

## APPLICATION DETAILS

No: 13/1279 Ward: Saint Julians

Type: FULL+ENV STATEMENT

Expiry Date: 12<sup>th</sup> August 2014

Applicant: GHPD&CSH LTD & LINDEN HOMES LTD

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

Proposal: DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1

Recommendation: GRANTED WITH CONDITIONS

### 1. INTRODUCTION

1.1 This application seeks planning permission for 251 dwellings consisting of flats and houses. For clarity this is an increase of two units over the scheme that the planning committee agreed to in principle at the September 2014 Planning Committee Meeting. The principle changes are:

- The addition of the two houses;
- The relocation of certain units within the site, in effect the blocks of flats proposed for the south east corner of the site adjacent to the railway line have been moved to the northeast corner of the site (adjacent to the railway line) and have been effectively 'swopped' with houses. The 38 affordable units are now located as a contiguous block near to the Charnwood Close underpass, rather than being pepper-potted and will consist of 14 houses and 24 flats. The two additional houses are market houses.
- The loss of one house from the main part of the site (a block of four becomes a block of three);
- Changes to the retaining walls, this being that for most of the site the walls will be replaced by earth embankments.

Other than these changes the scheme remains as previously agreed in principle. These changes were held to be minor but material necessitating further consultation and the application being returned to Committee for further consideration. In effect this report is an amended version of the previous report taking into account the proposed changes and the formal adoption of the Newport Local Development Plan 2011-2026 on the 27 January 2014. Changes in the report are shown in *italics* for ease of reference.

Table 01 – Accommodation by type and tenure

<i>Accommodation</i>			
<i>Houses</i>	<i>Market</i>	<i>Affordable</i>	<i>total</i>
<i>2 bedroom</i>	33	6	39
<i>3 bedroom</i>	96	8	104
<i>Total Houses</i>	129	14	143
<i>Flats</i>			
<i>1 bedroom</i>	7	6	13
<i>2 bedroom</i>	77	6	83
<i>1 bedroom adapted</i>	0	6	6
<i>2 bedroom adapted</i>	0	6	6
<i>Total Flats</i>	84	24	108
<i>Total</i>	213	38	251

- 1.2.1 The site is a piece of land that lies to the south of the Glan Usk Primary School. This effectively consists of three parcels of land, an area of managed grassland immediately south of the school, an area of former industrial land south of Lottery's Reen and a long tail of land that leads down from the main part of the site to the junction of Collier Street and Turner Street. The main part of the site consists of a former industrial site that contains various fragmenting hard standings and a certain amount of ruderal vegetation. This is generally speaking flat with slight undulations but there is a raised bund along the bank of the River Usk. The 'tail' is part of this raised bund and it backs onto industrial units, the T.S. Resolute and in its last southern section the houses in Turner Street, Morgan Street and Courtney Street. A designated Public Right of Way (PRoW) runs close to the top of the River bank but a metalled footway/ roadway has been created and this now carries the bulk of recreational walkers leaving the actual PRoW underused. The site is rather isolated being contained by the Glan Usk school site to the north, the railway line to Hereford in the east, the river to the west and the narrow 'tail' to the south. Current access on foot is from the south and north along the river front path or from the east via the underpass at the end of Charnwood Road. Current vehicular access is via Herbert Road. The site is in effect 5.83Ha of brownfield land within the urban area.
- 1.2.2 *In LDP terms the site is allocated as site H1(5), Glebelands. Policy H1 deals with Housing Sites that are identified for residential development of 10 or more houses. The site is anticipated as delivering 153 units in the LDP period of 2011-2026*
- 1.2.3 *The Environmental Space allocation on the 'tail' of the site has been removed under the LDP and as such the principle of residential development is acceptable given that the site is within the urban boundary and subject to other appropriate development management considerations.*
- 1.2.4 Permission for the construction of 169 dwellings is extant on the main part of the site having been granted under outline permission 00/0768 for the Glan Usk School and associated housing. Permission was confirmed under reserved matters application 03/1531.
- 1.3.1 The layout consists of 6 blocks of flats in the tail of the site with associated parking courts and cycle and bin storage. These would front onto the main access road into the site which will run along the river frontage joining the existing highway network and the junction of Collier and Turner Street. *Level differences will necessitate the provision of a retaining wall at the rear of the flats on plots 01 to 36 (the three northernmost blocks of flats in the 'tail'. The wall will be 2.5m high and topped with a 1.8m high close board fence. Elsewhere the site will be retained by an earth embankment.*
- 1.3.2 No flats will back onto existing houses. The proposed blocks would be three storeys in height other than the most southerly which would be four storeys high. The flats would form six distinct blocks each being 23 – 31.5m wide and approximately 7.1 – 9.1m deep. The blocks would have plain rear elevations but would present gable features to the main river frontage. The blocks would provide 2 bedroom flats. Parking would be via spaces facing out onto the main river front access road or via rear parking courts accessed by feeder roads between the blocks. Cycle stores and bin stores would be in the rear parking courts. Landscaped areas would be provided on the riverfront aspect. Parking would amount to 1 space per flat plus visitor parking.
- 1.4 The current PRoW would be diverted back from the river onto a new alignment and would become a 2m wide hard surfaced route. The bank top of the river would be landscaped with a series of bunds and planted out. The river bank would be secured with a low fence to prevent ingress by dogs and people. The main access road would be taken from the Collier Street / Morgan Street junction rising up to meet the new raised ground via an incline. A mini-roundabout is proposed and a 'traffic calming' entrance feature with a landscaped area and a footpath access to Morgan Street being provided. The pedestrian access along the river front will be retained with the Public Right of Way being realigned onto the new route to be provided and linking into the section south of the application site.

- 1.5 The main part of the site would be served by a series of loop roads and cul de sacs with dwellings fronting the roads and creating perimeter blocks. Housing would consist of a sequence of mainly two storey terraces and semi-detached houses generally with parking spaces to the front providing a set back from the roads and useable gardens to the rear. . Some flatted accommodation would be provided in the main part of the site. One block would be on a prominent corner location, another facing the river front and *three others consisting of affordable housing backing onto the railway line in the north eastern corner of the site. In terms of the affordable flats one block would be adapted for occupation by the elderly / disabled and would provide 6 No. 1 bedroom flats and 6 No. 2 bedroom flats. The key adaptations are widened circulation spaces, wheelchair accessible accommodation and parking for 6 No. electric buggies on the ground floor. The non-adapted flats would provide 6 No. 1 bedroom flats and 6 No. 2 bedroom flats. The 3 affordable blocks of flats adjacent to the railway would be three stories in height.* The riverfront block would be part 4 storey and part 3 storey and the final block would be three storey. Materials vary but generally are shown as either being brick or render with grey roof tiles. Parking would generally be on road front spaces mostly providing two spaces per dwelling house and one space per flat with some capacity for visitor parking. Some smaller houses would only have access to one space.
- 1.6 Lottery's Reen is an open water course that currently crosses the site. It would be culverted under the new roads but would be widened in its central section to provide a reservoir for surface water runoff from the bulk of the site (other than a small stretch of the access road) and also a landscaped area within the site. Under this application there is no proposal to line the reen since ground water monitoring has not identified a risk of contamination entering the reen and thence the nearby River Usk. Since the site is to be raised for flood mitigation purposes retaining walls or *earth embankments* will be required along the railway boundary and along the southern edge of the main part of the site where it abuts the existing industrial area along Herbert Road. These would vary in height between approximately 600mm and 1500mm and are proposed to be topped by wooden fencing between 1800 and 1950mm in height.
- 1.8 Proposed hard surfaces are paviour blocks in grey or brown for various road elements, tarmacadam for stretches of road surface and parking courts and concrete paving slabs for patios and paths within private gardens.

## 2. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
00/0768	REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT & HARD PLAY AREAS & RESIDENTIAL DEVELOPMENT	Granted with conditions 06.11.2000
03/1531	ERECTION OF A REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT (PURSUANT TO 00/0768)	Approved with conditions 25.05.2004

## 3. POLICY CONTEXT

### 3.1 Planning Policy Wales (Edition 7)

Paragraph 9.1.1 - The Welsh Government will seek to ensure that:

- Previously developed land (see definition at Figure 4.3) is used in preference to greenfield sites;
- New housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that

- The overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

Paragraph 9.1.2 - Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote:

- mixed tenure communities;
- development that is easily accessible by public transport, cycling and walking, although in rural areas required development might not be able to achieve all accessibility criteria in all circumstances;
- mixed use development so communities have good access to employment, retail and other services;
- Attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk;
- Greater emphasis on quality, good design and the creation of places to live that are safe and attractive;
- The most efficient use of land;
- Well-designed living environments, where appropriate at increased densities;
- construction of housing with low environmental impact by using nationally prescribed sustainable building standards; reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate and
- 'barrier free' housing developments, for example built to Lifetime Homes standards.

Paragraph 9.3.4 - In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.

## **3.2 Technical Advice Notes**

Relevant Technical Advice Notes (TANs) are:

TAN 2 Planning and Affordable Housing: This sets out guidance for ensuring that affordable housing is delivered.

TAN 5 Nature Conservation and Planning: This provides advice to ensure the protection of designated nature conservation sites and conservation of the natural environment.

TAN 8 Renewable Energy: This provides advice on various renewable energy technologies including Community or District Heating using low carbon technologies. It considers that the standards established under the EcoHomes scheme for residential development and BREEAM scheme for non-residential development form a useful framework for energy efficiency consideration.

TAN 11 Noise: This sets out the Welsh Assembly's core policy on noise. It seeks to ensure that sufficient consideration is paid for both noise sensitive developments and those developments which will generate noise. It introduces the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise. Where appropriate, it also advises on the use of conditions to minimise the impact of noise.

TAN 12 Design: This provides advice on good design which achieves sustainable design solutions, sustaining or enhancing the character of the area, promoting innovative design, promoting a successful relationship between public and private space, promoting high quality in the public realm, ensuring ease of access for all, promoting legible development, designing for change by promoting adaptable development, and promoting quality, choice and variety by way of mixed use and/or density of development.

TAN 15 Development and Flood Risk: This advises on development and flood risk as this relates to sustainability principles and provides a framework within which risks arising from

both river and coastal flooding, and from additional run-off from development in any location, can be assessed.

TAN 16 Sport and Recreation: This provides advice to Local Authorities on the minimum levels of sport and play space that should be provided.

TAN 17 Environment Assessment: Paragraph 5 states that projects in Schedule 2 require Environmental Assessment only where they are likely to have a significant environmental effect. Significance can only be assessed on a case by case basis. Indicative thresholds have been issued for guidance and offer a broad indication of the sort of project for which assessment is not likely to be required. Environmental Assessment is likely to be required for major projects of more than local importance, projects in particularly sensitive locations and those with particularly complex and potentially adverse environmental effects.

TAN 18 Transport: This provides advice as to the role of the planning system in facilitating sustainable travel patterns, guiding the location of development, reducing the need to travel, and promoting transport choices which are less polluting.

TAN 21 Waste: This advice is intended to facilitate the introduction of a comprehensive, integrated and sustainable land use planning framework for waste management.

### 3.3 Other Local Documents

#### 3.4 Special Landscape Areas Background Paper (Deposit Plan, April 2012)

3.4.1 The Background paper identifies areas of local landscape significance within the Local Authority Area. One area identified is:

- The River Usk corridor;

3.4.2 The proposed Local Development Plan policy would be SP8 (Special Landscape Areas) which reads as follows:

*Special Landscape Areas are designated within which proposals will be required to contribute positively to the area through high quality design, materials and management schemes that demonstrate a clear appreciation of the area's special features:*

The Policy amplification states at Paragraph 2.28 of the Revised Deposit Local Development Plan (June 2013):

*Developers will be required to ensure that proposals do not impact or affect the intrinsic character, quality, feature or conservation value of the SLA. Designs will be required to be of a high standard, appropriate in scale and massing, integrated sympathetically into the landscape as well as ensuring long term management. Supplementary Planning Guidance will provide detail concerning the value, management and maintenance of the areas.*

3.4.3 The site of the proposal is outside any proposed SLA and is not considered to have any adverse effect upon any of the proposed SLAs, primarily the River Usk. The proposal accords with LDP Policy SP8.

#### 3.5 Adopted Local Development Plan 2011-2026

The Newport Local Development Plan was adopted on the 27 January 2015.

Policy	Text
SP1 Sustainability	Proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary. they will be assessed as to their potential contribution to: i) the efficient use of land; ii) the reuse of previously developed land and empty properties in preference to greenfield sites; iii) providing integrated transportation systems, as well as encouraging the co-location of housing and other uses, including employment, which together

	<p>will minimise the overall need to travel, reduce car usage and encourage a modal shift to more sustainable modes of transport;</p> <p>iv) reducing energy consumption, increasing energy efficiency and the use of low and zero carbon energy sources;</p> <p>v) the minimisation, re-use and recycling of waste;</p> <p>vi) minimising the risk of and from flood risk, sea level rise and the impact of climate change;</p> <p>vii) improving facilities, services and overall social and environmental equality of existing and future communities;</p> <p>viii) encouraging economic diversification and in particular improving the vitality and viability of the city centre and district centres;</p> <p>ix) conserving, enhancing and linking green infrastructure, protecting and enhancing the built and natural environment;</p> <p>x) conserving and ensuring the efficient use of resources such as water and minerals.</p>
SP2 Health	<p>Development proposals should seek to maximise their positive contribution to health and well-being, and minimise any negative effects by being located in the most sustainable locations, close to public transport links and providing efficient walking and cycling routes and other green infrastructure as part of development schemes.</p>
SP3 Flood Risk	<p>Newport's coastal and riverside location necessitates that development be directed away from areas where flood risk is identified as a constraint and ensure that the risk of flooding is not increased elsewhere. Development will only be permitted in flood risk areas in accordance with national guidance. Where appropriate a detailed technical assessment will be required to ensure that the development is designed to cope with the threat and consequences of flooding over its lifetime. Sustainable solutions to manage flood risk should be prioritised.</p>
SP4 Water Resources	<p>Development proposals should minimise water consumption, protect water quality during and after construction and result in no net increase in surface water run-off through the sustainable management of water resources by:</p> <p>i) the use of sustainable drainage systems;</p> <p>ii) the reuse of water and reduction of surface water run-off through high quality designed developments;</p> <p>iii) careful consideration of the impact upon finite water resources, particularly in terms of increased pressures on abstraction and the impact of climate change.</p> <p>iv) ensuring development is appropriately located and phased so that there is capacity in the waste water, sewerage and water supply as well as the protection of water quality.</p>
SP8 Special Landscape Areas	<p>Special Landscape Areas are designated as follows within which proposals will be required to contribute positively to the area through high quality design, materials and management schemes that demonstrate a clear appreciation of the area's special features:</p> <p>iv) River Usk</p>
SP9 Conservation of the Natural, Historic and Built Environment	<p>The conservation, enhancement and management of recognised sites within the natural, historic and built environment will be sought in all proposals.</p>
SP10 house building requirement	<p>Provision is made for 11,623 units to deliver a housing requirement of 10,350 units over the plan period. The affordable housing target for the plan period is set at 2,061 units. The land will be provided primarily on previously developed land in the following ways:</p>

	<p>i) Sites with planning permission, including sites under construction;</p> <p>ii) The eastern expansion area;</p> <p>iii) Allocations set out in Policy H1; and</p> <p>iv) Infill, windfall and small sites.</p>
SP13 Planning Obligations	<p>Development will be required to help deliver more sustainable communities by providing, or making contributions towards, local and regional infrastructure in proportion to its scale and the sustainability of its location. This list is not exhaustive, but the following are infrastructure priorities that developers will be expected to provide or contribute to in order to mitigate any negative consequences of development:</p> <ul style="list-style-type: none"> <li>• educational facilities and/or their upgrades;</li> <li>• affordable housing;</li> <li>• improvements to the highway network, including</li> <li>• walking and cycling routes and public transport;</li> <li>• outdoor recreation;</li> <li>• protection, enhancement and management of the</li> <li>• natural, historic and built environments;</li> <li>• community facilities and/or their upgrades; and</li> <li>• improvements to the public realm.</li> </ul>
SP15 Integrated Transport	<p>Integrated transport will be pursued in line with the national and regional transport strategies. such transport will comprise:</p> <p>i) a co-ordinated pedestrian network, including schemes such as “safe routes in communities”;</p> <p>ii) implementation of the cycling strategy;</p> <p>iii) innovative forms of public transport such as bus priority, safeguarding and enhancement of rail routes and identification of new stations;</p> <p>iv) designation of transport interchanges for park and ride, park and share, and road to rail freight centres;</p> <p>v) a central area parking strategy;</p> <p>vi) facilities for public transport, walking and cycling in major new development;</p> <p>vii) interchange between bus, bicycle and car to enable sustainable use of the countryside.</p> <p>Significant development proposals shall be accompanied by travel plans.</p>
SP18 Urban Regeneration	<p>Proposals will be favoured which assist the regeneration of the urban area, particularly where they contribute to:</p> <p>i) the vitality, viability and quality of the environment of the city centre;</p> <p>ii) the provision of residential and business opportunities within the urban area;</p> <p>iii) reuse of vacant, underused or derelict land;</p> <p>iv) encourage the development of community uses where appropriate.</p>
GP1  General Development Principles – Climate Change	<p>Development proposals should (among others):</p> <p>ii) be designed to minimise energy requirements and incorporate appropriate renewable, low or zero carbon energy sources, including on-site energy provision where practicable;</p>
GP2  General Development Principles – General Amenity	<p>Development will be permitted where, as applicable:</p> <p>i) there will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;</p> <p>ii) the proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;</p>

<p>GP3</p> <p>General Development Principles – Service Infrastructure</p>	<p>Development will be permitted where, as applicable:</p> <p>i) necessary and appropriate service infrastructure either exists or can be provided;</p>
<p>GP4</p> <p>General Development Principles – Highways and Accessibility</p>	<p>Development proposals should:</p> <p>i) provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance;</p> <p>ii) be accessible by a choice of means of transport;</p> <p>iii) be designed to avoid or reduce transport severance, noise and air pollution;</p> <p>iv) make adequate provision for car parking and cycle storage;</p> <p>v) provide suitable and safe access arrangements;</p> <p>vi) design and build new roads within private development in accordance with the highway authority's design guide and relevant national guidance;</p> <p>vii) ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.</p>
<p>GP5</p> <p>General Development Principles – Natural Environment</p>	<p>Development will be permitted where, as applicable:</p> <p>ii) the proposals demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity, ensuring that there are no significant adverse effects on areas of nature conservation interest including international, European, national, Welsh section 4233 and local protected habitats and species, and protecting features of importance for ecology;</p> <p>v) there would be no unacceptable impact on landscape quality;</p>
<p>GP6</p> <p>General Development Principles – Quality of Design</p>	<p>Good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. In considering development proposals the following fundamental design Principles that should be addressed:</p> <p>i) Context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;</p> <p>ii) Access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution;</p> <p>iii) Preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. the designer is encouraged to display creativity and innovation in design;</p> <p>iv) Scale and form of development: new development should appropriately reflect the scale of adjacent townscape. care should be taken to avoid over-scaled development;</p> <p>v) Materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. detailing should be incorporated as an integral part of the design at an early stage;</p> <p>vi) Sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible reuse of the building. where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.</p>

GP7 General Development Principles – Environmental protection and Public Health	Development will not be permitted which would cause or result in unacceptable harm to health because of land contamination, dust, instability or subsidence, air, heat, noise or light pollution, flooding, water pollution, or any other identified risk to environment, local amenity or public health and safety.
CE3 Waterfront Development	Development in a waterside location should integrate with the waterway and not turn its back on it, and should take account of the interests of regeneration, leisure, navigation, water quality and flow, and nature conservation.
CE5 Historic landscapes, parks, gardens and battlefields	Sites included in the register of landscapes, parks and gardens of special historic interest and identified historic battlefields should be protected, conserved, enhanced and where appropriate, restored. Attention will also be given to their setting.
CE10 Coastal Zone	Development will not be permitted in the coastal area or adjoining the tidal river unless: i) in the undeveloped coastal area such development is required to be on the coast to meet an exceptional need which cannot reasonably be accommodated elsewhere; ii) the area is not itself at risk nor will the proposed development exacerbate risks from erosion, flooding or land instability development which requires a coastal location should be sited within the developed coastal zone.
H1 Housing Sites	The sites listed in table H1 of 10 or more dwellings are identified for residential development: H5 Glebelands (153 Dwellings)
CF2 Outdoor Play Space Requirements	Where development results in the loss of open space or a requirement for open space is demonstrated in conjunction with policy SP13, provision in accordance with the fields in trust standard (or as amended) will be sought. The developer will be required to pay a commuted sum to cover future maintenance.
CF4 Riverfront Access	Access to the riverfront in the form of managed footpaths and cycle routes will be encouraged where practicable.

## 4. CONSULTATIONS

### 4.1 GWENT WILDLIFE TRUST:

*No additional comment beyond that reported below:*

Objects due to the detrimental impact on the River Usk SAC. The new access road is close to the top of the river bank and the development would bring a much higher level of activity than currently exists nearer to the river which would disturb wildlife. The development should be reduced in scale and moved further from the river to give an appropriate buffer between the development and the top of the river bank. The buffer should be at least 20m wide and the southern 'tail' of the site should not be developed with the site access being achieved from Herbert Road. The River Usk is of great importance for wildlife and should be protected as a priority.

NETWORK RAIL:

*Reiterate earlier advice as below.*

The application site is close to the railway estate and the proposal could cause risk to the railway estate and infrastructure. Network Rail offer advice to the applicant on how to safeguard the interest of the railway estate regarding the following specific issues:

- excavations,
- placement of new buildings,
- foundations near the railway estate
- no land drainage should enter the railway estate and soakaways should not be used within 10m of the railway boundary,
- boundary fencing should be secure and at least 1.8m high,
- no trees should be within 1.5 times their nature height of the railway boundary,
- care should be taken not to disturb any buried railway infrastructure,
- Any lighting scheme or structure colouration must not effect the safe operation of the railway,
- This area has known signal sighting problems - the proposal, including the colouration of the buildings, must not interfere with or obscure any signals that may be in the area,
- where roadways, vehicle turning areas, parking bays abut the boundary, the company requires adequate highways approved vehicle incursion barriers to be installed to protect the boundary fencing,
- access points to the railway estate must be maintained,
- No de-watering of the site should take place without Network Rail's prior approval,
- Plant, scaffolding and cranes - Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.
- Environmental Issues: The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on before works begin.

4.2 HEDDLU GWENT POLICE; ARCHITECTURAL LIAISON OFFICER:  
*No additional comment beyond that reported below:*

No objections, the initial layout contained parking plots that lacked natural surveillance but this has now been rectified.

4.3 HEDDLU GWENT POLICE; TRAFFIC MANAGEMENT ADVISOR:  
*No additional comment beyond that reported below:*

The proposal contains 248 dwellings and creates 348 vehicle parking spaces. This will generate a significant number of additional journeys that will feed into a residential area consisting of terraced houses that is dependent on on-street parking. Turner Street and East Usk Road are restricted by low bridges and lead onto roads that are heavily trafficked at certain times of the day. The East Usk Road / Clarence Place junction has experienced fourteen personal injury collisions over the last three years. A traffic assessment should be carried out to ensure the local highway network can absorb the anticipated level of traffic generation. Consideration should be given to making the entire area subject to a 20mph speed limit with appropriate speed reduction measures.

4.4 CHEPSTOW FRIENDS OF THE EARTH:  
*No additional comment beyond that reported below:*

Object; the proposed development site is on hazardous chemical waste tip adjacent to the River Usk which is a SSSI and SAC. The school development allowed under permission 00/0768 should have been subject to an Environmental Impact Assessment but this was not done. This application was an opportunity for that failing to be rectified but this has not happened and so the cumulative impacts of the entire Glebelands development still have not been considered. The development proposal has been 'salami sliced' which means that an appropriate and all-encompassing Environmental impact Assessment has not been undertaken. The submitted Environmental Statement does not contain an assessment of cumulative impacts and has been 'scoped down' unlawfully. The City Council should ensure that all the environmental effects of the proposal are properly considered in relation to other projects and plans (the school site to the north). Failure to properly assess the environmental impacts of the proposal would render any permission granted unlawful.

4.5 WALES & WEST UTILITIES:

*No additional comment beyond that reported below:*

No objection but note the presence of infrastructure (gas mains) within the site and provide a list of suggested conditions.

4.6 DWR CYMRU / WELSH WATER:

*No additional comment beyond that reported below:*

No objection but request that conditions are applied to ensure that foul and surface water are drained separately, land drainage is not allowed to enter the public sewerage system, an appropriate easement is maintained around the public sewer that traverses the site and approval of the detailed drainage scheme.

Local sewerage provision is adequate.

A trunk water main crosses the site and access to this must be maintained at all times. The main may be moved under the provisions of Section 185 of the Water Industry Act 1991.

4.7 CYFOETH NATURIOL CYMRU / NATIONAL RESOURCES WALES:

*No additional comment beyond that reported below:*

No objection, the following advice is provided.

An Appropriate Assessment should be undertaken by the LPA to comply with the Habitats and Species Regulations 2010 (as amended) in order to assess the impact of the proposal on the river Usk Special Area of Conservation (SAC).

The riverfront treatment and the other mitigation proposals are acceptable but their delivery should be secured by planning agreement or via condition.

The development should be carried out in accordance with the updated flood consequence assessment with the site being raised to 9.8m above ordnance datum (AOD) and finished floor levels set at 9.95m AOD.

Surface water drainage arrangements to the widened Lottery's Reen should be the subject of negotiations with the Council's drainage engineers. The retention of an un-culverted lottery's Reen is supported.

4.8 *WELSH GOVERNMENT (PLANNING DIVISION): The scheme approved in principle at the Planning Committee meeting of September 2014 was subject to a call-in request. The Welsh Government declined to call-in the application at that time and has no wish to review the amended scheme in relation to the earlier call-in request.*

5. INTERNAL COUNCIL ADVICE

## 5.1 HEAD OF LAW & REGULATION (NOISE):

### 5.1.1 *A comment in addition to that already reported below was made, as follows:*

*I refer to the above planning application and recent re-consultation on the revised layout plan for this development. I understand that the alterations include additional dwellings alongside the railway boundary where noise mitigation measures were previously identified as necessary. The noise assessment previously submitted should be revised in order to ensure that appropriate mitigation measures are provided to the dwellings and gardens*

### 5.1.2 I refer to the above application passed to Environmental Protection for comment and to the further noise report dated 8th April 2014.

I have concern that the report fails to include a BS4142 assessment or consideration of L<sub>Amax</sub> levels associated with the vacant industrial area (the original noise report included such an assessment in respect of existing industrial activity) The condition quoted within the report is a rail traffic condition and should not be used as a basis for determining the acceptability of industrial noise on the residential site. Further information is therefore still required in order to determine whether the mitigation measures proposed for the development are adequate. Both a BS4142 assessment and consideration of the L<sub>Amax</sub> noise levels should be included.

The noise assessment details the impact of the nearby joinery on plots 230-235, 236-241 and 242-249. The conclusions of the report are that mitigation is required in order to meet required internal noise levels. Sealed windows (coupled with a mechanical ventilation strategy) are required to the rear of plots 230-235 first floor; rear of plots 236-241 first floor and rear of plots 242-249 ground and first floor in order to meet the internal criteria at night time. The calculated noise levels take into account the presence of a 1.8 metre acoustic fence on top of the existing 1 metre wall.

I can confirm that I do not object to the application in respect of plots 230-249, provided a suitable condition is attached to any permission granted, requiring submission of noise mitigation measures for approval prior to commencement of development (i.e. sealed glazing and mechanical ventilation for affected plots and acoustic fencing).

## 5.2 HEAD OF LAW & REGULATION (SCIENTIFIC OFFICER):

*The Scientific Officer confirms the need for planning conditions to deal with the contamination issues on the site in addition to the comment reported below. He also confirms the proposal will not have a material impact on air quality and any conditions in regard to the protection of air quality are not required:*

The proposal has been subject to on-going negotiation with the applicant. A revised remediation strategy has been provided by the applicant. The strategy is acceptable but all the recommendations of Section 3 of the report will need to be carried out in order to allow the full discharge of contaminated land conditions. All works will need to be robustly verified to show the identified risks have been mitigated. Conditions in regard to compliance with the submitted mitigation strategy and controlling the characteristics of material imported to the site are necessary and should be applied.

## 5.3 HEAD OF STREETSCENE & CITY SERVICES (PUBLIC RIGHTS OF WAY):

*No additional comment beyond that reported below.*

There is a Public Right of Way (PRoW) referenced 407/1 running along the suite's western boundary at the top of the river bank. This is a footpath only so to widen it as a combined footpath and cycleway as proposed would not be acceptable in legal terms. As such the applicant would need to apply to extinguish the existing right of way and establish a bridleway along the realigned route. Efforts should be made to maintain the existing (but

realigned) route at the same level of utility as the current route in order to avoid objections from users. All costs will need to be met by the applicant.

#### 5.4 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY):

*No objection but reiterates the need to prevent light spill to the river bank and associated vegetation in addition to the previous comment shown below:*

The modifications to the river front treatment are an improvement over the original design. The proposed fence and the planting should be an effective barrier against ingress onto the river bank by both people and dogs. This should improve the prospects of otters and provide habitat for birds and reptiles. It is considered that the current proposal is now preferable to the extant permission (03/1531) in terms of the riverfront treatment. The reduction in the width of the riverfront path to 2m (from 3m) gives more room for planting. Planting should include more trees and consist of species that provide cover and foraging for wildlife. The proposed management plan is welcomed and should incorporate the eradication of Japanese Knotweed on the site. Should the suggested changes be made the proposal is acceptable notwithstanding the retained concerns over the loss of designated 'Environmental Space'.

#### 5.5 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPE):

*Maintains no objection.*

It should be noted that a landscaping scheme no longer forms part of the application and in effect the Landscape Officer's comments are superseded. The submission of a landscaping scheme will be required under condition if permission is granted.

No objection but comments on the proposed planting as follows:

- 59% of the proposed trees are *Betula Pendula* (silver birch) – this should be reduced;
- Ground cover is to be provided by 'Dart's Blanket' and 'Emerald Gaiety' but the amount used is too high and other species should be used as well;
- Planting around Lottery's Reen should be revised;
- More trees should be planted along the River Usk for screening purposes;
- There should be more native planting at the site's access;
- A landscape management plan is needed.

#### 5.6 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS):

*No comment beyond those previously made.*

There are no objections to the proposal in terms of traffic generation subject to the receipt of a payment of £5000 to re-validate the signalised junction at Clarence Place. The Public Transport Officer has requested £75,000 to fund an additional peak time service along Caerleon Road, these are currently over capacity.

Improvements to off-site pedestrian linkages in the area of the proposal have been proposed in the Environmental Statement. These are acceptable and include a Pelican crossing on Caerleon Road, the applicant will need to enter an appropriate Highway agreement to ensure the works are completed.

The narrowing of the river front path from 3m to 2m is not desirable given the level of pedestrians using the path to access the school, the wider width is preferable and should be retained.

Permeable paving is acceptable in the initial part of the access road subject to permeability tests showing it will work as anticipated.

#### 5.7 HEAD OF STREETSCENE & CITY SERVICES (TREES):

No objection.

5.8 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS DRAINAGE):

*No additional comment beyond that reported below:*

The proposed use of Lottery's Reen to receive surface water drainage will need to be assessed to ensure that sufficient capacity exists to absorb that water at 'tide lock' conditions when the reen cannot discharge to the river. It will need to be demonstrated that permeable paving will be effective in absorbing water in the southern part of the site where it is expected that water will be allowed to infiltrate. The applicant has provided a 'Hydrological Study of the on-site Ordinary Watercourse' which suggests that the enlarged reen will be able to cope with exceptional rainfall events at high tide but there are concerns over water being displaced onto the railway estate and whether permeable drainage will work in this location. Network Rail should be re-consulted in regard to the potential for flooding of its land.

5.9 HOUSING AND COMMUNITY REGENERATION MANAGER (AFFORDABLE HOUSING):

*Makes the following comment in addition to that shown below.*

*With regard to the above named application and the recent proposed changes to the layout, I can confirm that the delivery of the affordable housing on site is as previously agreed, and the delivery of the apartments for applicants over the age of 55 has been transferred to the preferred location adjacent to the under pass giving easier access to the facilities on Caerleon Road. Therefore I am content with the proposals.*

Affordable Housing provision at 15% is acceptable. This is a Council owned site and it was resolved that no more than 15% affordable housing would be sought on such sites given that the capital receipt would be used to support the new schools programme. The distribution of the housing is acceptable and the dwellings should be DQR (Development Quality Requirements) compliant to meet the required Welsh Government standards and to be acceptable to Registered Social Landlords.

5.10 PLANNING POLICY MANAGER:

*No additional comment to that provided below:*

No objection, the northern part of the site is an existing housing commitment, H1(5) for 153 dwellings<sup>1</sup>. The southern part of the site abuts Housing allocation H1(47) Herbert Road and the delivery of this site should not be prejudiced. Part of this southern area is a designated environmental space and contains a PRow. In the event that the ecological interests of the nearby River Usk and the PRow can be safeguarded then the impact on the Environmental Space may be acceptable. The site would deliver 248 dwellings which would be an acceptable level of provision on an area this large in Policy terms and aligns with the density anticipated in the Draft Deposit LDP.

5.11 SECTION 106 MANAGER:

*Makes the following revised assessment based on the change in layout and the housing mix of the scheme:*

*The following section 106 contributions are required to offset the harm caused by the development:*

*The following S106 planning obligations are based upon the following assumptions:  
A proposal of 251 dwellings, comprising:*

*213 Market Housing Units – 96 x 3 bed houses; 33 x 2 bed houses; 77 x 2 bed flats; 7 x 1 bed flats.*

38 (15%) Affordable Housing Units – 8 x 3 bed houses; 6 x 2 bed houses; 6 x 2 bed flats; 6 x 1 bed flats; 6 x 2 bed flats (for the elderly); 6 x 1 bed flats (for the elderly)

NB: Current Council policy (specified in the adopted Planning Obligations SPG 2012) stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations. This local policy accords with national policy legislation.

### **Affordable Housing**

38 (15%) Affordable Housing Units are required (at 58% of ACG), comprising: 8 x 3 bed houses; 6 x 2 bed houses; 6 x 2 bed flats; 6 x 1 bed flats; 6 x 2 bed flats (for the elderly); 6 x 1 bed flats (for the elderly).

The proposed properties will be offered on a 'neutral tenure' basis providing opportunities for applicants to rent or part-purchase their home. The properties will be allocated through the Common Housing Register (which Fairlake, of the Seren Group, are fully committed to). The properties will attain the appropriate Welsh Government standards.

### **Education: Primary**

The development falls within the catchment of Glan Usk Primary School (surplus of 26 places, as at January 2014). The site also falls within the 2 mile 'available walking route' distance rule of St Julian's Primary School (surplus of 143 places, as at January 2014). Taking into account the scale and type of development, as well as the current school surplus capacity, no contribution is requested.

### **Education: Secondary**

The development falls within the catchment area of St Julian's High School (deficit of 83 pupil places, as at January 2014). Taking into account the scale and type of development, as well as the current school deficit capacity, a contribution of £594,797 is generated for St Julian's High School.

All Education Sums will be index linked to the BCIS.

### **Leisure**

Owing to the surplus of 'Formal' open space within the St Julian's Ward, no contributions are requested for 'Formal' play.

Owing to a deficit of 'Equipped' play provision within the St Julian's Ward, a commuted sum of £122,000 is required to upgrade and maintain off-site 'Equipped' play at the Glebelands Recreation Ground and Turner Street Playground.

The on-site provision of Informal open space is deemed sufficient to serve the development.

All Leisure Sums will be index linked to the RPI.

### **Highways**

A contribution of £5,000 towards the re-validation (i.e. software upgrade) of the existing signalised junction at Clarence Place.

The applicant will be required to enter a S278 Highway Agreement with the Council to provide a pelican crossing on Caerleon Road and other off-site footway improvement works. Works are expected to cost approximately £70,000 - £75,000

### **Monitoring Fees**

*A Monitoring Fee of £21,654 will be required to cover the Council's cost of negotiations and on-going monitoring of the planning obligations. Payment is due prior to commencement of development.*

## **6. REPRESENTATIONS**

### **6.1 NEIGHBOURS:**

76 properties were consulted, three site notices were displayed:

- Outside the gates of Glan Usk Primary School at the northern end of the site;
- On the fencing erected along the tarmaced path that runs along the site's western edge;
- Near the junction of Collier Street and Courtney Street at the southern end of the site.

A press notice was published in South Wales Argus on first receipt of the Environmental Statement on the 04 January 2014 and again following the receipt of further information on the 12 April 2014.

*On receipt of the revised layout plan a re-consultation exercise was undertaken with the same addresses being written to. New site notices were put up in the same locations as previously. Following a public meeting held in early December the attendees at the meeting were also sent consultation letters. 5 additional comments were received in addition to the 14 received following the initial consultation.*

Nineteen representations were received in total raising the following points:

- The new development will increase demand for school places and some local children may not get in;
- The new houses will be a source of noise;
- The local highway network is already heavily congested and restricted by the bridges on Turner Street and East Usk Road the proposal will make this worse given the numbers of vehicles that it will generate;
- Additional traffic will pose a safety risk to children especially around the Turner Street park;
- Extra vehicles will cause air pollution;
- The site should be accessed via Herbert Road which should be 'Compulsorily Purchased' if necessary;
- The whole local road network should be limited to 20mph for safety reasons and a one way system introduced around Turner Street Park if the development goes ahead;
- There is not enough parking within the scheme, new residents will park on local roads reducing the available on-street parking;
- The development will increase the risk of off-site flooding;
- Local roads are narrow and this is made worse by parking, the additional traffic cannot be accommodated and it will be difficult for larger vehicles like fire engines to get around the area;
- People will rat run along the new access road to drop-off and pick up children;
- Risk of ecological damage to the River Usk;
- Risk of pollution on the site being mobilised and affecting local residents;
- The local sewerage network will be overburdened by the development and existing problems made worse;
- The proposed access to the T.S. Resolute (Newport Sea Cadets) is inadequate (objection later withdrawn);
- Recreational areas valuable to local children will be lost;
- New housing will encourage anti-social behaviour;
- The 'village green' at the northern end of the site will be lost.
- The proposal is overly dense.
- The J.S.Payne site is occupied by a shot-blasting company, it is not vacant.

### **6.2 COUNCILLOR TOWNSEND: *No revision to the initial comment shown below:***

The proposal is for 249 homes which is a significant increase over the 177 dwellings considered in the scoping opinion of 2012. The current proposal will increase traffic levels over and above what is allowed under the existing planning permission (03/1531) and the additional traffic will be harmful in an area of restricted access roads, particularly the Turner Street underpass. Consideration should be given as to how any rephrasing of the lights in Clarence Place will impact on other roads that enter this 5 road junction.

Consideration should be given to employing a one way system around the Turner Street square which will be opened up to significant additional traffic over and above that allowed under permission 03/1531. Control will need to be exercised over the routing, type and intensity of delivery vehicles to minimise impact on the highway and residents.

The River Usk bank right of way must be incorporated into the scheme and protected during the construction phase including a diversion if necessary.

The local sewerage system is inadequate and flooding has occurred in Margaret Avenue and Orchard Street. No houses above those already allowed for should be constructed until these problems have been solved.

The scheme includes over 55s accommodation which is welcomed however the site is removed from local facilities (on Caerleon Road) and the underpass via Charnwood Road has been subject to anti-social behaviour and may not be appropriate as a route. The remoteness from Caerleon road also reduces the likelihood of future residents on the scheme using public transport exacerbating concerns over traffic generation from the proposal.

## **7.1 THE ENVIRONMENTAL STATEMENT (ES) SUMMARY**

*The ES was not updated on receipt of the revised layout. The revisions and addition of two additional units is not considered to have materially altered the considerations made in the ES, including the Transport Assessment.*

The ES was amended in part in April 2014 at the time new application drawings were submitted. The ES consists of three volumes:

- A non-technical summary;
- A Written Statement; and
- A volume of appendices.

The applicant sought a scoping and screening opinion from the LPA. The LPA concluded that an ES would be necessary and identified the following as the key areas for consideration:

- Ground Conditions;
- Access and Highways
- Landscape and Visual Impact;
- Ecology and Nature Conservation;
- Flood Risk;
- Drainage;
- Noise;
- Socio-economic; and
- Air Quality

The ES process identifies the characteristics of the site that are affected, the likely impacts and their magnitude, how they might be mitigated and what residual effects will be left over (that cannot be mitigated) and any cumulative impacts of the proposal in combination with other activities and proposed activities. Impacts will vary from major through moderate and minor down to insignificant and can be both positive and negative.

## **7.2 Landscape and Visual Impact Assessment**

7.2.1 A townscape and visual appraisal was undertaken for the development and concluded that the development would be consistent in scale and character with the existing townscape that it would be read against. Opportunities for landscaping along the river front and along Lottery's reen would reduce the overall visual impact of the proposal. Views from the PRoW would be significantly changed but it was considered the incorporation and enhancement of the route alongside the river front improvements would not be harmful overall.

### 7.3 Ecology and Nature Conservation

7.3.1 The most important element of the site in ecological terms is the river front boundary since the Usk is both a Special Areas of Conservation (SAC) and a Site of Special Scientific Interest (SSSI). Within the site, habitat is provided by Lottery's Reen, grassland, ruderal vegetation, trees and scrub. This provides habitat for a moderately diverse flora, a variety of birds, common amphibians and reptiles. The construction process would remove the habitats within the site seeing some compensation as soft landscaping matures.

7.3.2 Adverse impacts on protected species are possible but can be mitigated by the timing of works, habitat enhancement within the finished scheme (along the river front and Lottery's Reen), the provision of bat and bird boxes and the translocation of reptiles off the site. Part of the river bank to the north of the school is to be fenced off and an otter holt constructed. It is proposed to re-establish the valuable reed habitat within Lottery's Reen post construction.

### 7.4 Contaminated Land / Ground Conditions

7.4.1 Investigations confirm that the site is contaminated with risk to the wider environment and to human health arising from contaminated soil and ground gas. A comprehensive site investigation has been undertaken and a remediation strategy formulated. The ES concludes that the risks during construction can be mitigated down to an acceptable level by good working practices.

7.4.2 In terms of the long-term residential use the site will be capped with up to 2m of imported material and gas protection measures will be built into the dwellings to prevent the ingress of ground gas. The ES concludes that this will protect the long term interests of the site's residents. The imported material will be held in place by retaining walls on the site perimeter other than on the river front and on the northern school boundary.

7.4.3 In cumulative terms the ES considers the proposed remediation programme against that carried out on the school site to the north. It concludes that the school site was successfully remediated at the time the school was constructed and so there is no residual contamination that could be mobilised by the current proposal meaning cumulative contamination impacts would be negligible.

### 7.5 Flood Risk

7.5.1 The ES notes that part of the site is within Flood Zone C1 as identified by the Welsh Government's Development Advice Maps meaning it is floodplain served by significant infrastructure including flood defences. The site is also crossed by Lottery's Reen, a local water course that drains approximately 4.865 Ha of the local area. The principal flood risks arise from tidal flooding from the River Usk or fluvial flooding from Lottery's Reen.

7.5.2 In the construction phase flood risk might be increased by unconsolidated sediments being washed off the site during an intense rain storm, stockpiled material diverting surface water during a rain event, a reduction in the permeability of the site or the flooding of ground works. These can be minimised by good site management and safe working practices. An assessment has concluded the site is likely to remain flood free in the next two years reducing the risk of flooding during the construction phase.

- 7.5.3 Lottery's Reen will be retained along its current alignment but will be widened to provide a storage area to hold run-off from the site and in-flow from upstream during conditions when the outlet is tide locked. This area will also provide environmental benefit and an attractive area of soft landscaping. The modelling exercise concluded that the reen outflow (a pipe through the raised river bank) will need to be widened from 2.0 to 2.5m and a flap valve installed to prevent in-flow from the River Usk during high tide events. At other times the unrestricted discharge of the reen into the River Usk is acceptable due to the high capacity of the river channel in this location.
- 7.5.4 The proposal is to raise the site to 9.8m AOD with finished floor levels at 9.95m AOD. In terms of tidal flooding from the River Usk the impact of a flood event has been assessed against the permitted and implemented (in the case of the school site) scenario of raising the site to a level of 10.4m allowed for under permissions 00/0768 & 03/1531. The ES concludes that the proposed land raising under this application will leave the site flood free for the 0.5% (1 in 200 year tidal flood). In terms of the site access the modelling has identified that the site access would flood for the predicted 1 in 200 year tidal flood in 2114 but the site would not flood. The ES concludes that the depth and velocity of the flood waters on the access road would fall outside the acceptable levels outlined in Paragraph A1.15 of TAN 15 but notes that a dry pedestrian route would be available to the north via Glan Usk School. The ES concludes that the predictability of the tidal flood would offer residents a chance to leave prior to the event occurring but that remaining on the site would be safe since it would remain flood free during the 1 in 200 year tidal flood. They also note the availability of CNC/NRW's Floodline warning system.
- 7.5.5 During construction the ES states surface water will continue to infiltrate into the ground as it does currently. Site management will ensure stockpiled materials are sited and secured in appropriate areas meaning the impact on the surface water drainage regime will be low to negligible during the construction phase. During the operational phase surface water drainage on the site will be dealt with in two ways. The southern part of the site (the tail) will be served by a permeable 'Formpave' type system whilst the northern part will be served by piped drainage to Lottery's Reen. The widening of the reen will allow surface water drainage to be held at tide lock conditions and then drain naturally to the River Usk which is considered to have no capacity issues at this point due to the size of the water course.
- 7.5.6 Foul sewerage will be disposed of via the existing sewer network via three points of connection that have been agreed in principle with Dwr Cymru / Welsh Water (DCWW). The ES notes that DCWW must approve connection and can prevent connection if insufficient capacity exists. The ES concludes that the proposal will not adversely impact on the existing drainage system.
- 7.6 Traffic / Transport and Movement
- 7.6.1 The applicant consulted with the Council's Highway Section in regard to the scope of the Transport Assessment. The analysis noted that the development would produce 133 two way vehicle movements in the morning peak and 145 two way vehicle movements in the evening peak. The effect of this would be to increase the traffic in the local highway system and to adversely affect local junctions. However the impact could be mitigated by the recalibration of the traffic lights at the Clarence Place junction.
- 7.6.2 Additionally off-site highway works are proposed to improve the pedestrian connectivity of the development with works taking place at Collier Street, Courtney Street and Turner Street to provide dropped kerbs and tactile paving at pedestrian crossing points to provide easy foot access to Caerleon Road which will be crossed by a new Pelican Crossing just north of Junction Road (next to Tesco's). Pedestrian access to the north will be via the riverfront path onto the Glebelands Recreation Fields and via the underpass onto Charnwood Road. It is also proposed to implement a Travelplan which would reduce the demand for private car journeys by encouraging walking, cycling, the use of public transport and car sharing.

- 7.6.3 In car parking terms the development will provide an SPG compliant parking arrangement amounting to 348 spaces, with two spaces per three bedroomed unit and one space per two bedroomed unit.
- 7.6.4 It is considered the cumulative impacts of the scheme in combination with the Glan Usk School development and the recent construction of 32 No. dwellings at the former Evans-Halshaw site is negligible.
- 7.7 Noise and Vibration
- 7.7.1 The key sources of noise and vibration would be from construction activities on the site (affecting neighbouring land uses). The ES considers these can be controlled via any conditional regime. The risk to the proposed dwellings arises from railway noise and noise from adjacent industrial units. The ES concludes that noise from the former J. S. Payne unit and surrounding currently vacant industrial land could be mitigated by an appropriate noise attenuation fence on the site boundary 2.5m high. The increase in noise from vehicles is considered negligible overall with some slight worsening along Turner Street which is not considered to be unacceptably harmful and may be mitigated in part by the implementation of the Travel Plan.
- 7.8 Air Quality
- 7.8.1 The site lies near the Caerleon Road Air Quality Management Area (AQMA). The impact of construction and operation of the site was considered in the assessment. Dust generation on the construction phase can be managed by conditions. The main risk to air quality during the operational phase is from road traffic. When assessed against the baseline conditions and in combination with programmed developments the effect on air quality was found to be negligible.
- 7.9 Socio-Economic changes
- 7.9.1 The currently vacant site would be developed for housing enhancing its current condition and the existing riverfront path would be incorporated into the overall scheme with a made surface and higher levels of natural surveillance. Construction will employ an estimated 1400 people and the sourcing of materials locally would enhance the economic benefit of the scheme. Adverse impacts on local people during construction can be controlled by conditions. Increased demand for local facilities will be offset by agreed Section 106 payments. It is not considered that the new residents will significantly change the demographic makeup of the area. The increase in local population will benefit the local economy in terms of increased demand for goods and services.
- 7.10 The ES summary concludes that the adverse effects of the development can be mitigated down to an acceptable level and the development is acceptable in planning terms.

## **8. ASSESSMENT**

- 8.0.1 *It is not considered that the revised application raises any new issues over and above those previously considered. However certain issues require further consideration due to comments arising from the re-consultation.*
- 8.0.2 *The Head of Law and Regulation (Noise) has raised concerns over the relocation of the flats and the need for a revised noise assessment. However the previous layout had flats and houses backing onto the railway and the new layout does not materially change this so in essence the relevant consideration has already been made and the new layout will not worsen the situation. As such it is concluded that a new noise assessment would not be necessary and the previous findings remain valid. The applicant submitted assessments of noise in the Environmental Statement and then subsequently in an Environmental Statement Addendum (where potential noise emissions from currently vacant industrial land was considered) and then finally in August 2014 an analysis was made of noise from Apex Joinery on the Crawford Trading Estate which had initially been dismissed as a noise*

source by the applicant (assumed to be B1 and suitable for co-location in a residential area).

- 8.0.3 *The Environmental Statement initially concluded that in regard to the J S Payne site and the Crawford Street Trading Estate adequate noise mitigation could be achieved through:*
- *Provision of a 2.6m acoustic barrier along the boundary;*
  - *Appropriate glazing;*
  - *Appropriate means of ventilation.*
- 8.0.4 *In regard to the land to the north of J.S. Payne the ES Addendum concludes that use of this land for storage in association with existing B2 uses would create noise issues for residents. Plot 102 of the original layout would be worst affected but the noise could be mitigated via 4/20/4 glazing and mechanical ventilation. Plots 1-44, 99-107 and 148-157 would also be affected and require similar treatment. The ES Addendum concludes any industrial use on the land in question is abandoned and a 2.6m acoustic fence alone would be adequate to address any potential noise issues.*
- 8.0.5 *Officers do not consider this to be a safe conclusion. Landuses are robust and long-lived and are not easily extinguished. The tests for abandonment were set out in the case of Castell y Mynach Estate v Secretary of State for Wales and Taff Ely Borough Council [1985] and are as follows:*
- *Time,*
  - *Condition of the land,*
  - *Intervening uses,*
  - *Owner's intention.*

*The area in question consists of concrete hardstandings which are beginning to break up and are in part colonised by vegetation. The site was clear of buildings in 2001 but they are present in 1991. In that period there have been no intervening uses, the hardstandings remain capable of supporting an outside storage use in association with the established B2 uses to the south, although some repair would be necessary. There is no indication of the owner's intentions and notwithstanding the long period the site has been devoid of buildings there is no firm indication that the B2 use has been abandoned and certainly no Lawful Development Certificate has been sought or granted confirming the nil use of the site. As such it is not considered a safe conclusion that the industrial use of the site has ceased. Notwithstanding this the most likely use has been modelled and it has been found that the noise nuisance could be mitigated. As such it is proposed to impose a suitable condition requiring the submission of a scheme of noise mitigation and its implementation.*

- 8.0.6 *Concerns raised by the Head of Law and Regulation (Noise) resulted in the applicant undertaking further noise work to assess noise on the Crawford Street Trading Estate emanating from Apex Joinery which immediately backs onto the application site. Site visits showed this unit was noisy beyond the applicant's initial assessment (predicated on the uses being B1 only). The August survey concluded that the noise could be mitigated by:*
- *Provision of standard 4/20/4 glazing and*
  - *Mechanical ventilation*
- For first floor habitable room windows facing towards Apex joinery on Plots 230 – 241 and ground and first floor habitable room windows facing towards Apex joinery on Plots 242-249.*
- 8.0.7 *None of the revised assessments makes a consideration of railway noise but it is considered that this can be addressed through conditional controls.*
- 8.0.8 *In conclusion it is considered that the Head of Law and Regulation's concerns can be addressed through an appropriate conditional regime.*
- 8.0.9 *Other issues raised at the public meeting held at the start of December 2014 which had not been previously considered related to matters regarding private access roads to the west and north of Morgan Street. The lane to the west of Morgan Street will be blocked off to the north of Morgan Street and will be incorporated into the development site. However access*

*to Morgan Street and to the 'lane' at the rear of Morgan Street will be retained in a useable form. Another private right of access over the site to the immediate north of 37 Collier Street will also be retained. For clarification a new access to the T.S. Resolute will be provided within the site compensating for the loss of the access lane. A condition can be applied to ensure the T.S. Resolute remains accessible to its users.*

8.0.10 *The Public Meeting held in early December identified issues in regard to the delivery route to the site. It was generally agreed that access from Caerleon Road via Turner Street was most appropriate in terms of protecting residential amenity. However it was noted that the East Usk access road has a slightly higher bridge which might be needed for some loads dependent on their height but this was not a suitable route in due to the narrowness of the roads and the number of dwellings that would be affected. Concerns were also raised over the number and duration of deliveries.*

8.0.11 *It is considered that these matters can be dealt with under condition. Condition 28 seeks relevant details.*

8.1 The key issues relevant to the determination of this application are:

Ground contamination

8.1.1 The site is known to be contaminated. The construction of Glan Usk School to the immediate north of this site identified gross contamination that required a significant level of remediation. In effect the land to the north of Lottery's Reen which crosses the northern part of this site was de-contaminated but the land to the south was not. The majority of this site lies to the south of Lottery's Reen.

8.1.2 The applicant has undertaken significant ground investigation as part of this application preparing a Remediation Strategy document (February 2014). The report's publisher, Terra Firma, concludes that the site can be remediated by a programme of capping the site with a layer of clean material and the installation of gas membranes and appropriate venting in the completed buildings.

8.1.3 The Remediation Strategy was informed by ground analysis that looked at soil contamination, ground water and the ground gas regime. It was concluded that capping would cut off direct contact with contaminated soils that will only be at risk of disturbance during construction activities (piling and the provision of band drains). Gas protection from methane emitted by deep lying peat layers could be addressed via the provision of gas membranes and under floor venting in buildings.

8.1.4 It was concluded these measures would be adequate to protect human health on the site. The Council's Scientific Officer has agreed with the conclusion of the Remediation Report and considers that the implementation and verification of the strategy as outlined can be achieved by an appropriate planning condition.

8.1.5 The second aspect of ground contamination relates to the impact on controlled waters, in this case the adjacent River Usk. The Remediation Strategy concluded that the chemical content of ground waters was within acceptable levels (Paragraph 2.6.2) and that there was no hydrological continuity between the ground water underlying the site and the river. It was proposed that there would be further rounds of groundwater monitoring and that discharge from band drains during the construction phase would be monitored for contaminants with capacity for revision to the remediation strategy to be built-in in the event that unexpected contamination was identified in ground waters. These provisions were sufficient to satisfy the Council's Scientific Officer.

8.1.6 However Cyfoeth Naturiol Cymru / Natural Resources Wales (CNC/NRW) have sought a comprehensive suite of conditions as part of the Appropriate Assessment required under Section 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). This assessment is required since the River Usk is Special Area of Conservation (SAC) and constitutes a European protected site. The appropriate assessment is considered in

more detail at Section 8.10 of this report but concludes that there would be no adverse effect on the River Usk subject to the application of planning conditions that would control the means by which the development was carried out.

- 8.1.7 The ground contamination conditions required by CNC/NRW are more onerous than those sought by the Council's Scientific Officer since they require stringent controls over surface water run-off and over ground water.
- 8.1.8 In terms of run-off CNC/NRW seek particular controls over water quality by preventing pollution from hydrocarbons comprising oil drop from vehicles in the operational phase and risk of oil leaks from on-site fuel tanks in the construction phase. This can be achieved by planning condition. Details of both foul and surface water drainage can be required under condition and it is proposed to do this.
- 8.1.9 CNC/NRW also requires details of the site investigation, remediation strategy and future verification that the strategy has been implemented and is working appropriately. CNC/NRW are also seeking a condition to address unforeseen contamination to allow for changes in the on-going remediation strategy in the event that unexpected circumstances should arise. For example CNC/NRW has expressed concern over the location of underground tanks on the site and the possible implications of ground water flow beneath the site. It is considered that a 'contingency' condition of this type is justified. Further protection of ground waters would be achieved by the application of a condition preventing the infiltration of surface waters on the site unless otherwise specifically agreed by the Council. The applicant's proposed remediation strategy does not include an impermeable capping layer at the current time but it is considered that the Remediation Strategy could be adapted to include one or for the applicant to do additional monitoring works that would allow the agreement for infiltration over some or all of the site. It is not considered that the condition would invalidate or be entirely at odds with the Remediation Strategy so far as it has been developed. Overall the no infiltration condition is considered to meet the necessary circular tests. A piling condition is also sought so the risks of piling activities opening up vertical pathways in the soil profile that could allow polluted waters to move can be avoided by ensuring piling is completed in an appropriate way.
- 8.1.10 Finally CNC/NRW seeks the application of a condition to control the chemical quality of the imported fill material. The Council's Scientific Officer also seeks a similar condition so this condition is uncontroversial.
- 8.1.11 Overall the application of the conditional regime will allow control over the remediation of the site. In effect CNC/NRW as a statutory consultee are seeking a more onerous conditional regime than the Council's Scientific Officer but their interests differ to his being primarily concerned with the protection of controlled waters and whilst the Scientific Officer's remit is human health. The Scientific Officer has spent significant time liaising with the applicant during the application process and is satisfied with the submitted Remediation Strategy. The application of the more onerous CNC/NRW conditional regime satisfies their concerns and will allow the applicant the opportunity to tweak the overall remediation strategy as it evolves. As such it is considered acceptable to apply CNC/NRW's conditions as requested in their consultation responses.
- 8.1.12 *In terms of the adopted LDP Policy GP7 (Environmental Protection and Public Health) does not permit development that would have an unacceptable harm to human health because of land contamination. It is considered that the proposed mitigation strategy as required under the proposed conditional regime will bring the development into compliance with this policy.*
- 8.1.13 *Policy CE3 (Waterfront Development) requires that the interests of water quality, water flow and nature conservation be considered in relevant planning applications. In this case the applied conditions will protect water quality and the conservation objectives of the River Usk SAC bringing the development into compliance with this Policy and also with Policy GP5 (General Development Principles – Natural Environment) since negative effects on nature conservation interests are avoided, mitigated or compensated for.*

## 8.2 Flooding & Landraising

- 8.2.1 The site lies within Zone C1 of the Welsh Government's Development Advice Maps. It is a defended flood plain. The advice of TAN 15, Development and Flood Risk is pertinent to the development as proposed. Development in Zone C must be justified under the tests at paragraph 6.2 of the TAN. In this case the site is allocated (in part) as a housing site in the adopted *Newport Local Development Plan 2011-2026* and therefore conforms with the requirement to be part of a local authority strategy and the land is brownfield land thereby conforming with test 6.2iii.
- 8.2.2 The TAN justification tests also require that a flood consequences assessment (FCA) is produced to show that the effects of a flood event can be managed within the parameters set out in Appendix 1 of the TAN. The applicant has produced an FCA in March 2014 which takes into account the advice issued by the Welsh Government in January 2014 confirming that the lifetime of highly vulnerable development such as housing should be considered to be 100 years and that extreme flood events (1 in 1000 year / 0.1% events) should be accounted for in any FCA.
- 8.2.3 The FCA provided by the applicant proposes that the site be raised to 9.8m Above Ordnance Datum (AOD) and that the finished floor levels of the dwellings should be at 9.95m AOD. At these levels the buildings would remain flood free during the 1 in 200 year tidal flood in the year 2114 thereby complying with the advice in TAN 15 and the recent advice from the Welsh Government. The FCA also considers whether there is a safe egress from the site during a flood event. It concludes that the access to the south will not be available since flood depths will exceed 600mm. However a pedestrian access will be available to the north where flood depths will be lower (less than 600mm and at low velocities 0.2m/s) and access to Bank Street can be achieved via the Glan Usk School site. The FCA notes that tidal flooding is predictable and that residents will benefit from prior warning and that in any event the site is likely to stay dry whereas surrounding areas will be inundated.
- 8.2.4 The land raising is not considered harmful to the interests of people offsite. The site for the most part benefits from an extant permission (00/0708 and 03/1531) which allowed for the construction of the new Glan Usk School and associated housing. This permission allowed for land raising to 9.8m and finished floor levels of 10.4m and is accepted as capable of implementation. The school has been developed using these levels. In effect it offers a fallback position to the applicant, that is a scheme that could be implemented. The submitted FCA considered the offsite effects of the consented landraising and compared them to the offsite effects of the scheme being currently pursued. In comparison to the consented scheme the application scheme will displace less water due to the slightly lower land raising that is required meaning that offsite impacts would be slightly reduced under this scheme giving a very slight betterment.
- 8.2.5 *Policy SP3 (Flood risk) of the LDP requires that developments in areas at risk of flooding are only permitted where they accord with national guidance. In this case the development will give a very slight worsening in offsite flood effects. This is contrary to recent guidance. However the site already has an extant permission that would allow a greater degree of site raising than sought under this application and as such the current proposal is preferable than that which could be built out currently in terms of exacerbating offsite flood effects. As such this contravention of policy SP3 is clearly outweighed by the existence of the fallback position and the proposal is acceptable in terms of offsite flood effects. SP3 requires a detailed technical assessment to be submitted to 'ensure that the development is designed to cope with the threat and consequences of flooding over its lifetime. This aligns with the requirements of TAN 15. The applicant has submitted the required technical assessment (FCA) and has demonstrated that the consequences of a flood event can be managed over the development's lifetime.*
- 8.2.6 In terms of the ordinary water course on the site, Lottery's Reen, the applicant has undertaken a Hydrological Study (March 2014). This models the response of the reen to a

high intensity rainfall event at high tide (tidelock) conditions and also makes an allowance for climate change and future higher intensity rainfall events. The modelling concludes that the proposal to widen the reën and raise the site means that the reën will have sufficient capacity to absorb surface water run-off from the site and inflow from higher up the reën's catchment without flooding even if the reën is tidelocked. It is proposed to put a gate flap on the reën to prevent high tides flowing into the reën in the future. Currently a small section of the very southern 'tail' of the site is proposed to be drained by a permeable paving system (part of the access road from Collier Street). The Hydrological Study suggests that permeability on the site is low which is why the scheme has adopted a system of drainage to Lottery's Reën. The *Head of Streetscene and City Services* has raised concerns that a permeable system will be ineffective here. Additionally Cyfoeth Naturiol Cymru/Natural Resources Wales are seeking a no infiltration condition to protect controlled waters. A condition in those terms would prevent the applicant's proposed drainage scheme from being utilised. However additional details of drainage could be sought under the conditional regime and so it is proposed to seek further information from the applicant prior to commencement of ground works to address this area of uncertainty. As noted under the contamination section of this report the infiltration condition would allow for infiltration if it could be demonstrated there was no risk to controlled waters and that a permeable system could provide the necessary level of drainage capacity. It is considered that such a condition would meet the circular tests and can be applied and if consultees cannot be satisfied that infiltration is acceptable and practical then the applicant can pursue an alternative approach under the conditional discharge regime in regard to contamination and drainage.

### 8.3 Level changes – affect on adjacent sites

8.3.1 *It should be noted that the revised proposal replaces the proposed retaining walls with earth embankments other than at the rear of Plots 1-36 which are flatted units were a Type 5 retaining wall will be employed. This wall would be a 2.0m high concrete wall topped with a 1800mm fence. The consideration remains as discussed below, the land raising is acceptable and there would be no unacceptable adverse effect on amenity.*

8.3.2 The land raising will raise the site to 9.8m. Existing levels are mainly between 7.0 and 8.0m AOD with the river bank being higher, varying between 9.0 and 10.0 along the riverfront. As such the imported material will need to be retained. The applicant proposes a series of retaining walls primarily along the site's eastern fringe. The access road from Collier Street will gently rise up into the site via a landscaped area prior to the first dwellings (blocks of flats). The first dwellings will back onto the Morgan Street Industrial Units with the units higher up the site backing on to the J. S. Payne site and the vacant land to the north of that unit. At the northern end of the site the eastern boundary is formed by the railway line (Newport to Hereford). Given that no walls will back onto residential properties and the affected sites are either commercial, vacant or part of the railway estate the level changes are not considered to be harmful to the amenity or outlook of any neighbouring occupier. The proposal will incorporate the current access lane to the T.S. Resolute (Newport Sea Cadets). Future access will be provided via the main access road into the site and driveway down to the T.S. The Sea Cadets have not objected to the proposal and the proximity of the retaining wall to the T.S. is not considered to be harmful given the nature of the existing use. As such the level changes are considered acceptable in terms of general amenity and outlook and *LDP Policy GP2 (General Amenity) is complied with since there will be not significantly adverse effect on local amenity via overbearing affect and a derelict site will be remediated and bought back into use which will be beneficial to overall amenity.*

### 8.4 River front / Design / PRow

8.4.1 The scheme positively addresses the river frontage which was an issue raised at pre-application stage.

- 8.4.2 The River Usk Strategy was formerly adopted SPG in regard to the NUDP 1996-2015. With the expiry of the NUDP the document has no weight in planning terms. However it prioritised the following for the M4 to Town (Newport) Bridge section of the river:
- Redevelopment of the Glebelands to include a school and residential use,
  - Flood mitigation improvements at the Glebelands,
  - Continuity of the cycle / footpath route through the Glebelands.
- 8.4.3 It is considered that these issues are for the most part adequately dealt with. The PRow will be relocated off its current top of bank location into a made 2m wide pathway. This will remain a footpath-only since only Public Bridleways can be used as a cyclepaths and at 2m wide it will be insufficiently wide to safely accommodate mixed pedestrian and cycle traffic. An earlier plan to convert the footpath to a combined footpath cycleway was not pursued due to the requirement to make legal changes to the status of the route and due to a desire to maximise the bank top buffer strip it was agreed to narrow the width of the route from 3m to 2m. That said the roadway into the estate will provide a potential route for cycles that does not currently exist, traffic speeds can be slowed by in-built features and conditions relating to detailed road design can secure the implementation of appropriate low speed road design in residential areas. Overall it is not felt that the failure of the scheme to provide a dedicated cycleroute is so harmful that permission could be withheld and the potentiality for securing a more coherent longer distance route along the river's east bank can still be pursued in the future. The aspirations of the River Front Strategy would not be prevented from being fulfilled if this proposal was to be granted permission.
- 8.4.4 *Although no longer of any weight the scheme's broad compliance with the Strategy is seen as positive and indicative of its compliance with the broad thrust of more generalised higher tier policy.*
- 8.4.5 The scheme will provide an active frontage to the riverfront giving passive surveillance of the footpath. The separation of the buildings from the river by the landscaping on the bank top, the footpath and the access road are desirable since it will help to maintain the sense of space that currently exists along the riverfront and will distance activity from the ecologically sensitive river and river bank. The openness of the river front area means that the river front flats at 3 and 4 stories do not appear out of scale and relate well to the setting. The applicant has provided a series of streetscenes that confirm the taller flatted blocks will relate acceptably to the river front and to what is around them.
- 8.4.6 In general terms the layout provides an appropriate level of separation and adequate amenity space. The houses are served by gardens that in most instances provide the relevant garden depth of 10m and any departures are acceptable. The layout reduces inter-visibility to acceptable levels with rear facade to rear facade distances being around the 20m mark. Front facade separations are also acceptable being across roadways and in most instances over parking spaces at the front of the dwellings. The flats have highly limited outdoor space. However this is a characteristic of flatted development and the scheme will provide outdoor amenity space along the river front and at the Glebelands recreation ground so this is considered an acceptable level of amenity for future occupiers of the flats.
- 8.4.7 In Policy terms the proposal is compliant with *Policy SP18 (Urban Regeneration)* since derelict land will be reclaimed and brought back into beneficial use as housing. It is considered that the scheme does constitute good design and therefore complies with *Policy GP6 (Quality of Design)*, the scheme is sensitive to its riverfront context and will maintain or enhance pedestrian access. Although consisting of some 4 storey blocks the scheme is not monolithic or out of scale. Although incorporating some parking courts to serve the flatted developments these are generally minimised and overlooked from habitable room windows giving scope for greater security. In any event the Police Architectural Liaison Officer has not objected so *there is no reason to raise an objection.*
- 8.4.8 *The site is allocated for housing under LDP Policy H1 (Housing – sites identified as providing 10 or more units) and is identified as site H5 which is expected to deliver 153 units over the plan's lifetime. The exceedance of this target for the site is not considered*

*harmful in terms of character and appearance and would not amount to overdevelopment of the site.*

8.4.9 The proposal will contain some open space around the access point from Collier Street, along the river front and around the widened Lottery's Reen. However it is adjacent to the equipped play area off Courtney Street and the Glebelands recreational area would be a short walk away from the site. *Policy CF2 (Outdoor Play Space Requirements)* is considered to be complied with notwithstanding the relatively limited recreational space within the site.

8.4.10 Parking provision complies with the *superseded* SPG 'Newport City Council Parking Standards 2012' with reductions in parking provision having been achieved due to the site's sustainability credentials. *This SPG is likely to be readopted in its current form in the near future and although the SPG carries no weight at the current time it is indicative of the standards the Council is likely to seek in parking provision for this development. In any event the Head of Streetscene and City Services (Highways) has not objected to the proposed level of parking provision.*

## 8.5 River front / Bio-diversity

8.5.1 The site fronts the River Usk which is Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). The river is noted for its otter and fish features primarily and this is addressed in the Appropriate Assessment at Section 8.10 of this report. The river front treatment will consist of a series of landscaped bunds that will be planted out and fenced off to prevent ingress by people and their pets. Conditions will specifically protect the river frontage from adverse impacts during the construction phase, primarily via controlling construction operations near the river at specific times as required. During the operational phase the maintenance of the soft landscaping will protect the river front and other conditions will deal with controlling lighting in order to ensure the river bank remains dark. The applicant is also committed to the provision of offsite otter mitigation in the form protected river bank areas and the provision of a holt. The application of appropriate conditions means that the scheme will not have an adverse effect on the European protected River Usk and brings the proposal into conformity with *LDP Policies CE3 (Waterfront Development), GP5 (General Development Principles – Natural Environment) and SP9 (Conservation of the Natural, Historic and Built Environment)*.

8.5.2 The applicant is also seeking to provide mitigation in relation to none SAC issues. These are outlined at Paragraph 7.120 of Volume 2 of the Environmental Statement and include:

- Japanese Knotweed eradication,
- Provision of reedbeds in Lottery's Reen,
- The planting of Prickly Lettuce (Small Ranunculus moth),
- The provision of species rich flower meadows within the Glebelands SINC,
- Slow worm translocation,
- Provision of bat and bird boxes,
- An agreed site clearance methodology to reduce impacts on various species.

These gains can be secured via the imposition of an Environmental Management Plan condition which can address these matters in detail at a later point.

## 8.6 Foul Drainage

8.6.1 Dwr Cymru / Welsh Water (DCWW) have not objected to the proposals. There have been issues of localised flooding from overburdened sewers in the vicinity of the site. Initially DCWW did raise an objection but negotiations between the applicant and DCWW have resulted in the removal of those objections and it should be borne in mind that there is an extant planning permission on the site that could be developed regardless. DCWW now recommend the application of conditions to overcome its concerns. These concerns can be addressed by the application of a condition seeking full details of all arrangements for the drainage of foul and surface water from the site at a suitably early stage of the development process. The implementation of the agreed drainage can be required under the same conditional regime.

## 8.7 Noise

8.7.1 Refer to Paragraph 8.0.2 to 8.0.8.

## 8.8 Traffic

8.8.1 The applicant has submitted a Transport Assessment as part of the application. The assessment confirms that there is sufficient capacity in the local highway network to absorb the traffic that will be generated by the proposal. The applicant has agreed to pay a sum of £5000 to cover the cost of the recalibration of the traffic lights in Clarence Place. This is considered necessary to allow the continued efficient operation of that junction. As part of the proposal the applicant has also produced a Travel Plan. This envisages the appointment of a Travel Plan Co-ordinator who will co-ordinate the implementation of the Travel Plan measures which will include publicity material on local public transport and walking routes, the establishment of 'Bicycle Users Group' for the development, car sharing as much as possible and the promotion of 'on-line' shopping as an alternative to car use.

8.8.2 It is considered that impacts of the additional traffic generation within the local road network will not be unacceptably adverse. The Head of Streetscene & City Services has not objected to the proposal. The implementation of the Travel Plan can be achieved by condition and offers scope for some mitigation of the impact of the development. The Section 106 contribution is considered adequate to offset any adverse impact on the Clarence Place junction. Offsite footway improvements that would also encourage foot traffic can also be required under condition.

## 8.9 S106

8.9.1 *Section 106 contributions can be required from developers to offset the harm to local infrastructure that arises from a proposal. LDP Policy SP13 (Planning Obligations) seeks appropriate contributions that are related in scale and kind to the development proposed. The developer has agreed to the contributions listed at Paragraph 5.11 of this report and these are considered sufficient to offset the harm to local services caused by the proposal.*

## 8.10 Appropriate Assessment

8.10.1 The River Usk has been designated because the following species are special features to the River Usk:-

- Allis Shad;
- Twaite Shad;
- Bullhead;
- River Lamprey;
- Brook Lamprey;
- Sea Lamprey;
- Atlantic Salmon;
- Otter;
- Water Crowfoot.

8.10.2 The conservation objectives of the SAC are attached as an Appendix. The Usk is considered one of the best examples of a near natural river system in England and Wales. The range of plants and animals reflects a transition from nutrient poor to naturally rich. It was notified to protect a wide range of habitats and features. It also acts as an important wildlife corridor, an essential migration route and a key breeding area for nationally and internationally important species, including otter.

8.10.3 In its consultation responses of February 2014 and May 2014 CNC/NRW identified the following as key areas of concern:

### **Otter Features:**

- 8.11.1 Particular threats to the otter features of the River Usk posed by the development were identified as being:
- The design and location of the development
  - Site clearance and Construction
  - Site Operation, and
  - The effectiveness of mitigation proposals
- 8.11.2 The proposed scheme is a residential development of flats and houses. The dwellings will be set back from the river front. The proposal envisages an access road along the river frontage, a two metre wide footway and a landscaped area between the footway and the top of the river bank including the creation of low bunds to deter access. The applicant has indicated that this area will be landscaped. These arrangements are shown in *Cross Sections sw49(04)16E, 17E and 18E*. The existing public right of way that runs along the top of the river bank will re-routed along the proposed footway and further away from the top of the river bank than it currently is. The landscaped area between the path and the river will be fenced off and a series of bunds / embankments will be engineered. It is considered that the design of the proposal would not have an unacceptable impact on the otter feature of the River Usk subject to the proposed river front treatment being implemented in a timely way, that is early in the development project. The applicant has confirmed in his Environmental Statement that the buffer strip and bunding would be completed as enabling development prior to the main construction phase commencing. This is required under planning condition 33. *The applicant initially included landscaping plans for the riverfront and the wider site but these have not been updated as the development has been amended and have been withdrawn from the proposal. It is considered that a detailed landscaping scheme and an appropriate management scheme can be required under conditional control.*
- 8.11.3 The site will need to be de-contaminated and then raised for reasons of flood prevention. As such significant engineering works will be required at the outset of the project. The risk posed to the river would arise from:
- the mobilisation of sediment which could wash into the river,
  - run-off of / or the percolation of contaminated waters (derived from the ground contamination on the site) into the river,
  - the facilitation of the movement of contaminated waters vertically through the soil profile,
  - direct disturbance via operations near the top of the river bank.
- 8.11.4 Proposed conditions seek the submission of a Construction Environmental Management Plan (CEMP) which will require details of the working methods to be employed on the site. Specific clauses refer to control of run-off which should ensure that waters which are polluted by either contamination or sediment do not enter the river. Another requirement of the CEMP relates to specific measure to be taken in the sensitive river front area to limit or prevent direct disturbance to the sensitive river bank environment.
- 8.11.5 Further conditions relate to the storage of fuels and hydrocarbons so that they are stored in such a manner that reduces the risk of contamination to ground and surface waters. Conditions put in place controls over any piling methodology reducing the risk of the mobilisation of contaminated waters through the soil profile.
- 8.11.6 De-contamination of the site is required under proposed conditions. The proposed scheme is one of capping the contaminated ground using imported materials. The conditions should isolate the currently exposed soils and replace them with a chemically inert capping layer. The implementation of the accepted decontamination programme can be required under conditional controls. The chemical suitability of the imported materials can also be required under condition. Overall the proposed conditions should see the successful containment of any contamination and reduce the risk of it entering the river. Proposed conditions relate to the decontamination programme and the importation of capping materials onto the site.

8.11.7 Overall it is considered that the proposed conditional controls acceptably control the risk posed by the otter interest of the River Usk during the construction phase of the development.

Risks from site operation to the otter interest arise from:

- direct disturbance by people and dogs
- disturbance by lighting
- hydrocarbon contamination from motor vehicles

8.11.8 The proposal includes physical measures to exclude people and animals, that being exclusionary fencing, landscaping and planting that all act to discourage access. The provision of these elements can be required under condition and should be effective at discouraging access. It should be noted that the current Public Right of Way tracks close to the top of the bank and as such the proposal offers the prospect of enhancement in moving people away from the top of the river bank and inter-posing features that will reduce the likelihood of access. Proposed conditions will place controls over permanent street lighting which will ensure that the sensitive river bank environment remains unlit and that the chances of disturbance to otters is reduced. Proposed Condition 1 will require that surface water drainage from areas where hydro-carbons may be spilled from motor vehicles is cleansed of hydrocarbons. This will reduce the risks of contaminated run-off reaching the river.

8.11.9 In terms of mitigation the developer has proposed a mitigation area north of the application site where it is proposed to fence in three 30m sections of the bank with dog proof fencing and to then enhance these areas for the otter interest of the river. This would involve provision of a holt, eradication of Japanese Knotweed and the strengthening of native planting. This is to mitigate for the loss of habitat within the main site area. The details of the enhancement programme and its future maintenance can be required under proposed conditions. The same can be achieved for the river front treatment via other proposed conditions.

### **Fish Features**

8.12.1 Risk to fish features of the River Usk would arise primarily from:

- contaminated run-off from the site entering the river (sediment load and chemical content)
- direct effects upon the river from construction and operation of the site; noise, vibration & lighting.

8.12.2 Particular Risks will accrue at the following stages:

- The design and location of the development
- Site clearance and Construction
- Site Operation, and
- The effectiveness of mitigation proposals

It is not considered that the design and location of the development will have an adverse effect upon fish features of the river.

8.12.3 Site clearance and operation has the potential to release contaminants or sediment but the proposed CEMP condition in association with the proposed decontamination condition would control these risks.

8.12.4 Specific proposed conditions would protect the fish interest by preventing works that would interrupt the migration of shad. Other proposed conditions would prevent in-river works during the times of significant fish migrations.

8.12.5 Site operation could adversely affect water quality. Proposed conditions requires run-off from areas where 'oil-drop' may be present to be cleansed of hydrocarbons. Other conditions require general control over foul and surface water drainage.

8.12.6 These conditions are considered adequate to prevent adverse impacts on the conservation interests of the river during the operational phase of the development.

### **Contamination**

8.13.1 The site is known to be contaminated by previous uses. The applicant has provided a mitigation strategy for contamination. Proposed conditions require the agreed programme to be implemented and subsequently verified and monitored. The overall strategy is one of capping with clean material which will also act to raise the site for the purposes of flood prevention. Approximately 9500 cubic metres of material will be needed to raise the site with another 5500 cubic metres required for surcharging the site. Proposed conditions require this material to be chemically tested and suitable for the proposed residential end use. This will also protect the integrity of the River Usk and its conservation objectives. It is considered that these controls will prevent risks to the river arising.

### **Water quality / Hydrology and Drainage**

8.14.1 Risks to water quality would arise from:

- Run-off contaminated with sediment or chemicals leached from polluted ground entering the river,
- Mobilisation of contaminated waters vertically through the soil profile,
- Groundwater movement of contaminated waters through the soil to the river.

8.14.2 Particular Risks will accrue at the following stages:

- The design and location of the development
- Site clearance and Construction
- Site Operation, and
- The effectiveness of mitigation proposals

8.14.3 The design and location of the proposal is not considered to pose any inherent risk to water quality over and above that posed by the existing unmitigated site. The provision of hard surfaces and the adequate treatment of run-off from these surfaces will reduce infiltration and potential risks to ground waters.

8.14.3 The proposed CEMP condition will protect the river during the construction phase reducing risks to the conservation interests of the River Usk. During the operational phase proposed conditions will deal with run-off requiring the removal of hydro-carbons as required and requiring a generalised control over foul and surface water run-off. The proposed conditions are considered adequate to prevent risk to the conservation interests of the river during the varying phases of the development.

### **Overall consideration**

8.15.1 The concerns regarding the potential for impact on the River Usk SAC are impacts on the otter feature including via the design and location of development, site clearance and construction, disturbance during the operation phase and mitigation; impacts on fish features; contamination risks; impacts on water quality, hydrology and drainage.

8.15.2 Risks arise from the possible discharge of contaminated surface and groundwater water drainage with the potential resultant impacts on the fish and otter features of the SAC. There is the potential for significant effect on the migratory fish and otter features of the River Usk SAC. The specific concerns relate to: how surface water would be disposed of during construction and operation; how potential contamination of groundwater on the site will be addressed; and what measures will be in place to prevent potentially contaminated run-off entering the River Usk during both construction as a result of disturbance of ground contamination and operational phases of the development. It is therefore recommended that should planning permission be granted conditions are imposed to provide suitable protection.

- 8.15.3 The current and previous uses of the site raise the question of contamination. It is therefore recommended that conditions be imposed to ensure that a full investigation of contamination on the site is carried out and any contamination which is found is remediated in accordance with an approved remedial strategy.
- 8.15.4 In terms of foul drainage, Conditions require full details of provision so as to ensure there is sufficient capacity in the system thereby avoiding contamination of waters entering the River Usk SAC.
- 8.15.5 It is considered that with the imposition of suitable conditions to ensure that contamination of the River Usk SAC and SSSI is avoided and that remediation measures are implemented, there would be little likelihood of contaminated material entering the water system, and the proposal would not have a significant adverse effect on the River Usk SAC.
- 8.15.6 Other risks to the river front, particularly the otter feature are addressed via the proposed layout of the site, the proposed riverfront treatment and the provision of an otter mitigation area. The riverfront treatment and otter mitigation can be secured under proposed conditions and would see the provision of bunding, planting and fencing along the river that would deter ingress by people and dogs and the provision of a holt and secured resting area on the river bank to the north of the site.
- 8.15.7 In terms of in combination effects of the development other developments have taken place along the Usk river frontage in the vicinity of the site. The site to the north (the Glan Usk School Site) was granted permission under outline application 00/0768/O and then Reserved Matters application 03/153/RM. The outline permission contained a suite of contamination related conditions which were subsequently discharged for the school site under succeeding approvals. Approval 09/0591 vetted the certification for the remediation of the school site. As such the adjoining development site to the north has been decontaminated and the in-combination effects upon the SAC from the two adjacent sites would not be greater than the effects emanating from the application site alone. These effects are judged manageable under an appropriate conditional regime.
- 8.15.8 Redevelopment sites to the south of the application site, south of the Town Bridge (Newport Bridge) have been subject to appropriate assessment and the issues that have arisen on these sites reflect those on this site. Those sites were also subject to a suite of planning conditions to control risks to the bio-diversity interests of the River Usk. These sites are mostly completed and given conditional compliance the in-combination effects of those sites with this site would be negligible.
- 8.15.9 With the inclusion of appropriate conditions it is considered that any adverse effects on the River Usk SAC associated with the development can be satisfactorily avoided.

#### Further Environmental Mitigation

- 8.16.1 The applicant proposes further environmental mitigation in his Environmental Statement that do not relate to a European Site or species. These include:
- Japanese Knotweed eradication
  - Provision of reedbeds in Lottery's reed
  - The planting of Prickly Lettuce (Small Ranunculus moth)
  - The provision of species rich flower meadows within the Glebelands SINC
  - Slow worm translocation
  - Provision of bat and bird boxes

- An agreed site clearance methodology to reduce impacts on various species

8.16.2 These protections / benefits can be secured under other non Appropriate Assessment conditions.

## 9. OTHER CONSIDERATIONS

### 9.1 **Crime and Disorder Act 1998**

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

### 9.2 **Equality Act 2010**

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

9.3 Having due regard to advancing equality involves:

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

9.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

## 10. CONCLUSION

10.1 The proposal is considered acceptable and it is recommended that permission be granted subject to conditions and a legal agreement.

## 11. RECOMMENDATION

GRANTED WITH CONDITIONS SUBJECT TO S106 AGREEMENT WITH DELEGATED POWER TO REFUSE THE APPLICATION IF THE S106 AGREEMENT IS NOT SIGNED WITHIN 6 MONTHS OF THE COUNCIL'S RESOLUTION TO GRANT PLANNING PERMISSION.

### CONDITIONS

#### **Plans Condition**

01 The development shall be carried out strictly in accordance with the following plans and documents:

*Addendum to Environmental Statement – Volume 1 (Non-technical Summary), Addendum to Environmental Statement – Volume 2 (Addendum), Environmental Statement – Volume 3 (Appendices), Noise Impact Assessment for Proposed Residential Development (12 August 2014), Noise Impact Assessment for Proposed Residential Development (07 July 2014), Waterman Letter dated 28<sup>th</sup> May 2014 entitled 'Hydraulic Model Review – Proposed Development at Herbert Road, Newport), Remediation Strategy Proposed Residential Development Herbert Road Newport (February 2014), Terra Firma letter dated 01 April 2014 entitled 'Additional Groundwater*

Monitoring: Herbert Road Newport'; Acoustic Note entitled ' BASIC Barrier Attenuation – Based on CRTN', Statement of Community Consultation, Design and Access Statement and the following drawings:

Drawing sw49(00)01 – Location Plan  
Drawing sw49(04)01J – Proposed Site Layout  
Drawing sw49(04)06C – Boundary Treatments  
Drawing sw49(04)10B – Proposed Street Elevations (1 of 6)  
Drawing sw49(04)11B – Proposed Street Elevations (2 of 6)  
Drawing sw49(04)12B – Proposed Street Elevations (3 of 6)  
Drawing sw49(04)13B – Proposed Street Elevations (4 of 6)  
Drawing sw49(04)14B – Proposed Street Elevations (5 of 6)  
Drawing sw49(04)16E – Proposed Site Sections (1 of 3)  
Drawing sw49(04)17E – Proposed Site Sections (3 of 3) (sic)  
Drawing sw49(04)18E – Proposed Site Sections (3 of 3)  
Drawing sw49(04)G100A – 3P 2B Flats – Floor Plans and Elevations – Plots 232-243  
Drawing sw49(04)G200A – 3P 2B Flats – Floor Plans and Elevations – Plots 244-251  
Drawing sw49(04)L100C – 3P 2B Flats – Floor Plans and Elevations – Plots 1-36  
Drawing sw49(04)L200C – Block 1 – 799+877 House Types – Floor Plans and Elevations  
Drawing sw49(04)L300B – Block 2 – 910+666 House Types – Floor Plans and Elevations  
Drawing sw49(04)L400C – 3P 2B Flats – Floor Plans and Elevations  
Drawing sw49(04)L500A – Block 3 910+666 House Types – Floor Plans and Elevations  
Drawing sw49(04)L600B – Block 4 – 799 House Type – Floor Plans and Elevations  
Drawing sw49(04)L700B – Block 5 – 910 House Type - Floor Plans and Elevations  
Drawing sw49(04)L800B – Block 6 – 799+666 House Type – Floor Plans and Elevations  
Drawing sw49(04)L900B – Block 7 – 799+666 House Types – Floor Plans and Elevations  
Drawing sw49(04)L1000B – Block 8 – 799+666 House Type – Floor Plans and Elevations  
Drawing sw49(04)L1100C – Block 9 – 877 House Type – Floor Plans and Elevations  
Drawing sw49(04)L1200C – Block 10 – 877+666 House Type – Floor Plans and Elevations  
Drawing sw49(04)L1300B – 3P 2B + 2P 1B flats – Ground and First Floor Plans – Plots 62-83  
Drawing sw49(04)L1301A – 3P 2B + 2P 1B flats – Second and Third Floor Plans – Plots 62-83  
Drawing sw49(04)L1302B – 3P 2B + 2P 1B flats – Elevations – Plots 62-83  
Drawing sw49(04)S200A – 2B 3P Flats – Elevations – Plots 186-191  
Drawing sw49(04)S300A – 2B 3P Flats (adapted) – Floor Plans – Plots 192-204  
Drawing sw49(04)S301A – 2B 3P Flats (adapted) – Elevations – Plots 217-228  
Drawing sw49(04)SH100A – 1B 2P Flats – Elevations – Plots 180-185  
Drawing sw49(ENG)500B – Foul and Surface Water Drainage Layout (1 of 4)  
Drawing sw49(ENG)501B - Foul and Surface Water Drainage Layout (2 of 4)  
Drawing sw49(ENG)502B - Foul and Surface Water Drainage Layout (3 of 4)  
Drawing sw49(ENG)503B - Foul and Surface Water Drainage Layout (4 of 4)  
Drawing sw49(ENG)700B – General Arrangement – Section 38 Agreement (1 of 4)  
Drawing sw49(ENG)701B – General Arrangement – Section 38 Agreement (2 of 4)  
Drawing sw49(ENG)702B – General Arrangement (3 of 4)  
Drawing sw49(ENG)703B – General Arrangement – Section 38 Agreement (4 of 4)

Drawing 2396 – Topographical Survey

Un-numbered drawing – clarification of application area in the vicinity of Morgan Street (received 11.12.2014)

Un-numbered drawing – clarification of boundary wall treatment near Morgan Street (received 11.12.2014)

**Reason:** to comply with Welsh Government Circular 016/2014, Paragraph 5.30.

## PRE-COMMENCEMENT CONDITIONS

### **General Control over Drainage (Appropriate Assessment)**

2 No development shall commence in relation to each phase as defined by Condition 7 (unless in relation to remediation of contamination or other specific advanced works as agreed in writing) until details of the foul and surface water drainage and storage system for that phase (or for any other area as may be agreed) including means of discharge into the drainage network, have been submitted to and approved in writing by the local planning authority. The development associated

with each phase shall be implemented in accordance with the approved details prior to first occupation of that phase.

**Reason:** to ensure the protection of the River Usk SSSI and the River Usk SAC and to prevent overloading of the local sewerage and surface water drainage network.

### **Contamination & Ground Remediation – Assessment, Implementation Scheme and Verification Plan (Appropriate Assessment)**

3 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- a. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reason:** Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity due to proximity to River Usk SAC and contamination is known/strongly suspected.

### **Construction Environmental Management Plan**

4 Prior to the commencement of development in relation to each phase as defined by condition 7 or for any other works over any other agreed area of the site, a Construction Environmental Management Plan (CEMP) pertaining to those specific works and the area they affect shall be submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following:

- i. The position of temporary haul roads and compounds containing site offices, workers welfare facilities or compounds containing plant or for the storage of equipment and materials;
- ii. wheelwashing facilities;
- iii. dust suppression measures;
- iv. noise mitigation measures;
- v. details of temporary lighting during construction works; these shall include details of how light spill to the river will be prevented
- vi. details of enclosure of working areas;
- vii. the drainage strategy to operate during construction setting out controls of contamination during construction, including controls to surface water run-off, water pumping, storage of fuels and hazardous materials, spill response plans and other pollution control measures.
- viii. Other pollution prevention and contingency measures that are to be implemented.
- ix. Details of specific measure to protect the conservation objectives of the river Usk in terms of control of operations within 10m of the top of the river bank.

Works for each phase or any other agreed area shall be implemented in accordance with the approved CEMP for that phase or area unless otherwise agreed.

**Reason:** to protect the amenities of nearby residents and in the interests of safeguarding the conservation objectives of the River Usk SAC and SSSI.

### **Implementation of Offsite Otter Mitigation Area**

5 Prior to the commencement of any development on the site details of the offsite otter mitigation areas outlined at bullet point 3 of Paragraph 7.120 of the 'Addendum to Environmental Statement –

Land South of Glan Usk, Newport' (April 2014) shall be provided to the Council. The scheme shall include details of a future maintenance programme both for the short term (5 years) and longer term (10 years). Following the Council's written agreement the approved details shall be implemented fully as approved prior to the commencement of any other works within 10m of the top of the river bank unless otherwise agreed in writing.

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

### **Landscaping – Details & Implementation**

6 Prior to the commencement of any works on the site, other than in relation to specific advanced works that have been agreed in writing by the local planning authority details of a landscaping scheme for the approved scheme (or of any part of it as may be agreed under a phased implementation) shall be submitted to the Local Planning Authority. In relation to tree/shrub planting the scheme shall include inter alia grass mixtures and the number, species, heights on planting and positions of all trees and shrubs as well as details of trees to be retained and measures to protect them during construction). Thereafter the landscaping scheme pertinent to each phase of development hereby approved shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the associated phase of development (as agreed under Condition 7) unless in relation to the riverfront or otter mitigation areas where it shall be completed in accordance with the details agreed under conditions 33 & 5. Thereafter, the trees and shrubs shall be adequately maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition a full planting season shall mean the period from October to April inclusive.

**Reason:** to safeguard the rights of control of the local planning authority in these respects and to ensure that the site is landscaped in a satisfactory manner.

### **Phasing Plan**

7 The development of the land shall proceed sequentially in accordance with an approved phasing plan and phasing programme setting out the proposed phasing of development on the site which shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development of the land shall proceed in accordance with the approved phasing plan and phasing programme and shall have regard to the requirement to implement the riverfront treatment at an early stage of the development.

**Reason:** in the interests of controlling the phased development of the site.

### **Details of Roads/cycleways/footways**

8 Roads/cycleways/footways on the site in relation to each phase (as defined by Condition 7) shall be constructed in accordance with plans submitted to and approved in writing by the local planning authority prior to commencement of development of the relevant phase and completed in accordance with the approved details prior to first occupation of that phase unless an alternative timescale has been approved in writing by the local planning authority.

**Reason:** in the interests of highway and pedestrian safety and to ensure that the road works are completed to an adoptable standard.

### **Ecological Management Scheme**

9 No work shall commence on the approved scheme (unless otherwise agreed in writing in relation to specific works as agreed with the local planning authority) until an ecological management scheme for the site has been submitted to and approved in writing by the local planning authority. Following the local planning authority's written approval of the ecological management scheme, the scheme shall be fully implemented as approved following the occupation of the last house within each phase of the scheme as identified in Condition 7 to which the measures pertain. In the event the phase contains no houses the scheme shall contain a timetable for implementation of the proposed measures. The Ecological Management Scheme shall contain details in regard to the short (5 years) and long term (10 years) ecological management of the site and shall have regard to the landscape management scheme submitted under condition 19. The scheme shall contain details regarding the management of the sensitive riverfront area and the otter mitigation area (unless otherwise submitted under conditions 15 & 16) as well as the wider site.

**Reason:** to retain features of ecological interest within the site and to enhance the overall sustainability of the scheme.

## PRE-OCCUPATION CONDITIONS

### **Contamination & Ground Remediation – Verification Report**

10. 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.

### **Conditions to protect Human Health**

11 No part of the development hereby permitted shall be occupied until:

A) Based on the information provided within the Integral Geotechnique report 10834/GNS/11E (June 2013) an appropriate assessment of groundwater shall be undertaken which complies to (BS10175/2011), and shall be submitted and approved in writing by the Local Planning Authority. Should this assessment identify significant contamination which requires remediation all works must stop until a revised remediation strategy is submitted to and agreed by the local planning authority and implemented by the developer.

B) Based on the remediation proposals within the Integral Geotechnique report 10834/GNS/11E (June 2013) and Outline remediation Strategy Report 10834/GNS/RSR/A (Dec 2011) or in the event any other additional remediation strategy is submitted to and approved in writing by the local planning authority a Completion/Verification Report, confirming the agreed remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

### **Details of Recreation Areas**

12 Details of all formal and informal recreation areas (details to include siting, design, external appearance, landscaping, means of access and play equipment as relevant) shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any dwelling within the phase (or other areas may be agreed) associated with the recreation area . These areas shall be provided in accordance with the approved details prior to the occupation of the last dwelling in the phase to which they pertain and shall be maintained as such thereafter.

**Reason:** to ensure that adequate levels of recreation facilities are provided to serve the development.

### **Open Space Management Scheme**

13 No building shall be occupied in the approved scheme in relation to each phase as defined by Condition 7 until a management strategy for the maintenance of all areas of formal and informal open space for that phase, not subject to adoption by the local authority, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of any management company proposed and its terms of reference. The management strategy for each phase shall be implemented in accordance with the approved details for that phase.

**Reason:** to ensure that adequate safeguards are provided to ensure the future provision of recreation facilities.

### **Noise Attenuation Measures**

*14 Notwithstanding the information submitted pertaining to boundary treatments full details of noise attenuation measures, including acoustic fencing as required to protect the amenity, both internally and externally of Plots 1 – 36, 37 – 41, 101 – 106, 147 – 150 & 151 – 203, 232 – 251 as identified in Drawing sw49 (04) 01J from adjacent noise sources (including railway noise where relevant) shall be submitted prior to the construction of any identified dwelling. Following the LPA's written agreement to the proposed scheme of mitigation the scheme shall be implemented fully as agreed prior to the occupation of any plot identified and retained thereafter.*

**Reason:** in the interests of residential amenity and the effective mitigation of noise.

### **Riverfront Path**

15 The Riverfront path shall be completed in accordance with the approved details prior to occupation of any unit on the site.

**Reason:** In the interests of residential amenity and the maintenance of the public rights of way network and as part of the riverfront buffer strip works.

### **Reen Widening**

16 Full details of the reen widening works and flap valve along with a timetable for its completion shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the details approved prior to the occupation of any phase approved under condition 7 whose surface water drains to the widened reen. The information submitted shall demonstrate that the widened reen has sufficient capacity to contain surface water run-off from the site.

**Reason:** In the interests of residential amenity and to safeguard drainage interests.

## OTHER CONDITIONS REQUIRING THE SUBMISSION OF INFORMATION

### **Hydrocarbon Removal (Appropriate Assessment)**

17 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, hardstandings and road surfaces shall be cleansed of hydro-carbons. The capacity and design of the mechanism to remove hydro-carbons shall be submitted to and approved in writing by the local planning authority prior to its installation. The mechanism shall be retained thereafter.

**Reason:** to safeguard the conservation objectives of the River Usk Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

### **Contamination & Ground Remediation – Monitoring (Appropriate Assessment)**

18 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

### **Contamination & Ground Remediation – Unexpected Contamination (Appropriate Assessment)**

19 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.

### **Contamination – Imported Material (Appropriate Assessment)**

20 Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the

proposed end use. This information shall be submitted to and approved in writing by the Local Authority before that material is imported to the site. No other fill material shall be imported onto the site.

**Reason:** To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

### ***Lighting Details and Implementation***

*21 Details of all street lighting pertinent to any relevant phase of development shall be submitted to and approved in writing by the local planning authority prior to the construction of any dwelling in that phase or in the event the phase contains no dwellings then prior to the installation of the lighting. The lighting shall be implemented in accordance with the approved details prior to the occupation of the last dwelling within that phase or in accordance with any implementation time table submitted with the details. Details for Phases that contain no dwellings shall contain an implementation timetable. No other lighting shall be installed other than as agreed.*

**Reason:** *to protect the conservation interest of the River Usk and in the interests of residential amenity, highway and pedestrian safety and the security of the site.*

### **Landscaping Management Plan**

7 Prior to the implementation of any approved landscaping scheme details of a landscaping management plan shall be provided to the LPA in writing. The Management Plan shall include details of the future maintenance of landscaped areas including the maintenance of screening bunds and otter proof fencing where relevant and shall have regard to the details of the Ecological Management Plan submitted under condition 29 to ensure a coherent and ecologically sound approach to the management of the site.

**Reason:** to ensure the proper maintenance of landscaped areas to protect the conservation interest of the River Usk (otters) and wider visual amenity.

### **External Materials**

23 No work shall be commenced on the construction of the approved scheme in relation to roads, parking areas and dwellings on any phase as defined by Condition 7 until details/samples of materials and finishes to be used on the external surfaces (including buildings and hard landscaped areas; car park and access road areas) in relation to that phase have been submitted to and approved in writing by the local planning authority. The development of each phase shall then be carried out using the approved materials for that phase.

**Reason:** to ensure that the development is completed in a manner compatible with its surroundings.

### **Boundary Treatments**

24 No work shall be commenced on the construction of any building in the approved scheme in relation to each phase as defined by Condition 7 until full details of all boundary treatments have been submitted to and approved in writing by the local planning authority for that phase. Boundary treatment details in relation to any dwelling or building shall be implemented in accordance with the approved scheme prior to first occupation of that dwelling or building and shall be maintained as such thereafter.

**Reason:** to ensure adequate security and privacy and that the scheme is completed in a compatible manner to its surroundings.

### **Delivery Programme**

*25 No materials of any sort shall be imported onto the site until a 'delivery plan' has been submitted to and agreed in writing by the LPA. The delivery plan shall include details of:*

- *The delivery route to the site;*
- *The frequency of deliveries in terms of vehicles per day and overall duration of the delivery programme;*
- *The times between which deliveries will be made on each day;*
- *The type of vehicles to be used;*
- *Contingencies if the identified delivery route is unavailable or inappropriate.*

*Deliveries to the site shall proceed fully in accordance with the agreed delivery plan.*

**Reason:** *to ensure deliveries proceed in an acceptable way minimising the impact on the local highway network in the interests of residential amenity.*

**Access to the T.S. Resolute**

26 The current access to the T.S. Resolute shall not be closed off until the alternative means of vehicular access shown in Drawing sw49(04)01J has been provided or an acceptable interim arrangement has been submitted to and agreed in writing by the LPA. Any interim arrangement shall include a timetable for its provision and supersession by the approved access. Any interim access shall be provided and superseded by the permanent arrangement as agreed. Any interim or the approved access shall be available for use at all times thereafter.

**Reason:** to ensure this Community Facility remains useable by the public.

**Details of Cycle Parking & Bin Storage**

27 Prior to the construction of any dwelling served by a bin store or a cycle store as shown in Drawing sw49(04)01J full details of those stores shall be submitted to the local planning authority. Following the LPA's written agreement the store shall be provided fully as agreed prior to the occupation of any unit served by that store.

**Reason:** in the interests of residential amenity & sustainability.

**DIRECTIVE CONDITIONS****Contamination & Ground Remediation – Infiltration of Surface Water (Appropriate Assessment)**

28 Notwithstanding the details shown in Drawing SW49(ENG)500B (Foul and Surface Water Drainage Layout Sheet 1 of 4) 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.

**Contamination & Ground Remediation – Piling (Appropriate Assessment)**

29 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.

**Piling – Impact on Shad (Appropriate Assessment)**

30 No works within the River or associated with piling shall be undertaken during the period from 1 March to 30 June.

**Reason:** To avoid disturbance during the main Shad and Lamprey spawning and migration period in the interests of protecting the integrity of the River Usk SAC and its conservation objectives.

**Timing of In-river Works - Fish Migration (Appropriate Assessment)**

31 No works in-river (below the top of the river bank) shall be undertaken other than January – February and July-August inclusive without the prior written approval of the LPA.

**Reason:** to avoid adverse impacts on migrating fish species including the Atlantic salmon and to protect the wider interests of the River Usk SAC and its conservation objectives.

**Storage of fuels (Appropriate Assessment)**

32 Any facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of inter-connected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling

points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

**Reason:** to prevent pollution of the water environment.

### **Implementation of River Front Treatment (Appropriate Assessment)**

33 No works other than those necessary to implement the approved river front treatment shown in cross sections *sw49(04) 16E & 17E & 18E* and any subsequently approved landscaping scheme shall take place until those river front works have been completed as approved (including any fencing and lighting) unless agreed otherwise in writing in relation to specific advanced works.

**Reason:** to ensure the otter interest of the River Usk is protected and to ensure the appropriate and timely landscaping of the development and to comply with Section 7.120 of Volume 2 of the Environmental Statement Addendum submitted as part of this application.

### **Timing of Works – Otter protection**

34 No work of excavation, land raising or construction shall take place within 10 metres of the top of the riverbank between one hour prior to sunset and one hour after sunrise respectively unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure no disturbance is caused to otters migrating up or down the river.

### **Parking Provision**

35 Parking provision shall be completed in accordance with the approved details and prior to occupation of the property they serve and shall be retained as approved thereafter.

**Reason:** in the interests of highway safety and residential amenity.

### *NOTE TO APPLICANT*

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (adopted January 2015). Policies SP1, SP2, SP3, SP4, SP8, SP9, SP10, SP13, SP15, SP18, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE3, CE5, CE10, H1, CF2 & CF4 were relevant to the determination of this application.

02 This permission is subject to a legal agreement under section 106 of the Town and Country Planning Act 1990.

03 Network Rail need to be consulted on any alterations to ground levels. No excavations should be carried out near to railway embankments, retaining walls or bridges.

04 Under the Wildlife and Countryside Act 1981 bird species are protected whilst nesting. Therefore, any vegetation to be removed to facilitate the application development should be cleared outside of the peak bird-breeding season (considered to be March through to August inclusive) or within the breeding season only if a pre-clearance survey shows no breeding birds to be present nesting or commencing nesting within the vegetation affected.

05 As of 1st October 2012 any connection to the public sewerage network (foul or surface water sewerage) for the first time will require an adoption agreement with Dwr Cymru Welsh Water. For further advice contact Dwr Cymru Welsh Water on 01443 331155.

06 The application was accompanied by an Environmental Statement.

07 A programme of Knotweed eradication should be carried out on in order to ensure a nuisance plant is controlled.

Background to Conservation Objectives:

**a. Outline of the legal context and purpose of conservation objectives.**

Conservation objectives are required by the 1992 'Habitats' Directive (92/43/EEC). The aim of the Habitats Directives is the maintenance, or where appropriate the restoration of the 'favourable conservation status' of habitats and species features for which SACs and SPAs are designated (see Box 1).

In the broadest terms, 'favourable conservation status' means a feature is in satisfactory condition and all the things needed to keep it that way are in place for the foreseeable future. CCW considers that the concept of favourable conservation status provides a practical and legally robust basis for conservation objectives for Natura 2000 and Ramsar sites.

Achieving these objectives requires appropriate management and the control of factors that may cause deterioration of habitats or significant disturbance to species.

As well as the overall function of communication, Conservation objectives have a number of specific roles:

*Conservation planning and management.*

The conservation objectives guide management of sites, to maintain or restore the habitats and species in favourable condition.

*Assessing plans and projects.*

Article 6(3) of the 'Habitats' Directive requires appropriate assessment of proposed plans and projects against a site's conservation objectives. Subject to certain exceptions, plans or projects may not proceed unless it is established that they will not adversely affect the integrity of sites. This role for testing plans and projects also applies to the review of existing decisions and consents.

*Monitoring and reporting.*

The conservation objectives provide the basis for assessing the condition of a feature and the status of factors that affect it. CCW uses 'performance indicators' within the conservation objectives, as the basis for monitoring and reporting. Performance indicators are selected to provide useful information about the condition of a feature and the factors that affect it.

The conservation objectives in this document reflect CCW's current information and understanding of the site and its features and their importance in an international context. The conservation objectives are subject to review by CCW in light of new knowledge.

**b. Format of the conservation objectives**

There is one conservation objective for each feature listed in part 3. Each conservation objective is a composite statement representing a site-specific description of what is considered to be the favourable conservation status of the feature. These statements apply to a whole feature as it occurs within the whole plan area, although section 3.2 sets out their relevance to individual management units.

Each conservation objective consists of the following two elements:

1. Vision for the feature

2. Performance indicators

As a result of the general practice developed and agreed within the UK Conservation Agencies, conservation objectives include performance indicators, the selection of which should be informed by JNCC guidance on Common Standards Monitoring<sup>1</sup>.

There is a critical need for clarity over the role of performance indicators within the conservation objectives. A conservation objective, because it includes the vision for the feature, has meaning and substance independently of the performance indicators, and is more than the sum of the performance indicators. The performance indicators are simply what make the conservation objectives measurable, and are thus part of, not a substitute for, the conservation objectives. Any feature attribute identified in the performance indicators should be represented in the vision for the feature, but not all elements of the vision for the feature will necessarily have corresponding performance indicators.

As well as describing the aspirations for the condition of the feature, the Vision section of each conservation objective contains a statement that the factors necessary to maintain those desired conditions are under control. Subject to technical, practical and resource constraints, factors which have an important influence on the condition of the feature are identified in the performance indicators.

**The ecological status of the water course is a major determinant of FCS for all features. The required conservation objective for the water course is defined below.**

#### **4.1 Conservation Objective for the water course**

The capacity of the habitats in the SAC to support each feature at near-natural population levels, as determined by predominantly unmodified ecological and hydromorphological processes and characteristics, should be maintained as far as possible, or restored where necessary.

The ecological status of the water environment should be sufficient to maintain a stable or increasing population of each feature. This will include elements of water quantity and quality, physical habitat and community composition and structure. It is anticipated that these limits will concur with the relevant standards used by the Review of Consents process given in Annexes 1-3.

Flow regime, water quality and physical habitat should be maintained in, or restored as far as possible to, a near-natural state, in order to support the coherence of ecosystem structure and function across the whole area of the SAC.

All known breeding, spawning and nursery sites of species features should be maintained as suitable habitat as far as possible, except where natural processes cause them to change.

Flows, water quality, substrate quality and quantity at fish spawning sites and nursery areas will not be depleted by abstraction, discharges, engineering or gravel extraction activities or other impacts to the extent that these sites are damaged or destroyed.

The river planform and profile should be predominantly unmodified. Physical modifications having an adverse effect on the integrity of the SAC, including, but not limited to, revetments on active alluvial river banks using stone, concrete or waste materials, unsustainable extraction of gravel, addition or release of excessive quantities of fine sediment, will be avoided.

River habitat SSSI features should be in favourable condition. In the case of the Usk Tributaries SSSI, the SAC habitat is not underpinned by a river habitat SSSI feature. In this case, the target is to maintain the characteristic physical features of the river channel, banks and riparian zone.

Artificial factors impacting on the capability of each species feature to occupy the full extent of its natural range should be modified where necessary to allow passage, e.g. weirs, bridge sills, acoustic barriers.

Natural factors such as waterfalls, which may limit the natural range of a species feature or dispersal between naturally isolated populations, should not be modified.

Flows during the normal migration periods of each migratory fish species feature will not be depleted by abstraction to the extent that passage upstream to spawning sites is hindered.

1 Web link: <http://www.jncc.gov.uk/page-2199>

Flow objectives for assessment points in the Usk Catchment Abstraction Management Strategy will be agreed between EA and CCW as necessary. It is anticipated that these limits will concur with the standards used by the Review of Consents process given in Annex 1 of this document.

Levels of nutrients, in particular phosphate, will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC, and measures taken to maintain nutrients below these levels. It is anticipated that these limits will concur with the standards used by the Review of Consents process given in Annex 2 of this document.

Levels of water quality parameters that are known to affect the distribution and abundance of SAC features will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC, and measures taken to maintain pollution below these levels. It is anticipated that these limits will concur with the standards used by the Review of Consents process given in Annex 3 of this document.

Potential sources of pollution not addressed in the Review of Consents, such as contaminated land, will be considered in assessing plans and projects.

Levels of suspended solids will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC. Measures including, but not limited to, the control of suspended sediment generated by agriculture, forestry and engineering works, will be taken to maintain suspended solids below these levels.

#### **4.2 Conservation Objective for Features 1-5:**

- Sea lamprey *Petromyzon marinus* (EU Species Code: 1095);
- Brook lamprey *Lampetra planeri* (EU Species Code: 1096);
- River lamprey *Lampetra fluviatilis* (EU Species Code: 1099);
- Twait shad *Alosa fallax* (EU Species Code: 1103);
- Allis shad *Alosa alosa* (EU Species Code: 1102);
- Atlantic salmon *Salmo salar* (EU Species Code: 1106);
- Bullhead *Cottus gobio* (EU Species Code: 1163)

<p>The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied:</p>	
<p><b>FCS component</b></p>	<p><b>Supporting information/current knowledge</b></p>
<p>The conservation objective for the water course as defined in 4.1 above must be met.</p> <p>The population of the feature in the SAC is stable or increasing over the long term.</p>	<p>Refer to sections 5.1 to 5.5 for current assessments of feature populations.</p> <p>Entrainment in water abstractions directly impacts on population dynamics through reduced recruitment and survival rates.</p> <p>Fish stocking can adversely affect population dynamics through competition, predation, and alteration of population genetics and introduction of disease.</p>
<p>The natural range of the feature in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. The natural range is taken to mean those reaches where predominantly suitable habitat for each life stage exists over the long term. Suitable habitat is defined in terms of near-natural hydrological and geomorphological processes and forms e.g. suitable flows to allow upstream migration, depth of water and substrate type at spawning sites, and ecosystem structure and functions e.g. food supply (as described in sections 2.2 and 5). Suitable habitat need not be present throughout the SAC but where present must be secured for the foreseeable future. Natural factors such as waterfalls may limit the natural range of individual species. Existing artificial influences on natural range that cause an adverse effect on site integrity, such as physical barriers to migration, will be assessed in view of 4.2.4</p> <p>There is, and will probably continue to be, a sufficiently large habitat to maintain the feature's population in the SAC on a long-term basis.</p>	<p>Some reaches of the Usk SAC are more suitable for some features than others e.g. the Senni has important populations of brook/river lamprey and salmon but is not used by shad due to its small size and distance from the estuary. These differences influence the management priorities for individual reaches and are used to define the site units described in section 3.2. Further details of feature habitat suitability are given in section 5. In general, management for one feature is likely to be sympathetic for the other features present in the river, provided that the components of favourable conservation status for the water course given in Section 4.1 are secured.</p> <p>The characteristic channel morphology provides the diversity of water depths, current velocities and substrate types necessary to fulfil the habitat requirements of the features. The close proximity of different habitats facilitates movement of fish to new preferred habitats with age. The presence of hard bank revetments in a number of active alluvial reaches e.g. through Brecon and upstream of Abergavenny, adversely affects the processes that maintain suitable habitat for the SAC features.</p> <p>Hydrological processes in the Usk are currently affected by large abstractions, especially at Prioress Mill and Brecon Weir. However, there are many smaller abstractions not considered to cause a problem at present.</p> <p>Shad and salmon migration can be affected by acoustic barriers and by high sediment loads, which can originate from a number of sources including</p>

	<p>construction works.</p> <p>Allis and Twaite shad are affected by range contraction due to artificial barriers to migration in the Usk. It is likely that this loss of habitat affects their maintenance in the SAC on a long-term basis.</p>
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<b>Performance indicators for features 1-5</b>			
The performance indicators are part of the conservation objective, not a substitute for it. Assessment of plans and projects must be based on the entire conservation objective, not just the performance indicators.			
Sea lamprey <i>Petromyzon marinus</i> : <i>Performance indicators for feature condition</i>			
<b>Attribute</b>	<b>Specified Limits</b>	<b>Comments</b>	<b>Relevant Unit[s]</b>
(a) Distribution within catchment	Suitable habitat adjacent to or downstream of known spawning sites should contain <i>Petromyzon ammocoetes</i> .	This attribute provides evidence of successful spawning and distribution trends. Spawning sites known to have been used within the previous 10 years and historical sites considered still to have suitable habitat, are shown in Annex 4. Spawning locations may move within and between sites due to natural processes or new sites may be discovered overtime. Silt beds downstream of all sites identified in Annex 4 will be sampled for presence or absence of ammocoetes. Where apparently suitable habitat at any site is unoccupied feature condition will be considered unfavourable .	1-5
(b) Ammocoete density	Ammocoetes should be present in at least four sampling sites each not less than 5km apart.	This standard CSM attribute establishes a minimum occupied spawning range, within any sampling period, of 15km. In the Usk, spawning sites within units 2 to 5 will be assessed against this attribute.	2 - 5
	Overall catchment mean >0.1m <sup>-2</sup> (Harvey & Cowx 2003) <sup>1</sup>	Although this attribute is not used in CSM for sea lamprey, baseline monitoring in the Usk gave an overall catchment mean of 2.27 ammocoetes m <sup>-2</sup> in suitable habitat <sup>2</sup> , therefore 0.1 m <sup>-2</sup> is a	

		conservative threshold value for unfavourable condition.	
Brook lamprey <i>Lampetra planeri</i> and River lamprey <i>Lampetra fluviatilis</i> : <i>Performance indicators for feature condition</i>			
<b>Attribute</b>	<b>Specified Limits</b>	<b>Comments</b>	<b>Relevant Unit[s]</b>
(a) Age/size structure of ammocoete population	Samples < 50 ammocoetes ~ 2 size classes  Samples > 50 ammocoetes ~ at least 3 size classes	This gives an indication of recruitment to the population over the several years receding the survey. Failure of one or more years recruitment may be due to either short or long term impacts or natural factors such as natural flow variability, therefore would trigger further investigation of the cause rather than leading automatically to an unfavourable condition assessment.	2-10
(b) Distribution of ammocoetes within catchment	Present at not less than 2/3 of sites surveyed within natural range	The combined natural range of these two species in terms of ammocoete distribution includes all units above the tidal limit i.e. all except unit 1. Presence at less than 2/3 of sample sites will lead to an unfavourable condition assessment.	2-10
	No reduction in distribution of ammocoetes	Reduction in distribution will be defined as absence of ammocoetes from all samples within a single unit or sub-unit/tributary, and will lead to an unfavourable condition assessment.	
(c) Ammocoete density	Optimal habitat: >10m <sup>-2</sup>  Overall catchment mean: >5m <sup>-2</sup>	Optimal habitat comprises beds of stable fine sediment or sand >15cm deep, low water velocity and the presence of organic detritus, as well as, in the Usk, shallower sediment, often patchy and interspersed among coarser substrate.	2-10
Twaite shad <i>Alosa fallax</i> and Allis shad <i>Alosa alosa</i> : <i>Performance indicators for feature condition</i>			
<b>Attribute</b>	<b>Specified Limits</b>	<b>Comments</b>	<b>Relevant Unit[s]</b>
(a) Spawning distribution	No decline in spawning distribution	Spawning distribution is assessed by kick sampling for eggs and/or observations of spawning adults. A representative sample of sites	1-5

		within units 2 to 5 will be monitored at 3 yearly intervals. Absence from any site in 2 consecutive surveys will result in an unfavourable condition assessment.	
<i>Performance indicators for factors affecting the feature</i>			
(a) Flow	Targets are set in Relation to river/reach type(s)	Targets equate to those levels agreed and used in the Review of Consents (see Annex 1). Shad are particularly sensitive to flow. The ideal regime is one of relatively high flows in March-May, to stimulate migration and allow maximum penetration of adults upstream, followed by rather low flows in June-September, which ensures that the juveniles are not washed prematurely into saline waters and grow rapidly under warmer conditions. The release of freshets to encourage salmonid migration should therefore be discouraged on shad rivers during this period.	1-5
Atlantic salmon <i>Salmo salar</i> : <i>Performance indicators for feature condition</i>			
(a) Adult run size	Conservation Limit complied with at least four years in five (see 5.4)	CSM guidance states: Total run size at least matching an agreed reference level, including a seasonal pattern of migration characteristic of the river and maintenance of the multi-seawinter component.  As there is no fish counter in the Usk, adult run size is calculated using rod catch data. Further details can be found in the EA Usk Salmon Action Plan.	All
(b) Juvenile densities	Expected densities for each sample site using HABSCORE	CSM guidance states: These should not differ significantly from those expected for the river type/reach under conditions of high physical and chemical quality. Assessed using electro fishing data.	6-10
<i>Performance indicators for factors affecting the feature:</i> Water quality			
(a) Biological quality	Biological GQA class A	This is the class required in the CSM guidance for Atlantic salmon, the most sensitive	6-10

		feature.	
(b) Chemical quality	RE1	It has been agreed through the Review of Consents process that RE1 will be used throughout the SAC [see Annex 3].	All
<i>Performance indicators for factors affecting the feature:</i>			
Hydromorphology			
(a) Flow	Targets are set in relation to river/reach type(s)	Targets equate to those levels agreed and used in the Review of Consents [see Annex 1].	All
Bullhead <i>Cottus gobio</i> :			
<i>Performance indicators for feature condition</i>			
a) Adult densities	No less than 0.2 m <sup>-2</sup> in sampled reaches	CSM guidance states that densities should be no less than 0.2 m <sup>-2</sup> in upland rivers (source altitude >100m) and 0.5 m <sup>-2</sup> in lowland rivers (source altitude $\bar{y}$ m). A significant reduction in densities may also lead to an unfavourable condition assessment.	2-10
(b) Distribution	Bullheads should be present in all suitable reaches. As a minimum, no decline in distribution from current	Suitable reaches will be mapped using fluvial audit information validated using the results of population monitoring. Absence of bullheads from any of these reaches, or from any previously occupied reach, revealed by ongoing monitoring will result in an unfavourable condition assessment.	2-10
(c) Reproduction/age structure	Young-of-year fish should occur at densities at least equal to adults	This gives an indication of successful recruitment and a healthy population structure. Failure of this attribute on its own would not lead to an unfavourable condition assessment.	2-10
4.3 Conservation Objective for Feature 6: - European otter <i>Lutra lutra</i> (EU Species Code: 1355)			
Vision for feature 6 The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied:			
FCS component		Supporting information/current knowledge	
The population of otters in the SAC is stable or increasing over the long term and reflects the natural carrying capacity of the habitat within the SAC, as determined by natural levels of prey abundance and associated territorial behaviour. The natural range of otters in		Refer to section 5.9 for current assessment of feature population.  Survey information shows that otters are widely distributed in the Usk catchment. While the breeding population in the Usk is not currently considered to limited by the	

<p>the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. The natural range is taken to mean those reaches that are potentially suitable to form part of a breeding territory and/or provide routes between breeding territories. The whole area of the Usk SAC is considered to form potentially suitable breeding habitat for otters. The size of breeding territories may vary depending on prey abundance. The population size should not be limited by the availability of suitable undisturbed breeding sites. Where these are insufficient they should be created through habitat enhancement and where necessary the provision of artificial holts. No otter breeding site should be subject to a level of disturbance that could have an adverse effect on breeding success. Where necessary, potentially harmful levels of disturbance must be managed.</p> <p>The safe movement and dispersal of individuals around the SAC is facilitated by the provision, where necessary, of suitable riparian habitat, and underpasses, ledges, fencing etc. at road bridges and other artificial barriers.</p>	<p>availability of suitable breeding sites, there is some uncertainty over the number of breeding territories which the SAC is capable of supporting given near-natural levels of prey abundance.</p> <p>The decline in eel populations may be having an adverse effect on the population of otters in the Usk.</p> <p>Restrictions on the movement of otters around the SAC, and between adjoining sites are currently a particular concern in the reach through Newport as a result of a continued decrease in undisturbed suitable riparian habitat.</p>
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Performance indicators for feature 6  
The performance indicators are part of the conservation objective, not a substitute for it. Assessment of plans and projects must be based on the entire conservation objective, not just the performance indicators.

Attribute	Specified Limits	Comments	Relevant Unit(s)
<i>Performance indicators for feature condition</i>			
(a) Distribution	Otter signs present at 90% of Otter Survey of Wales sites	Ref: CCW Environmental Monitoring Report No. 19 (2005) <sup>3</sup>	All
(b) Breeding activity	2 reports of cub/family sightings at least 1 year in 6	Ref: CCW Environmental Monitoring Report No. 19 (2005) <sup>3</sup>	All
(c) Actual and potential breeding sites	No decline in number and quality of mapped breeding sites in subcatchments (see Ref)	Ref: CCW Environmental Monitoring Report No. 19 (2005) <sup>3</sup>  In the Usk catchment, 77 actual or potential breeding sites have been identified, distributed throughout the catchment on the main river and tributaries.	All

