submitted using best available information for this site.

We have provided technical comments on the findings of the submitted FCA notwithstanding the above requirement. These are set out in the attached Annex. If you have any queries regarding this advice, please contact our Flood Risk Analysis Team: Gary.Purnell@naturalresourceswales.gov.uk

River Usk Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI)

As part of any future planning application the Local Planning Authority (LPA) will need to undertake an Appropriate Assessment (AA) of the implications of the site's conservation objectives. You should supply sufficient information with any planning application to allow the LPA to carry out this assessment. We consider, on the information submitted, that the following conditions would be required to avoid adverse effects on the site's integrity.

Fish Features (Shad) – Condition 1

Any construction works of any type in the river channel or any works that result in vibration e.g. drilling, boring, piling or demolition works on or adjacent to the riverbank must be timed to avoid the migration period between March – June inclusive. We are likely to recommend planning conditions to the planning authority, similar to the conditions secured to planning permission 13/1279.

Land Contamination – Condition 2-5

We are likely to recommend the following planning conditions which were secured to planning permission 13/1279 and which we consider to be relevant and not addressed fully by the information submitted and/or historical applications for discharge of conditions.

Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation for that part shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: In order to demonstrate that the remediation criteria relating to controlled waters have been met. In order to (if necessary) secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled

waters. The development shall be carried out in accordance with any details that may be submitted.
Reason: The water environment is at risk and there is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

Piling or any other foundation designs using penetrative methods below 1m in depth shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling
Otter Feature – Further Advice

The planning statement confirms that 'ecological mitigation has been wholly implemented as part of the Phase 1 works of planning reference 13/1279'. It further goes on to state that 'the provision of otter mitigation has already been undertaken and the otter mitigation report has been resubmitted in support of this application which demonstrates that adequate mitigation has been implemented'.

You should provide evidence that the above has been implemented satisfactorily in your planning application. If so, we are likely to have no further comments in regards to Otters (European Protected Species).

Other Matters

Please note, if new information is prepared to support an application or the proposal is further modified, it may be necessary for us to change our advice.

You should be advised that, in addition to planning permission, it is your responsibility to ensure all other permits/consents relevant to the development are secured.

We trust our advice is clear. If you have any queries, please do not hesitate to get in touch.

Response The comments are noted. Watermans have had further dialogue with NRW and have confirmed requirements with NRW. NRW's comments have been addressed/considered within the planning application.

Response to other consultees

- 6.1 The following comments have been received following consultation with the 'other' consultees listed at Para 3.5. A fully copy of the representations received can be reviewed at Appendix H.

Other Consultee – Environmental Health

Comment Representations from The Noise and Neighbourhood Team will be made at pre-planning application or planning application stage.

Response No response is required.

Other Consultee – Glamorgan Gwent Archaeological Trust

Comment Many thanks for the above pre-application enquiry. As you may be aware, we previously commented on screening and scoping requests for this site (our ref. NEW1372), most recently on our letter dated 24th January 2017 when we noted that we do not envisage any archaeological or historic environment issues that will be a consideration in the determination of any planning application.

Whilst we note subsequent minor changes to the application, it remains the case that significant archaeological remains are unlikely to be encountered during the course of the proposal.

As a result, should a similar application to the one you have outlined be submitted, we would be unlikely to recommend any pre-determination works, or that any archaeological conditions be attached to any consent.

Please get in touch should you require anything further.

Response No response is required

Conclusion

- 7.1 Asbri Planning have been instructed by Pobl Group to prepare a PAC Report to demonstrate that appropriate pre-application consultation has been carried out in respect of the proposed development at Land to the south of Glan Usk Primary School, Herbert Road, Newport.
- 7.2 This PAC Report is prepared in accordance with Part 1 Section 2F of the 2016 Order and demonstrates how the applicant has complied with Section 61Z of the 1990 Act and responded to the comments received from any interest party consulted under Section 61Z (3) or (4) of the 1990 Act.
- 7.3 As required by Sections 2C, 2D and 2E of the DMP Order, the forthcoming application has been publicised, consulted upon and considered in accordance with the regulations.
- 7.4 Where appropriate, responses to comments received are provided in addition to details of any amendments to the application package/ proposal arising from the comments received.
- 7.5 In accordance with the above, it is considered that the requirements of Part 1 Section 2C, 2D, 2E and 2F of the 2016 Order have been satisfied.