

Report

Planning Committee – Hybrid Meeting

Part 1

Date: 7th February 2024

Subject Planning Application Schedule

Purpose To take decisions on items presented on the attached schedule

Author Head of Regeneration and Economic Development

Ward As indicated on the schedule

Summary The Planning Committee has delegated powers to take decisions in relation to planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer recommendation to the Planning Committee on whether or not Officers consider planning permission should be granted (with suggested planning conditions where applicable), or refused (with suggested reasons for refusal).

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

Proposal **1. To resolve decisions as shown on the attached schedule.**
2. To authorise the Development and Regeneration Manager to draft any amendments to, additional conditions or reasons for refusal in respect of the Planning Applications Schedule attached

Action by Planning Committee

Timetable Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

The Officer recommendations detailed in this report are made following consultation as set out in the Council's approved policy on planning consultation and in accordance with legal requirements

Background

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The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions. There is no third party right of appeal against a decision.

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where the Planning Committee refuses an application against Officer advice, Members will be required to assist in defending their decision at appeal.

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, well-being of future generations, equalities impact and crime prevention impact of each proposed development are addressed in the relevant report in the attached schedule.

Financial Summary

The cost of determining planning applications and defending decisions at any subsequent appeal is met by existing budgets and partially offset by statutory planning application fees. Costs can be awarded against the Council at an appeal if the Council has acted unreasonably and/or cannot defend its decisions. Similarly, costs can be awarded in the Council's favour if an appellant has acted unreasonably and/or cannot substantiate their grounds of appeal.

Risks

Three main risks are identified in relating to the determination of planning applications by Planning Committee: decisions being overturned at appeal; appeals being lodged for failing to determine applications within the statutory time period; and judicial review.

An appeal can be lodged by the applicant if permission is refused or if conditions are imposed. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

An appeal can also be lodged by the applicant if the application is not determined within the statutory time period. However, with the type of major development being presented to the Planning Committee, which often requires a Section 106 agreement, it is unlikely that the application will be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low.

A decision can be challenged in the Courts via a judicial review where an interested party is dissatisfied with the way the planning system has worked or how a Council has made a planning decision. A judicial review can be lodged if a decision has been made without taking into account a relevant planning consideration, if a decision is made taking into account an irrelevant consideration, or if the decision is irrational or perverse. If the Council loses the judicial review, it is at risk of having to pay the claimant's full costs in bringing the challenge, in addition to the Council's own costs in defending its decision. In the event of a successful challenge, the planning permission would normally be quashed and remitted back to the Council for reconsideration. If the Council wins, its costs would normally be met by the claimant who brought the unsuccessful challenge. Defending judicial reviews involves considerable officer time, legal advice, and instructing a barrister, and is a very expensive process. In addition to the financial implications, the Council's reputation may be harmed.

Mitigation measures to reduce risk are detailed in the table below. The probability of these risks occurring is considered to be low due to the mitigation measures, however the costs associated with a public inquiry and judicial review can be high.

Risk	Impact of risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect?	Who is responsible for dealing with the risk?
Decisions challenged at appeal and costs awarded against the Council.	M	L	Ensure reasons for refusal can be defended at appeal.	Planning Committee
			Ensure planning conditions imposed meet the tests set out in Circular 016/2014.	Planning Committee
			Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.	Planning and Development Manager and Senior Legal Officer
			Ensure appeal timetables are adhered to.	Planning and Development Manager
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Planning Committee Planning and Development Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee Planning and Development Manager

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

The Council's Corporate Plan 2017-2022 identifies four themes, including the aim to be a Thriving City. In order to achieve this, the Council is committed to improving:

- jobs and the economy
- education and skills
- fairness and equality
- community safety and cohesion
- the environment, transport, culture and social well-being

Through development management decisions, good quality development is encouraged and the wrong development in the wrong places is resisted. Planning decisions can therefore contribute directly and indirectly to these priority outcomes by helping to deliver sustainable communities and affordable housing; allowing adaptations to allow people to remain in their homes; improving energy efficiency standards; securing appropriate Planning Contributions to offset the demands of new development to enable the expansion and improvement of our schools and leisure facilities; enabling

economic recovery, tourism and job creation; tackling dangerous structures and unsightly land and buildings; bringing empty properties back into use; and ensuring high quality 'place-making'.

The Corporate Plan contains the Council's Well-being Statement and well-being objectives, which contribute to the achievement of the national well-being goals. The Corporate Plan also links to other strategies and plans, the main ones being:

- Improvement Plan 2016-2018;
- Local Development Plan 2011-2026 (Adopted January 2015);

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 all planning applications must be determined in accordance with the Newport Local Development Plan (Adopted January 2015) unless material considerations indicate otherwise. Planning decisions are therefore based primarily on this core Council policy.

Options Available and considered

- 1) To determine the application in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate);
- 2) To grant or refuse planning permission against Officer recommendation (in which case the Planning Committee's reasons for its decision must be clearly minuted);
- 3) To decide to carry out a site visit, either by the Site Inspection Sub-Committee or by full Planning Committee (in which case the reason for the site visit must be minuted).

Preferred Option and Why

To determine the application in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate).

Comments of Chief Financial Officer

In the normal course of events, there should be no specific financial implications arising from the determination of planning applications.

There is always a risk of a planning decision being challenged at appeal. This is especially the case where the Committee makes a decision contrary to the advice of Planning Officers or where in making its decision, the Committee takes into account matters which are not relevant planning considerations. These costs can be very considerable, especially where the planning application concerned is large or complex or the appeal process is likely to be protracted.

Members of the Planning Committee should be mindful that the costs of defending appeals and any award of costs against the Council following a successful appeal must be met by the taxpayers of Newport.

There is no provision in the Council's budget for such costs and as such, compensating savings in services would be required to offset any such costs that were incurred as a result of a successful appeal.

Comments of Monitoring Officer

Planning Committee are required to have regard to the Officer advice and recommendations set out in the Application Schedule, the relevant planning policy context and all other material planning considerations. If Members are minded not to accept the Officer recommendation, then they must have sustainable planning reasons for their decisions.

Comments of Head of People, Policy and Transformation

Within each report the sustainable development principle (long term, prevention, integration collaboration and involvement) of the Well-being of Future Generations (Wales) Act has been fully considered.

From an HR perspective there are no staffing issues to consider.

Comments of Cabinet Member

The Cabinet Member for Strategic Planning, Regulation and Housing has been made aware of the report.

Local issues

Ward Members were notified of planning applications in accordance with the Council's adopted policy on planning consultation. Any comments made regarding a specific planning application are recorded in the report in the attached schedule

Scrutiny Committees

None

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act 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. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that 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.

The Socio-economic Duty, part of the Equality Act 2010, was also enacted in Wales on the 31st March 2021. This requires the Planning Committee, when making strategic decisions, to also pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage. Inequalities of outcome are felt most acutely in areas such as health, education, work, living standards, personal security and participation.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

The Well-being and Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into account the impact they could have on people living in Wales, in the future. The 5 main considerations are:

Long term: Decisions made by the Planning Committee balances the need to improve the appearance of areas as well as meeting the needs of residents in order to make places safe to live in and encourage investment and employment opportunities. Planning decisions aim to build sustainable and cohesive communities.

- Prevention: Sound planning decisions remove the opportunity for anti-social behaviour and encourages a greater sense of pride in the local area, thereby giving the City potential to grow and become more sustainable.
- Integration: Through consultation with residents and statutory consultees, there is an opportunity to contribute views and opinions on how communities grow and develop, thereby promoting greater community involvement and integration. Planning decisions aim to build integrated and cohesive communities.
- Collaboration: Consultation with statutory consultees encourages decisions to be made which align with other relevant well-being objectives.
- Involvement: Planning applications are subject to consultation and is regulated by legislation. Consultation is targeted at residents and businesses directly affected by a development, ward members and technical consultees. Engagement with the planning process is encouraged in order to ensure that the views of key stakeholders are taken into consideration.

Decisions made are in line with the Council's well-being objectives published in March 2017. Specifically, Objective 9 (Health and Well Being) of the adopted Newport Local Development Plan (2011-2026) links to this duty with its requirement to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

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. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the consultation of these guidance documents.

Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

NATIONAL POLICY

Planning Policy Wales (PPW) Edition 11 (February 2021)
Development Management Manual 2017
Welsh National Marine Plan November 2019
Future Wales - The National Plan 2040 (February 2021)

PPW Technical Advice Notes (TAN):

- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Commercial Development (2016)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: Planning and The Welsh Language (2017)

TAN 21: Waste (2014)
TAN 23: Economic Development (2014)
TAN 24: The Historic Environment (2017)

Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)

Welsh Government Circular 016/2014 on planning conditions

LOCAL POLICY

Newport Local Development Plan (LDP) 2011-2026 (Adopted January 2015)

Supplementary Planning Guidance (SPG):

Affordable Housing (adopted August 2015) (updated October 2021)
Archaeology & Archaeologically Sensitive Areas (adopted August 2015)
Flat Conversions (adopted August 2015) (updated October 2021)
House Extensions and Domestic Outbuildings (adopted August 2015) (updated January 2020)
Houses in Multiple Occupation (HMOs) (adopted August 2015) (updated January 2017)
New dwellings (adopted August 2015) (updated January 2020)
Parking Standards (adopted August 2015)
Planning Obligations (adopted August 2015) (updated January 2020)
Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)
Wildlife and Development (adopted August 2015)
Mineral Safeguarding (adopted January 2017)
Outdoor Play Space (adopted January 2017)
Trees, Woodland, Hedgerows and Development Sites (adopted January 2017)
Air Quality (adopted February 2018)
Waste Storage and Collection (adopted January 2020)
Sustainable Travel (adopted July 2020)
Shopfront Design (adopted October 2021)

OTHER

“Newport City Council Retail Study by Nexus Planning (September 2019) “ is not adopted policy but is a material consideration in making planning decisions.

‘The Economic Growth Strategy (and associated Economic Growth Strategy Recovery Addendum) is a material planning consideration’.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 are relevant to the recommendations made.

Other documents and plans relevant to specific planning applications are detailed at the end of each application report in the attached schedule and are available to view on the Council’s website using the application reference number.

1.

APPLICATION DETAILS

No: 23/0752 **Ward:** Tredegar Park And Marshfield
Type: Full (Major)
Expiry Date: 9th February 2023
Applicant: P Keenor
Site: Tredegar House, Caravan Club Site Pencarn Way Duffryn Newport NP10 8TW

Proposal: **REDEVELOPMENT WORKS WHICH INCLUDE UPGRADING 11NO. EXISTING PITCHES TO SERVICED PITCHES, UPGRADE OF MOTOR VAN WASTE POINT AND SERVICE POINTS. EXTENSION TO TOILET BLOCK TO PROVIDE COMPLIANT ACCESSIBLE SHOWER ROOM AND ASSOCIATED WORKS INCLUDING RESPACING OF PITCHES TO PROVIDE FIRE SEPARATION AND SITING OF STATIC CARAVAN TO PROVIDE ON-SITE MANAGER ACCOMMODATION**

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 The application is being presented to Members of the Planning Committee as the application would consistute as major development due to the site area of the application site. The application site is located in the grounds of the Grade I listed Tredegar House and forms a caravan and camping site which is accessed from the main through road leading to Tredegar House. The works relate to upgrading 11no. existing caravan pitches to serviced pitches, upgrade of van waste and service points, extension to toilet block, respacing of pitches and the siting of a static caravan for use by the on-site manager as accomodation.

2. RELEVANT SITE HISTORY

Application Number	Proposal Description	Decision
18/0410	VARIOUS WORKS TO VARIOUS TREES IN CONSERVATION AREA; INCLUDING CROWN REDUCTION, FOLIAGE TIP REDUCTION AND STUB REMOVAL	No objection 08.06.2018
15/0061	WORKS INCLUDING TRIMMING, REMOVAL OF DEAD WOOD AND FELLING TO TREES PROTECTED BY THE TREDEGAR HOUSE CONSERVATION AREA	No objection 10.03.2015
08/1018	PROVISION OF 22 NEW HARDSTANDING ALL WEATHER PITCHES, 6 NEW SERVICED PITCHES AND A GRASS MATRIX SYSTEM FOR CAR PARKING	Granted with conditions 14.11.2008
06/0883	SITING OF SITE WARDEN'S ACCOMMODATION	Refused 23.08.2006
98/0787	PROPOSED EXTENSION TO CARAVAN PARKING AREA NEW SINGLE STOREY TOILET BLOCKS RECEPTION WARDENS FACILITY HARDSTANDING AND TARMAC ROADS	Granted with conditions 04.11.1998

3. POLICY CONTEXT

3.1 Newport Local Development Plan 2011-2026 (Adopted January 2015)

- Policy SP1 – Sustainability
- Policy SP3 – Flood Risk
- Policy SP4 – Water Resources
- Policy SP9 – Conservation of the Natural, Historic and Built Environment
- Policy GP2 – General Amenity
- Policy GP4 – Highways and Accessibility
- Policy GP5 – Natural Environment
- Policy GP6 – Quality of Design
- Policy GP7 – Environmental Protection and Public Health
- Policy CE4 – Historic Landscapes, Parks, Gardens and Battlefields
- Policy CE7 – Conservation Area
- Policy T4 – Parking
- Policy CF8 – Tourism
- Policy W3 – Provision for Waste Management Facilities in Development

Supplementary Planning Guidance

Wildlife and Development

Waste Storage and Collection

Parking Standards

Trees, Woodland, Hedgerows and Development Sites

4. CONSULTATIONS

4.1 Regional Ambulance Officer: No response.

4.2 Police Architect: No response.

4.3 Senior Fire Protection Officer:

Changes to our climate and weather patterns will have a significant impact on the well-being of both current and future generations. In line with the Well-being of Future Generations (Wales) Act 2015 and the Future Wales – the national plan 2040 framework document, the following areas should be considered early in the planning process:

The climate emergency is likely to increase the risk of flooding as a result of sealevel rises, more frequent severe weather systems and more intense rainfall. Planning authorities should adopt a precautionary approach of positive avoidance of building developments in areas of flooding from the sea or from rivers. Surface water flooding will affect the choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating any development proposals.

Wildfires are a significant potential threat particularly in populated areas adjoining green spaces such as mountains or forestry. Therefore, it is critical that new developments are designed with this in mind. Where a new development is proposed in an area which is at risk of a wildfire, consideration should be given on how to mitigate the spread of wildfires. For example, sustainable land management could assist with prevention measures.

Large Commercial Solar Arrays, Battery Energy storage Facilities, Electric Vehicle Parking/Charging Facilities:

Fires involving the installations detailed above can be very difficult to extinguish. Conditions can cause a thermal runaway within battery cells, which is a highly exothermic reaction creating toxic, flammable, and/or explosive chemical atmospheres.

The developer of such sites should ensure they have suitable safety measures to contain and restrict the spread of fire, using fire-resistant materials and adequate separation between locations where energy systems may be stored.

Active fire safety systems should be incorporated into the design if necessary and may include, automatic fire detection systems, automatic fire suppression and smoke control systems.

The Authority recognises that the charging of electric vehicles and the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry, developers should consider the risks associated with such systems early in the design stage of the project.

Standing Advice.

The site plan/s of the above proposal has been examined and The Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development.

- The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

The developer should also consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances

Should the applicant require further information in relation to these matters they should contact the above named fire safety officer.

4.4 Newport Access Group: No response.

4.5 CADW Parks: Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monuments or registered historic park and garden listed in our assessment of the application below.

4.6 Natural Resources Wales:

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted:

- Condition - Construction Environmental Management Plan

Please note, without the inclusion of this condition we would object to this planning application. Further details are provided below.

Designated Sites

The application site is approximately 750m from Gwent Levels – St Brides Site of Special Scientific Interest (SSSI). We note there is a minor watercourse approx. 50m from the site boundary, which appears to be hydrologically linked the Gwent Levels - St Brides SSSI. Therefore, due to the likely pathway for effects on the SSSI, we recommend a Construction Environmental Management Plan (CEMP) is sought. Please reconsult us on any forthcoming CEMP, we would be satisfied for this to be secured via condition.

Condition – CEMP

No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed

- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan. In particular, works should be carried out in accordance with GPP5: Works and Maintenance in or near water
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to construction and implemented for the protection of the environment, particularly the Gwent Levels St Brides SSSI.

Flood Risk

Our Flood Risk Map confirms the access road, which is within the red line boundary, is partially within Zone C1 of the Development Advice Maps (DAM) as contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning also identifies that the access road is at risk of flooding and falls into Flood Zone 2 (Rivers) and Flood Zone 3 (Sea).

We note that the caravan site and areas of proposed development sought under this application are outside of the flood extents. We also note that the development would not increase the overall number of pitches at the site and that the development represents upgrades / improvements to the existing use. Therefore, given the nature of the proposed development (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

In areas at risk of flooding, we recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels.

We refer the applicant to our website for further advice and guidance is available. Additional guidance including the leaflet "Prepare your Property for flooding" can be found here. The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', can be found here.

Protected Species

We note the presence of bats and otters within the vicinity of the site. We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats or otters, both of which are a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a species survey may be required. The survey should be carried out in accordance with best practice guidelines such as 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016. Please consult us again if any survey undertaken finds that protected species are present at the site and you require further advice from us.

4.7 Dwr Cymru:

ASSET PROTECTION

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

The proposed development site is crossed by a 375mm public combined sewer. Please see copy of indicative public sewer record attached. No operational development is to take place within 3 metres either side of the centreline of the sewer. We request that prior to commencing any operational development the location of this asset is determined. If operational development is likely to take place within 3 metres either side of this sewer please stop works and contact us.

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Condition and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

5. INTERNAL COUNCIL ADVICE

5.1 Head of Regeneration & Economic Development (Conservation Officer): No objection.

5.2 Head of Environment & Public Protection (Ecology Officer): This proposal seems to relate to modifications to existing pitches and minor works to existing buildings. This being the case, my only concerns are impacts upon trees at this site. I do not see that there would be any additional impact upon otters, who may use the ponds on site, beyond that which already exists, and the works proposed to the buildings do not suggest likelihood of impact upon roosting bats. NRW have suggested a CEMP condition to address potential impacts upon the Gwent Levels SSSI, and I would have no objection to the use of this condition.

My only concern is the proposal to remove trees around the site, listed in the Tree Report as '*T4 Poplar, G5 ash only, G6 ash & larch, G7 ash, Tag 3111 in G10*'. Ash-dieback Disease is prevalent in Newport, and I assume Larch trees in Newport are infected with *Phytophthora ramorum*, so I can understand the need to fell infected trees. However, the reason given for removal of a 20-metre poplar tree is '*Outgrown location, conflict with existing pitch surround and roots*'. I recognise that the tree is assessed as C-category in arboricultural terms, but its life expectancy is given as '40+ years', so in ecological terms this is a great contribution to biodiversity and climate change mitigation and adaptation over time. That it is affecting one or two pitches does not seem to justify the loss of this contribution.

In relation to the removal of trees, recent changes to Planning Policy Wales have included the following:-

'6.4.25 Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits. Where individual or groups of trees and hedgerows are removed as part of a proposed scheme, planning authorities must first follow the step-wise approach as set out in paragraph 6.4.21. Where loss is unavoidable developers will be required to provide compensatory planting (which is proportionate to the proposed loss as identified through an assessment of green infrastructure value including biodiversity, landscape value and carbon capture). Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.'

I would say that this section applies whatever the reason for felling the tree, and I do not see that improving one or two caravan pitches constitutes '*significant and clearly defined public benefits*'. Therefore my advice is that we ask the Applicant to reconsider the removal of the T4 Poplar, and to set out how they plan to replace the trees proposed for felling, in accordance with the ratio set out in PPW above.

Regardless of the reason for felling the T4 Poplar, the legislation which protects bats is still in place, and the Applicant should be aware that if there were a bat roost present in this tree, then disturbance to that roost could result in prosecution.

- 5.3 Head of Environment & Public Protection (Landscape Officer): I have no landscape issues with the shower room addition and static caravan proposal given they lie adjacent to existing buildings. The intention to upgrade some caravan pitch surfaces using stone chippings replacing gravel will have no landscape issues provided the Tree Officers comment on the potential impact on existing trees is adequately responded to. The provision of new underground service runs to pitches and other areas is an area of concern. Service runs can also impact on tree root protection areas and are often overlooked by applicants. New service runs should be identified on any Tree Survey, services include grey water, electric, drinking water. If SAB is required, again the main landscape focus will be to ensure protection of site trees. In terms of meeting LDP GP5 'provision of a landscape scheme', the site is already an amenity site, is covered by Conservation Area policy and has substantial tree cover.
- 5.4 Head of Infrastructure (Public Rights of Way): No response.
- 5.5 Head of Environment & Public Protection (Tree Officer): No objection subject to conditions.

A pre-commencement site meeting shall be held prior to any works commencing on site, to agree all approved processes with the Arboricultural Consultant and construction site manager / personnel. To formally agree the methods of work, material storage, parking and tree protection measures prior to commencement of the development and the associated clearance work. At the time of the meeting, points of contact and lines of communication will be established prior to commencement of the works on site. Details of the meeting and project contacts should be forwarded to the Tree Officer at Newport City Council.

Tree Protection Plan

No development, to include demolition, shall commence until the accurate Tree Protection Plan (in accordance with BS 5837:2012) has been implemented by of means the security fence as shown in the Tree Protection Plan submitted as submitted within James Pinder Tree Care Consulting TreeReport December 2023 **and all amendments to date** . The development shall be carried out in accordance with the approved Tree Protection Plan.

Reason: To protect important landscape features within the site.

Root Protection Barrier

No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and

operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with James Pinder Tree Care Consulting Tree Report December 2023 **and all amendments to date.**

No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area.

Erect all weather notices on Heras fencing, 1 per 10 panels, stating ' CONSTRUCTION EXCUSION ZONE NO ACCESS'

The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site.

Arboriculturalist

No development, to include demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for –

- (a) Pre construction site meeting and agreeing the three separate stages of works
- (b) Once the barrier fencing is erected, the approved Arboricultural Consultant must inspect and "sign off" in writing and submit a copy of this to the Local Planning Authority stating that the protective fencing in the correct location and is fit for purpose .
- (c) This will form the first report of the Arboricultural Watching Brief.
- c)Oversee working within any Root Protection Area for the caravan bays ;
- d)Reporting to the Local Planning Authority;
- e)The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Councils Tree Officer.

Reason: To protect important landscape features within the site.

Prior to the first use of the toilet block extension, a planting scheme, planting specification and maintenance plan is required which shows the planting of a native mixture of hazel, field maple and honeysuckle, or other suitable native species within the site. The details shall be agreed in writing by the Local Planning Authority and carried out in full in the following planting season.

REASON: To provide compensation for the loss of the ash, larch and poplar trees and enhancement with regard to biodiversity in accordance with Policy GP5.

- 5.6 Head of Infrastructure (Drainage Manager): No response.
- 5.7 Head of Environment & Public Protection (Public Protection): No objection.
- 5.8 Head of Infrastructure (SAB): No response.
- 5.9 Head of Environment & Public Protection (Tourism): So I would support the proposals which look to upgrade the current facilities.
We like to support quality for our accommodation and attraction products, and these plans seem to fit with that strategy.
The operator of this site is the Caravan and Motorhome Club which is a reputable organisation.
- 5.10 Head of Infrastructure (Waste Manager): We anticipate a requirement for trade waste and recycling.

- 5.11 Head of Infrastructure (Highways): The proposal consist of alterations and improvements to the existing facilities at the site. The application does not therefore raise any concerns regarding access or parking and I would offer no objection to the application.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 50m with a common boundary with the application site were consulted (14no. properties), a site notice was displayed and a press notice published in South Wales Argus. No comments received.

6.2 COUNCILLORS: No response.

6.3 COMMUNITY COUNCIL: No response.

7. ASSESSMENT

7.1 *Site Description and surroundings*

7.1.1 The site is located to the east of the A48 with access provided from the roundabout junction with Pencarn Way. The site is set in the grounds of Tredegar Park House and Gardens, however is rather disconnected from Tredegar House due to intervening mature trees and landscaping. The internal road leads through the wider Tredegar Park site arriving at a gated access where campers are greeted by the Site Manager for check-in. The caravan and camping site has a pleasant verdant character on this gently sloping site in a east to west direction.

7.1.2 At the gatehouse, there are currently 2no. touring caravans serving as the accomodation for the Site Warden and Assistant Warden. The 2no. touring caravans are in the respective ownership of the current Site Warden and Assistant Warden. The length of the contract offered to the Site Warden and Assistant Warden vary from a couple of months to 12 months. At the end of the contract period, the associated touring caravan is removed from the site and the Wardens return to their permanent residence located elsewhere in the UK. The proposed static caravan would not provide a permanent residence for any Site Warden or Assistance Warden.

7.2 *Description of Development*

7.2.1 The proposal is to upgrade 11no. existing pitches to serviced pitches, upgrade the motor van waste point and service points, extend the toilet block to provide a compliant accessible shower room and associated works including respacing of pitches to provide fire separation and siting of static caravan to provide on-site manager accommodation.

7.2.2 The site features a range of pitches which have different features; for ease, a defintion of relevant pitches are provided below for reference.

- All Weather Pitches – surfaced with clean crushed stone
- Serviced Pitches – surfaced with clean crushed stone featuring individual ground inlet to accept grey water, electric hook up and drinking water tap.

7.3 *Principle of Development*

7.3.1 The application site is located within a settlement boundary as designated by the maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Therefore, the principle of development is considered acceptable in accordance with Policy SP1.

7.3.2 Policy CF8 is in favour of the promotion to increase tourism in the Local Authority Area especially where the tourism offer is located within a settlement boundary. The upgrading of the site is considered to positively contribute toward the tourism offering thereby complementing the aims of Policy CF8.

7.4 *Flooding*

7.4.1 The Flood Map for Planning (FMfP) represent the most up to date data with regard to flood risk. As set out within the Chief Planners letter dated 15th December 2021, the FMfP shall be taken as a material considered in the determination of planning applications. The FMfP shows that the application site lies outside of an area prone to flood risk, except for the access

road which leads from the Pencarn roundabout and leads to the application site and Tredegar House. Therefore, the access road only is located within Flood Zone 2 and 3 and is a TAN15 river and sea defended zone.

- 7.4.2 As set out within the consultation response from Natural Resources Wales (NRW), the proposal is acceptable with regard to flooding as long as the developer is made aware of the access road has the potential to flood in the future and that they are advised to install flood-proofing measures. The flood-proofing measures are advised only to the access road and are not required to make camping pitches acceptable in terms of flooding. The proposal accords with Policy SP3.

7.5 **Water Resources**

- 7.5.1 The proposed development exceeds 100sqm, therefore this triggers the need for separate approval for sustainable drainage measures to be incorporated into the site through the SAB application process under the Flood and Water Management Act 2010. Therefore, it is considered that the sustainable drainage measures are adequately controlled through separate legislation.

- 7.5.2 The surfacing materials to be used on the resurfaced/repositioned pitches, are 14mm clean crushed stone chippings, therefore, the surfacing materials are considered to not result in additional surface water runoff. With regard to water consumption, a general guide which is usually applied to new building dwelling houses aims to address water consumption through limiting this to 125 litres per person per day and is controlled via Building Regulations. Therefore, an informative note is added to the recommendation setting out that the proposed development should aim to achieve the required level of water consumption.

- 7.5.3 It is noted that Welsh Water/Dwr Cymru have requested the attachment of a condition relating to removing the rights of the camp site to connect to a public sewerage system for the disposal of surface water. As no such arrangement is proposed by the applicant, and that the surface water drainage for the site is controlled via the SAB application process, it is considered that a condition to that effect is unnecessary and a duplication of controls, thereby not meeting the six tests for the attachment of conditions. Therefore, the recommended condition is not attached, however the advisory notes are included.

7.6 **Impact on Trees**

- 7.6.1 The proposal seeks to install three new drainage runs for the pitches, along with a new connection for the toilet block extension. The location of the proposed service runs would not have an adverse impact on the root protection areas of existing trees and the Tree Officer raises no objection to the scheme. The proposal also includes the removal of trees T4 Poplar, G5 mixed, G6 Larch, and G7 ash; the Councils Tree Officer accepts the justification for the removal of those trees which include outgrowing of location, and defects are present through ash die back. Conditions are recommended to ensure the proposal has oversight by a suitably qualified Arboriculturalist which are attached to the recommendation. Furthermore, no objection has been raised with regard to the ground works required for the repositioning and resurfacing of the pitches. The resurfacing works relate to the top 150mm of any given surface and so limited impact would be possible where there is an overlap with any root protection areas. This coupled with the oversight of construction by an Arboriculturalist provides confidence that the scheme shall not have an adverse impact on any trees to be retained. The proposal accords with Policies SP9 and GP5.

7.7 **Impact on Ecology**

- 7.7.1 The proposed single storey extension has the potential to impact protected species due to works to the roof of the existing toilet block are proposed, linking to the proposed extension. The roof of the existing toilet block has tight fitting soffits and roof tiles, therefore it is considered unlikely that the site could support a bat roost in this location. However, a precautionary approach is taken, therefore an informative note is attached to the recommendation outlining if bat roosts are encountered during the construction phase, works shall cease and advice sought from a suitably qualified Ecologist. Subject to the note, this element of the proposal is in accordance with the aims of Policy GP5.

- 7.7.2 The Councils Ecologist acknowledges that diseased trees will need to be felled but has expressed concern about the felling of a Poplar tree on ecological grounds. In this regard,

additional information from the applicants Tree Consultant sets out that the Poplar tree is healthy but is already causing damage with surrounding features and conflicting with the existing use of the site. The tree buttress lies directly against the pitch edging and the roots are within the existing service areas and pitch. It is for these reasons why the tree has an expected life expectancy of less than 10 years; it is also worth highlighting that the tree is protected by virtue of being within the Tredegar Park Conservation Area. Given the conflict the existing tree is experiencing with existing features and its life expectancy, it is considered acceptable for this tree to be felled. However, it is noted how this tree contributes toward onsite biodiversity and the special character of the Conservation Area. It is considered that through the attachment of a condition requiring a planting scheme to achieve a net gain ratio of 1:1.5 would compensate and enhance onsite biodiversity. Furthermore, the additional landscaping secured by condition would complement the existing verdant character of the Tredegar Park Conservation Area.

7.7.2 With regard to biodiversity enhancements, due to the site characteristics there are multiple opportunities to provide a range of enhancements. In order to give the applicant flexibility in choosing what enhancement measures to incorporate into the site, a condition is attached to the recommendation for the submission of details prior to their installation.

7.8 ***Impact on Amenity***

7.8.1 The total number of available camping pitches is being reduced from 79 to 78; taking into account the sites location and the absence of any neighbouring residential uses, it is considered the proposal would not have an adverse impact on residential amenity.

7.8.2 With regard to visual amenity, the repositioning of the camping pitches within the site and erection of the toilet block extension, would not significantly impact the overall appearance of the site due to its existing use. The proposed development is considered to not result in additional noise disturbance, light, or air quality.

7.8.3 The proposed siting of a staff static caravan is located to the west of the existing reception building. Currently, a touring caravan with awning is located in this area forming the onsite staff accommodation. With regard to bulk and massing, the siting of the static caravan would have a similar impact to that of the existing touring caravan, although a more formalised arrangement. To ensure that the use of the static caravan remains ancillary to the overall use of the caravan and camping site, a condition is attached limiting its occupation to those employment by the camp site. Subject to condition, the proposal is acceptable in accordance with Policy GP2.

7.9 ***Impact on Highways and Parking***

7.9.1 The existing access would continue to be used leading into the site from Pencarn Way and each pitch located on the site can cater for the parking of a vehicle also. Therefore, the proposal development would not impact the safe and efficient use of the highway network, and suitable car parking provision is located on the site. The proposal accords with Policies GP4 and T4.

7.10 ***Impact on the Conservation Area and Listed Buildings***

7.10.1 The application site is located within the Tredegar Park Conservation Area with numerous listed buildings being located to the east of the application site. Intervening between the application site and the listed buildings are a number of mature trees and vegetation. Therefore, the site is largely screened from the setting of the listed buildings. The repositioning of the camping pitches and erection of the toilet block extension are considered to preserve the special character of the Conservation Area; furthermore the proposal has received no objection from the Conservation Officer. Therefore, the proposal accords with Policies SP9, CE4 and CE7.

7.11 ***Waste Storage***

7.11.1 The existing area used for waste storage is to be removed and upgraded to relevant camping standards and would be located to the south elevation of the existing toilet block building. The bin storage area is denoted by a 1m high boundary treatment to ensure this area does not encroach into the wider setting of the camp site.

7.11.2 The grey water and foul water waste are to be continued to be disposed of using existing methods onsite. Those are the 3no. chemical toilet emptying points and the grey water waste points located at all serviced pitches. Therefore, the proposal is considered to have suitable methods to deal with the waste demands of the site in accordance with Policy W3.

8. OTHER CONSIDERATIONS

8.1 *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.

8.2 *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.

8.3 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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

8.7 *Newport's Well-Being Plan 2018-23*

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. CONCLUSION

9.1 The proposal is considered to accord with strategic objectives to enhance the tourism offering within the Newport Local Authority area. Therefore, the application is hereby recommended for approval subject to the conditions attached.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents:

- BS5837 2012 Tree Information – Tredegar House CAMC Site (14/12/2023) by Treecare Consulting
- Tree Plan (Drawing ref: TCP-TPP a4)
- Static Caravan Elevations (Drawing ref: AVON 30X12 – 2B)
- Static Caravan Floorplan (Drawing ref: AVON 30X12 – 2B)
- Site Location Plan (Drawing ref: TDH-2023-P-100)
- Existing Site Plan (Drawing ref: TDH-2023-P-101)
- Proposed Site Plan (Drawing ref: TDH-2023-P-102 Rev A)
- Existing Toilet Block Plans and Elevations (Drawing ref: TDH-2023-P-300)
- Proposed Toilet Block Plans and Elevations (Drawing ref: TDH-2023-P-301)
- Proposed Standard All-Weather Pitch Details (Drawing ref: TDH-2023-P-400)
- Proposed Standard Serviced Pitch Details (Drawing ref: TDH-2023-P-401)
- Proposed MVWP Details (Drawing ref: TDH-2023-P-455)
- Proposed Dog and Bike Wash Details (Drawing ref: TDH-2023-P-456)
- Proposed EV Charging Space (Drawing ref: TDH-2023-P-475)
- Proposed Service Point Details (Drawing ref: TDH-2023-P-477)
- Design & Access Statement (Received: 29/08/2023)

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

02 The occupation of the static caravan shall be limited to a person solely or mainly employed by the site operator in association with the use of the site as a tourist caravan site. REASON: In the interests of ensuring the static caravan remains ancillary to the use of the existing campsite as staff accommodation.

03 No development, including site clearance, shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall commence in accordance with the agreed details. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan. In particular, works should be carried out in accordance with GPP5: Works and Maintenance in or near water
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

REASON: In the interests of protection of the environment in accordance with Policies GP5 and GP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

04 A pre-commencement site meeting shall be held prior to any works commencing on site, to agree all approved processes with the Arboricultural Consultant and construction site manager / personnel. To formally agree the methods of work, material storage, parking and tree protection measures prior to commencement of the development and the associated clearance work.

At the time of the meeting, points of contact and lines of communication will be established prior to commencement of the works on site.

Details of the meeting and project contacts should be forwarded to the Tree Officer at Newport City Council.

REASON: To protect importance landscape features within the site in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

05 No development, to include demolition, shall commence until the accurate Tree Protection Plan (in accordance with BS 5837:2012) has been implemented by means of the security fence as shown in the Tree Protection Plan shown within James Pinder Tree Care Consulting TreeReport December 2023 and all amendments to date.

The development shall be carried out in accordance with the approved Tree Protection Plan.

Reason: To protect important landscape features within the site in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

06 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with James Pinder Tree Care Consulting Tree Report December 2023 and all amendments to date.

Reason: To protect important landscape features within the site in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

07 No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. All weather notices on Heras fencing, 1 per 10 panels, stating 'CONSTRUCTION EXCUSION ZONE NO ACCESS' shall be erected prior to the commencement of construction.

The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

08 No development, to include demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for –

- a) Pre-construction site meeting and agreeing the three separate stages of works
- b) Once the barrier fencing is erected, the approved Arboricultural Consultant must inspect and 'sign off' in writing and submit a copy of this to the Local Planning Authority stating that the protective fencing in the correct location and is fit for purpose.
- c) This will form the first report of the Arboricultural Watching Brief
- d) Oversee working within any Root Protection Area for the caravan bays
- e) The Arboricultural Consultant will provide site progress reports to the Councils Tree Officer at intervals to be agreed by the Councils Tree Officer.

Reason: To protect important landscape features within the site in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

09 Prior to the commencement of development, a scheme to achieve biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. Development shall commence in accordance with the agreed details and retained for the duration of the use.

REASON: To provide a biodiversity enhancement in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

10 Prior to the commencement of development, a planting scheme, planting specification and maintenance plan showing the planting of a native mixture of hazel, field maple and honeysuckle, or other suitable native species within the site in a ratio of 1:1.5 to provide compensation and enhancement for the loss of the existing trees shall be submitted to and agreed in writing with the Local Planning Authority. The planting shall be carried out in the

next available planting season following the felling of the trees and maintained in accordance with the agreed details.

Reason: To provide compensation and enhancement for the loss of the ash, larch and poplar trees and enhancement with regard to biodiversity in accordance with Policy GP5.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP4, SP9, GP2, GP4, GP5, GP6, GP7, CE4, CE7, T4, CF8 and W3 were relevant to the determination of this application.

02 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.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

If the development will give rise to a new discharge of trade effluent, directly or indirectly to the foul public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

04 Caution should be exercised due to the possibility of encountering bat roosts unexpectedly during development work. In the event that a bat roost is found, work on the structure should cease immediately whilst advice is sought from the Countryside Council for Wales on 02920 772400.

05 The development shall aim to achieve a water consumption of no more than 125 litres of water per person per day in order to protect water resources.

2.

APPLICATION DETAILS

No: 23/0878 **Ward:** Tredegar Park And Marshfield

Type: Full (Major)

Expiry Date: 9th February 2024

Applicant: L Neville

Site: Land To The South And East Of Celtic Way Celtic Lakes Newport South Wales

Proposal: ***PROPOSED ELECTRICITY SUBSTATION COMPOUND (132/33/11KV), INCLUDING A SWITCH-ROOM BUILDING AND OUTDOOR ELECTRICAL EQUIPMENT, ENCLOSED BY A SECURITY FENCE, WITH ASSOCIATED INFRASTRUCTURE INCLUDING ACCESS, LANDSCAPING, DRAINAGE AND EARTHWORKS***

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 The site is located to the south of Celtic Way. The application is proposing to construct a substation to enable an electricity supply to a data centre to the north of the site in Celtic Way.
- 1.2 The application is present to Planning Committee as the proposal represents a Major type of development due to the size of the site (4.25 hectares).

2. RELEVANT SITE HISTORY

Application Number	Proposal Description	Decision
23/0858	PROVISION OF AN UNDERGROUND ELECTRICITY TRANSMISSION CIRCUIT	Granted with conditions 06.12.2023
23/0375	REQUEST FOR A SCREENING OPINION FOR 3 NO. SUBSTATIONS AND ASSOCIATED PEDESTRIAN AND VEHICULAR ACCESS, LANDSCAPING AND DRAINAGE	ES Not Required 08.06.2023
21/1182	CONSTRUCTION OF UNDERGROUND ELECTRICITY TRANSMISSION CONNECTION AND ASSOCIATED WORKS	Granted with conditions 10.01.2022
18/1158	NON MATERIAL AMENDMENT TO PLANNING PERMISSION 11/0958 FOR THE PROVISION OF UNDERGROUND CABLING, AMENDMENT SEEKS TWO ADDITIONAL CIRCUITS AND	Approved with conditions 11.01.2019

	DUCTS IN EXISTING TRENCH	
11/0958	PROVISION OF UNDERGROUND CABLING	Granted with conditions 27.10.2011

3. POLICY CONTEXT

3.1 Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

- SP1 – Sustainability
- SP3 – Flood Risk
- SP4 – Water Resources
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP17 – Employment Land
- GP1 – Climate Change
- GP2 – Amentiy
- GP4 – Highways and Accessibilty
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- CE6 – Archaeology
- CE8 – Locally Designated Nature Conservation and Geological Sites
- EM1 – Employment Land Allocations
- EM3 – Alternative Uses of Employment Land
- T4 – Parking
- W3 – Provision for Waste Management Facilities in Development

3.2 Adopted Supplementary Planning Guidance

- Archaeology and Archaeologically Sensitive Areas
- Wildlife and Development
- Parking Standards
- Waste Storage and Collection
- Trees, Woodland, Hedgerows and Development Sites

4. CONSULTATIONS

4.1 Newport Access Group: No response.

4.2 Dwr Cymru Welsh Water: Since the proposal intends on utilising an alternative to mains drainage we would advise that the applicant seek advice from Natural Resources Wales and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

4.3 Newport Civic Society: No response.

4.4 Wildlife in Newport: No response.

4.5 Glamorgan Gwent Archaeolgoical Trust: No objection subject to condition.

4.6 CADW Ancient Monuments: No response.

4.7 CADW Historic Buildings & Landscapes: No response.

4.8 Natural Resources Wales: concerns can be overcome by attaching planning conditions as follows:
Habitat Management Plan
Construction Environment Management Plan

Unforeseen Contamination
Documents and approved plans

Dormice

There is a breeding population of dormice on site. Providing the submitted documents are included within the list of approved documents and plans condition, and that a condition for a habitat management plan are included on any planning permission, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned (dormice) at a favourable conservation status in their natural range.

Habitat Management Plan

Should planning permission be granted, a habitat management plan, that builds and expands on the LEMP and Dormouse Conservation Strategy, is required via a condition.

'No development shall commence until a plan for the provision, management and maintenance of the dormouse habitat features at the has been submitted to and approved by the Local Planning Authority.

The habitat management plan shall build upon the principles and commitments for protected species mitigation and compensation contained within the documents 'Landscape and Ecological Management Plan (LEMP) and SSSI Grassland Management Strategy Reference: 293651-ARP-XX-XX-RP-YE-0002 Rev 3 dated 12 December 2023' and 'Dormouse Conservation Strategy Reference: 293651-ARP-XX-XX-RP-YE-0004 Rev 2 dated 12 December 2023', and shall include:

- *Details of habitats and ecological features present or to be created on and off site, including planting schedules*
- *Details of the desired conditions of habitats (present and to be created) on and off site*
- *Details of short- and long-term management, monitoring and maintenance of new and existing habitats at the site, to deliver and maintain the desired condition*
- *Details of scheduling and timing of activities*
- *Measures to restrict human access to habitat creation areas*
- *Details of monitoring of ecological features*
- *Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within years of completion of development*
- *Details of management and maintenance responsibilities*
- *Details of measures to eradicate invasive non-native species, including Cotoneaster spp*
- *Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed*

A written report on the delivery of the habitat management plan shall be submitted to the LPA at the completion of construction, and thereafter at 5-year intervals post construction. The report shall include an updated habitat management plan which incorporates recommended changes arising from the monitoring and the 5-yearly review.

The habitat management plan shall be carried out in accordance with the approved details.

Justification:

A habitat management plan should be submitted to ensure necessary habitat management measures are agreed prior to commencement and implemented to ensure the site's habitat features are adequately managed long term.'

In line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority:

Warning: A European Protected Species (EPS) licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy

their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/ or receive an unlimited fine.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead.

We may wish to discuss minor aspects of the proposed mitigation with the applicant in more detail at the EPS licence application stage. Please note that any changes to plans between planning consent and the EPS licence application may affect the outcome of the licence application.

Gwent Levels St Brides Site of Special Scientific Interest (SSSI)

The Gwent Levels St Brides SSSI is located directly south of the development site. The southern boundary of the development site is directly adjacent to a ditch which is within the Gwent Levels - St Brides SSSI and hydrologically connected to other water features within the Gwent Levels - St Brides SSSI.

The Gwent Levels St Brides SSSI is notified for its range of aquatic plants and invertebrates associated with the interconnected reens and ditches of the drainage system. In summary, the special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. Any development which has an adverse impact on any of these factors will have an adverse impact on the wildlife for which the area was notified.

Shrill Carder Bee (SCB) is a feature of the Gwent Levels St Brides SSSI. Section 3.3.11 (Invertebrates) of the PEA identifies the development site contains SCB habitat. We note surveys identify SCB adjacent to the site. However, no SCB were recorded within the development site.

Section 7.2.1 of the LEMP advises on the management and enhancement of 2.28ha of grassland within the Grassland Compensation Area located in the Gwent Levels St Brides SSSI.

We welcome the approach in Section 1.3 of the Two-staged Vegetation Clearance Method Statement for the removal of 1.02 ha of low bramble scrub and the strategy to remove approximately 0.1ha of scrub over seven years in the fields that comprise the Grassland Compensation Area.

The proposals result in an increase in the permanent loss of grassland. However, the losses are offset by enhancement of species poor grassland and the Grassland Compensation Area which has increased in area from 1.1ha to 2.28ha.

The LEMP outlines that the long-term management plan for the grassland compensation area will primarily be hay cutting with removal of arisings and scrub control. We note that grassland will be cut late September/early October to ensure that flowering plants are available for SCB.

Section 6 (Framework SSSI Grassland Management Plan) of the LEMP advises that should monitoring identify that compensation grassland is not of the diversity required for SCB, an application of a wildflower mix or plug planting will be used. The application of green hay would either be sourced from the enhanced grassland within the application site from another local site such as Great Traston Meadows.

The enhancement of grassland through appropriate management should offset the loss of grassland in the long term and provide net benefit for biodiversity, particularly through enhancement of connectivity for shrill carder bee which is a feature of the Gwent Levels St Brides SSSI.

Reens and Ditches

the LEMP advises that all reens and ditches are to be retained and where grass margins along ditches are to be cut, this will be done on alternate banks each year.

Cutting grass margins will prevent the ditch becoming overgrown and shaded by bankside vegetation. Any bramble or scrub adjacent to the watercourses should also be managed to avoid it over-shading the reens and ditches. In addition, any ditch management should also consider impact on European Protected Species (dormice and otter) and fully protected species under the Wildlife and Countryside Act (water vole) and their habitat.

Summary

We are satisfied with the information submitted in relation to Gwent Levels St Brides SSSI, notably SCB and management for the reens and ditches.

We advise that the following advisory notes to the applicant are included on any consent granted:

New Planting: Any wildflower mixes should be of local provenance wherever possible and must originate within the UK.

Ditch Management: No habitat which may support European Protected Species or fully protected species under the Wildlife and Countryside Act, should be removed without first consulting with a suitably qualified ecologist.

The LEMP (Table 1: Construction Programme) advises on hazel planting in the Grassland Compensation Area. This looks to be an error as there is no other reference to planting trees in this the Grassland Compensation Area. We advise that should this be an error, reference to hazel planning should be removed from table 1.

Severn Estuary European Marine Site

The application site lies approximately 2km from the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), Wetland of International Importance (Ramsar Site) and Site of Special Scientific Interest (SSSI).

The application site is hydrologically connected to the Severn Estuary by the ditch/reen network within the Gwent Levels SSSI.

We consider the above pathway(s) would not result in an adverse effect if the developer implements/adheres to the mitigation measures set out in a Construction Environment Management Plan.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), it is for your Authority to carry out the test of Likely Significant Effects for the proposed development. Should you conclude that the proposed development is likely to have a significant effect on a SAC/SPA/Ramsar site, either alone or in combination with other plans or projects, an appropriate assessment must be made of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify.

The following CEMP condition should be included on any planning permission:

No development shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- *Construction methods: details of materials, how waste generated will be managed;*
- *General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately*

sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

- *Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use*
- *Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.*
- *Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details*

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to construction and implemented for the protection of the environment.

Unforeseen contamination

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 a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risk associated with previously unsuspected contamination at the site are dealt with through remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Ornithology

We note Section 4 (Conclusions and Recommendations) of the Wintering Bird Survey Report advises of the presence of breeding Cetti's Warbler on the development site. We note section 7.1.2 Fauna (Breeding birds) of the EclA advises on the methodology for pre commencement vegetation removal and construction surveys for Cetti's Warbler will be carried out between April and August and should any nests be discovered, buffers of up to 40m will be implemented.

We advise that the approach to Cetti's Warblers is acceptable.

Flood Risk

Section 6 of TAN15 requires the LPA to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of a flood consequences assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.

Satisfied with the content of the submitted Flood Consequences Assessment.

Otters

We note that possible signs of otter use of the development site have been found during surveys (including a potential otter footprint by water body W2, the eastern pond located within the red line boundary). Otters are known to be present in the wider area, with nearest record of a sprainting site 350m away from the proposed development site. The westernmost of the two waterbodies on site is to be re-profiled and extended. We therefore advise that the applicant commences surveillance of likely otter travel routes/ mammal paths in the vicinity of the two on-site ponds, and of possible otter feeding areas by the ponds, using camera traps. We advise that camera traps should be installed as soon as possible, so that the data gathered can be used to inform the construction timetable to be submitted with the EPS licence application.

Bats

At least eight bat species (greater horseshoe, serotine, noctule, brown long-eared, myotis, Nathusius pipistrelle, soprano pipistrelle, and common pipistrelle bat) were recorded during activity surveys consisting of transect and static surveys. No buildings or trees with bat potential are likely to be directly impacted by the proposals. We therefore have no further comments to make with regard to bat species at this time but reserve the right to do so in the future, should the likely impacts of the proposals on bats or their roosting sites change.

Great Crested Newts

No evidence of presence of great crested newt onsite or within the wider environment was found during surveys.

5. INTERNAL COUNCIL ADVICE

- 5.1 Head of Infrastructure (Highways): The development would only be likely to impact on highway during construction. The issues are broadly addressed within the Transport Statement (TS), however for comfort Highways would request conditions to ensure that contractors adhere to what is stated within the TS. The concerns could be addressed via construction management plan (CMP) or individual conditions.

They include:

Potential queueing of vehicles on highway or backing up to highway (gate needs to be manned); Debris on highway (wheelwash facility needed); Safe access for pedestrians (segregate pedestrian access to site/private access).

Highways would request a condition for a CMP to cover these points:

No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Council as Local Planning Authority.

The method statement shall include, but not be limited to:

Entrance/exit from the site for visitors/contractors/deliveries

Temporary works to facilitate access from highway

Location of directional signage within the site

Parking for contractors, site operatives and visitors

Temporary roads/areas of hard standing

Details of street sweeping/street cleansing/wheelwash facilities

Hours of working Phasing of works including start/finish dates

For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway.

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers

- 5.2 Head of Infrastructure (Drainage Manager): No response.
- 5.3 Head of Regeneration & Economic Development (Conservation Officer): No objections as there would be no impact on heritage assets.
- 5.4 Head of Environment & Public Protection (Ecology Officer): In their 10th January 2024 response, NRW have accepted the mitigation proposed in relation to this development and have advised that if those mitigation measures are implemented, there would be no detriment to the favourable conservation status of dormice. Therefore, we should not refuse this application on the basis of impacts upon dormice.

I am concerned that we are still not clear on whether a one-stage or two-stage vegetation clearance will take place in relation to dormouse habitat. Either way, vegetation clearance

will inevitably take place during the bird nesting season, and it is foreseeable that the presence of active bird nests could delay the clearance of at least some parts of the site, such that vegetation will remain into the dormouse breeding season. Clearance of scrub during the dormouse breeding season (roughly June, July, August) is unlikely to be licensed by NRW, so theoretically a situation could arise whereby clearance could not be completed until the Autumn. However, from their 10th Jan. response, NRW have accepted the Clearance Method Statement, so I would not object to the application on this point, provided the protection afforded to nesting birds and to dormice is observed.

In general I support the proposed changes to the Ecological Impact Assessment (EclA) and associated documents, but have a query in relation to the grassland compensation area.

The Grassland Compensation Area proposes 2.28 Ha of compensation within the Gwent Levels SSSI, by removing scrub and by positively managing the existing grassland to encourage species richness. Looking at *Figure 3 Grassland Compensation Area Vegetation Clearance*, 1.03 Ha of scrub will be converted to grassland, and so the remaining 1.25 Ha will be improved by habitat management. Within the application site, 1.38 Ha of grassland will be retained and enhanced by seeding / planting. Therefore, given an initial loss of grassland of 1.23 Ha, the proposal is to re-create this by seeding and planting 2.41 Ha (1.38 on site and 1.03 in the Grassland Compensation Area), and by positively managing 1.25 Ha of existing grassland in the Grassland Compensation Area. On the face of it, this is acceptable because the grassland within the red line boundary is deteriorating, and only barely qualifies as a SINC. Therefore any improvement at this site is to be welcomed. However, we have no information on the quality of the existing grassland in the Grassland Compensation Area. It may well be that this grassland is already species-rich, and does not need or have capacity for enhancement. Certainly the wider Celtic Lakes site is species-rich botanically, and qualifies for SINC status, so I have no reason to suspect that the grassland in the Grassland Compensation Area is any less so.

So, in my view we should exclude the existing area of grassland in the Grassland Compensation Area from any comparison of habitats lost/gained. This being the case, the ratio of grassland habitats lost to that gained/improved is 1.23Ha : 2.41Ha or roughly a 1:2 ratio rather than the 1:3 claimed.

This is greater than the ratio set out in the Wildlife and Development SPG 2015, which reads '*A replacement ratio for 'like for like' compensation is set at 1:1.5 or 50% above the area to be replaced. This is the minimum that would be accepted...*'. Please note that this refers to compensation and not enhancement. The additional habitat creation (from a 1:1.5 ratio to a 1:2 ratio), could be seen as enhancement, so I would not be able to object on the basis that enhancement of grassland habitat has not been provided.

The mitigation proposed in relation to dormice, and in relation to Shrill Carder Bee, a feature of the Gwent Levels SSSI, is set out in a series of documents, including '*Figure 3 Grassland Compensation Area Vegetation Clearance 293651-LD-XX-DR-0403*.' However I note from Nia Roberts' message of 12th Jan. 2024 that this plan is intended to be indicative only and was not intended to be the subject of a planning condition.

If NRW are happy to accept the indicative nature of this plan, then I would have no objection, but we do need some means of securing the increases in quality and extent of grassland habitats as set out above, that this plan illustrates. This would be required to offset the loss of grassland habitats within the red line boundary of this proposal.

In terms of planting/seeding grassland, in my view restoration or recreation of grassland would be better achieved by using green hay from mown areas or from sites nearby. This would be preferable to planting or sowing a commercial seed mix which would entail introducing plants or seeds from a commercial supplier into a SSSI. In particular, the use of '*All Things Bright and Beautiful Bee & Butterfly Wildflower Seeds*', as set out in the LEMP should be avoided, as it includes non-grassland species as well as non-natives. A better option would be to use a more local company such as Celtic Wildflowers. I note that the LEMP refers to 'or acceptable equivalent' in this respect, so if consent is granted, the source of seeds / plants for the grassland recreation area could be discussed at that stage.

- 5.5 Head of Environment & Public Protection (Landscape Officer):
The substation will be a substantial structure at 96 x 70m, with associated access, landscaping and drainage. Surrounded by a 3.6m high steel palisade security fence on a bund of 2m, with wires, gantries and transformers to 6m and a brick building 40mx 6m to 4.6m height.

The proposal has a full suite of landscape related documents submitted by Arup, including a Landscape and Visual Appraisal (LVA), Landscape General Arrangement Plan, Plant Schedule, and Landscape and Ecological Management Plan (LEMP).

Mitigation proposals are based on a tree survey which shows trees and scrub to be protected during the construction phase and also link to the ecological appraisal recommendations. Planting will be native and provide new woodland, hedgerow, scrub, and aquatic habitat.

The LVA concludes:

- The location is a degraded section of the Gwent Levels with a low sensitivity to the scale and type of change proposed.
- There is no connection with Tredegar Park registered park and garden.
- There are no high sensitivity visual receptors.
- The level of visual change at Viewpoints 1,2,3,6 would be Low and would result in a negligible impact (this includes users of Percoed Lane).
- The level of visual change at Viewpoints 4,5 within Celtic Lakes would be Medium and would result in a minor negative impact.
- Lighting has also been reviewed and will be minimal with negligible landscape impacts.

I have no reason to disagree with the LVA findings.

- 5.6 Head of Infrastructure (Public Rights of Way): No response.

- 5.7 Head of Environment & Public Protection (Environmental Health):
no objections subject to the following condition

Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142 2014, does not exceed a level of 5dB below the existing background level, with no tonal element to the plant.

Reason: *To ensure that the amenities of occupiers of other premises in the vicinity are protected.*

- 5.8 Head of Environment & Public Protection (Senior Scientific Officer): No response.

- 5.9 Head of Infrastructure (SAB): Having reviewed the information, a SAB application will likely be required due to the scale of the works.

- 5.10 Head of Infrastructure (Structural Engineer): No response.

- 5.11 Head of Environment & Public Protection (Tree Officer): No objections.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 100m of the application site were consulted (1 property), a site notice displayed and a press notice published in South Wales Argus. No responses were received.

- 6.2 COUNCILLOR HOWELLS: No response.

- 6.3 COUNCILLOR WATKINS: No response.

- 6.4 COUNCILLOR SCREEN: No response.

- 6.3 COEDKERNEW COMMUNITY COUNCIL: No response.

7. ASSESSMENT

7.1 Description of Site

- 7.1.1 The application site is located to the south of Imperial Park, east of the Quinn Radiator site. The site would be accessed via an existing road that leads to an existing substation located to the south of the site. The submitted site plan does not include removal of the existing gates onto the Dyffryn Lane roundabout. Therefore, the substation site could not be accessible to members of the public. The substation would serve commercial premises located to the north of the application site.
- 7.1.2 The proposal includes the creation of a vehicular access with turning head, a compound measuring 96m x 70m, within which would be switchrooms comprised of sheet metal and low dual pitch roof, a WC, four transformers, switchgear and lighting /CCTV columns. The compound would be bordered with a security fence. It is also proposed to create new drainage ditches, excavate and enlarge one of the existing ponds to the south of the substation to provide additional drainage attenuation and undertake a cut and fill operation, cutting into an existing bund and laying the material to the northern part of the site which would result in the land upon which the substation would be installed being raised in height.
- 7.1.3 The proposed compound measures 96m x 70m and features a palisade fence measuring 3.4m. The proposed switchroom measures 6.4m (w) x 39.7m (l) x 4.6m (h). Within the compound this features 4no. 4.5m high lighting columns. The plant equipment measures 7.8m at its highest point.

7.2 Principle of Development

- 7.2.1 The application site is located within the urban boundary as designated by the maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The application site forms part of an allocated employment site. Policy EM1 sets out that the Dyffryn employment site should be allocated for B1, B2 and B8 uses as set out within the Use Class Order 1987 (as amended). The policy further sets out that the employment allocations will be protected for employment uses, and alternative uses for the sites shall be resisted.

The proposed substation comprises essential infrastructure to cater for a data centre (B8) employment use to the north of the site and so complies with the objectives of Policy EM1.

7.3 Flooding

- 7.3.1 Part of the application site extends into Flood Zone C1 (Development Advice Maps) and Flood Zone 3 (Flood Map for Planning).
- 7.3.2 Therefore, the proposal is assessed against the tests outlined within Section 6.2 of TAN15 below.
- I) its location in Zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; **or**,
 - II) its location in Zone C is necessary to contribute toward key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
- and**
- III) it concurs with the aims of PPW and meets the definition of previously developed land; and,
 - IV) the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.
- 7.3.3 The proposal is considered to be part of a local authority strategy to promote the area for employment opportunities as set out within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The proposal meets the first test.

- 7.3.4 The proposal would contribute toward key employment objectives through the facilitation of high-tech industries in the immediate area which aid in sustaining existing settlements through enhanced employment opportunities. The proposal meets the second test.
- 7.3.5 With regard to the third test, the proposal does not meet the definition of Previously Developed Land. However, a material consideration is the land allocation as an employment site within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Through the adoption process of the local development plan, a Welsh Government appointed Inspector assessed this area as a future employment site and accepted the land allocation. Therefore, while the site does not meet the definition of previously developed land, its development for employment purposes does meet the strategic aims of the adopted local development plan.
- 7.3.6 The substation would constitute highly vulnerable development ('vulnerable industrial development'). However, the substation itself would be located outside the flood zone.

Regarding the final test, a Flood Consequences Assessment has been submitted for consideration and the content of this shows that suitable access and egress would be maintained during a flood event, as confirmed by Natural Resources Wales. Therefore, in conclusion the proposal accords with the tests as outlined within section 6.2 of the Technical Advice Note 15.

7.4 **Water Resources**

7.4.1 **Drainage**

The existing basin, south of the proposed substation is to be enlarged to cater for the increased flows from the sustainable drainage measures incorporated into the site. Surface water drainage will be dealt with via Sustainable Drainage consent.

- 7.4.2 The proposed drainage layout includes 2no. oil interceptors; Natural Resources Wales has not raised any objection to the use of the interceptors for hydrocarbons and a condition is imposed. The existing basin, south of the proposed substation is to be enlarged to cater for the increased flows from the sustainable drainage measures incorporated into the site.
- 7.4.3 The proposal includes a switchroom including toilet in the north of the site. The proposed drainage plan includes the installation of a cesspit. The use of a cesspit is the last choice in the selection of foul drainage methods as set out within the Circular 088/2018. The agent will be submitting an assessment of the drainage options which will be presented as a late representation.

7.5 **Visual Impact of Development**

- 7.5.1 The application is supported by a Landscape & Visual Appraisal, Landscape General Arrangement, Plant Schedule and Landscape & Ecological Management Plan (LEMP). The closest public access points would be from Green Lane to the south and Celtic Way/Duffryn Lane to the north. It is noted that the access to the west of the proposed substation is controlled via a gated access. Given the context of the surrounding site, it is considered that the proposed substation would not harm the visual amenities of the area. The proposal accords with Policies GP2 and GP7.

7.6 **Ecology**

- 7.6.0 The application site is located within a Site of Importance Nature Conservation (SINC), therefore, Policy CE8 is applicable to the scheme. This policy sets out that proposals affecting locally designated sites will only be permitted where:
- There would be no overall loss of the nature conservation resource for which the site has been designated;
 - There would be no significant adverse effect on the geological interest of the site;
 - Appropriate mitigation or compensatory measures can be achieved.



Figure 1: Site layout showing the application site with ecological compensation areas.

- 7.6.1 As set out in *Figure 1* above, this shows the wider site edge blue which is land in control of the applicant and the site edged red which is the application site. The area to the east of the application site (outlined in light purple) is the proposed Dormouse Compensation Area (Scrub Zone), the area outlined in lime green is the proposed Dormouse Compensation Area (Woodland Planting), and the area outlined in yellow (southwest of the application site) is the off-site Grassland Compensation Area.
- 7.6.2 The proposed development would require site clearance thereby reducing grassland habitat and affecting the dormice habitat. Natural Resources Wales have accepted the submitted ecological information and confirm that there would not be an adverse impact with regard to ecology should the mitigation measures be secured by condition.
- 7.6.3 The Councils Ecologist outlines that it is not clear whether a one or two stage vegetation clearance will take place in relation to the dormouse habitat. A two stage clearance is where vegetation is initially cleared to about 300mm in height and then subsequently cleared of all vegetation, which allows for a more sensitive clearance method. The submitted Landscape and Ecological Management Plan (LEMP) and SSSI Grassland Management Strategy sets out that a two-stage vegetation clearance will take place if possible depending on whether there is time available within the programme to allow for this. Whilst a two stage clearance is the preference, it is not considered that the application should be refused on the basis of a one stage clearance being the only option. Therefore, with the supporting ecology statements and reports secured by condition, it is considered that where loss of nature conservation occurs locally within the red edge site, the overall designation would not result in an adverse impact. The proposals allows for satisfactory mitigation and compensation of habitat loss.
- 7.6.5 The Councils Ecologist sets out that the existing grasslands are species rich botanically within the wider Celtic Lakes area and therefore extends this consideration to the application site within the site edged blue. The Grassland Compensation Area proposed 2.28ha of compensation within the Gwent Levels SSSI which consists of improvement by habitat management. The grasslands within the red edge are currently deteriorating and barely qualify as a SINC, therefore the improvements put forward are welcomed. The Councils Ecologist disagrees with the ratios put forward within the LEMP document, however does confirm that the ratios put forward of 1:2 in regard to ecological compensation exceed the

standard as set out within the Wildlife and Development SPG 2015 document which requires 1:1.5.

- 7.6.6 The presence of a breeding population of dormice has been identified on the site; additional information has been provided in the form of management plans and method statements which outline the strategy proposed to protect dormice during construction and enhance the remaining habitat. Natural Resources Wales have accepted this information and have confirmed that with the attachment of conditions the proposal would not result in a detrimental impact on dormice population and would continue to have a favourable conservation status in their natural range. Therefore, it is considered that the proposed scheme seeks to incorporate suitable mitigation and compensation measures in accordance with Policy CE8.
- 7.6.7 The red edge site boundary lies outside of the adjacent SSSI to the south, however the wider blue edged site to the west marginally extends into this area and is within proximity to the Severn Estuary European Marine Site. The development site is directly adjacent a ditch which is within the Gwent Levels -St Brides SSSI and hydrologically linked to other water features.
- 7.6.8 The Shrill Carder Bee is a feature of the SSSI; the submitted surveys show the Shrill Carder Bee is not present within the red edged site however they were recorded in the wider area. The submitted Landscape Environment Management Plan sets out methods to manage and enhance areas of grassland coupled with a two-staged vegetation clearance. Where the substation is located this would result in the permanent loss of grassland however this loss is offset through the Grassland Compensation Area totalling 2.28ha which is considered acceptable by Natural Resources Wales.
- 7.6.9 There are buffers of 7m from field ditches and 12.5m from reens throughout construction and operational phases. The reens and ditches are to be retained with the grass margins being cut on alternating banks each year. The cutting of the grass margins would positively contribute toward reducing overshadowing of the reens and ditches. Natural Resources Wales are satisfied with the information submitted with regard to the Shrill Carder Bee and the reen/ditch management.
- 7.6.10 There is a concern with regard to the seed mix proposed for the grassland compensation area; advice from the Councils Ecologist and Natural Resources Wales set out that a seedmix of local provenance should be used instead of the commercial mix due to the sites sensitivities. The Councils Ecologist provides further advice on the specific mix of seeds available, therefore a condition is attached to the recommendation setting out for details of the seed mix are to be submitted and agreed in writing.
- 7.6.11 The proposal is considered acceptable in ecological terms subject to the attachment of conditions and notes as recommended by Natural Resources Wales and the Councils Ecologist. The proposal accords with Policies SP9 and GP5.
- 7.6.12 *In-combination Effects*
- 7.6.13 Natural Resources Wales have advised that as the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), it is for the Authority to carry out the test of Likely Significant Effects for the proposed development. Should the Local Planning Authority conclude that the proposed development is likely to have a significant effect on a Special Area of Conservation, Special Landscape Area or Ramsar site, either along or in combination with other plans or projects, an appropriate assessment must be made of the implications of the project for that site in view of its conservation objectives.
- 7.6.14 The Local Planning Authority have considered extant projects that are in proximity to the River Usk and within 2km of the application site, and these have been assessed for their potential for in-combination effects. It has been concluded that the proposed development, along with those identified would have no in-combination Likely Significant Effects and an Appropriate Assessment is not necessary. Appendix A, which is included at the end of this report outlines the extant projects identified and considered. Overwintering and migrating birds are unlikely to use the application site due to the nature of the habitat characteristics.

7.6.15 Under the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority is required to address the three derogation tests where a European Protected Species has been identified on the site. In this case, dormice have been detected on the site and otters are known to be present in the wider area, with the nearest record of a sprainting site (otter dung site) 350m from the application site. Therefore, the three derogation tests in relation to dormice and otters are addressed in turn below:

1) *The activity must fall within one of the licensable purposes listed in Regulation 55(2) of the Conservation of Habitats and Species Regulations 2017.*

In this case, the proposal has an overriding public interest as it facilitates the delivery of electricity to serve the adjacent development of high-tech industry sector which in turn leads to increased economic activity within the Local Authority area increasing employment opportunities.

2) *There must be no satisfactory alternative; and*

The proposed development would result in the removal of scrub to make way for the siting of the substation. The blue edge plan shows the extent of land within the ownership of the applicant setting out they have control over that land. The application site is located on land which is well related to the existing development which it is to serve. The submitted ecological compensation and mitigation measures proposed provide an enhancement when viewed as a whole. It is therefore considered that there is no satisfactory alternative.

3) *The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*

Within the consultation response from Natural Resources Wales, they have confirmed that the dormice population would be maintained within its natural range following completion of the development and compensation measures.

7.7 **Amenity**

7.7.1 The nearest residential properties are located approximately 182m to the east. No objection has been raised by the Environmental Health Officer with regard to noise subject to the attachment of a condition to ensure the plant equipment does not exceed 5dB below the existing background noise. As such, a condition to that effect is attached.

7.7.2 Due to the separation distance between the application site and any other existing built development, the proposal would not have an adverse impact on the levels of daylight, sunlight or overshadowing of neighbouring properties.

7.9 **Highways and Parking**

7.9.1 The site is proposed to be accessed from an existing link to the Duffryn Lane roundabout to the north of the site. The existing highway to the west of the substation appears to be made up to a suitable standard to accept the construction and operational traffic. No alterations are required at the junction with the roundabout. The existing gates are located approximately 16m from the roundabout carriageway thereby allowing vehicles to pull into the junction and wait while the gates are opened with out affecting other road users entering the roundabout.

7.9.2 No objection has been received from the Highways Officer with regard to access to the site during the operational phase. However, they have recommended that during construction phase, to address any potential backing up on the highway from construction vehicles visiting the site, a gatekeeper should be stationed at the access point. To further ensure the construction phase would not adversely impact the safe and efficient use of the highway network, a Construction Environment Management Plan is secured by condition.

7.9.3 The site is located within Parking Zone 6. The type of development proposed is not categorised by one of the types of development as set out within the Parking SPG document. The proposed layout includes an area for a maintenance vehicle to enter and leave the site is a forward gear. As the vehicles visiting the site would be infrequent during the operational phase, it is considered that the access road with turning head within the substation compound is sufficient to serve the needs of the site. The proposal is considered to accord with Policies GP4 and T4.

7.10 **Archaeology**

7.10.1 The site is archaeologically sensitive as the site is located on the edge of the Gwent Levels Registered Historic Landscape in an area of known prehistoric, Roman and early-medieval activity. The application is supported by an archaeological desk-based assessment and a watching brief. The results of which conclude that it is unlikely that remains are present that require preservation in-situ, however there may be material of lesser significance which should be recorded during the construction phase. The submitted written scheme of investigation and watching brief have been carried out in accordance with professional standards and a condition is attached to the recommendation ensuring development is carried out in accordance with those details. Subject to condition, the proposal is considered to accord with Policy CE6.

8. **OTHER CONSIDERATIONS**

8.1 **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.

8.2 **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.

8.3 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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

8.7 **Newport's Well-Being Plan 2018-23**

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this

application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. CONCLUSION

9.1 The proposed development is considered to accord with the aims of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) as the proposal seeks to support local employment through the provision of electrical infrastructure. Adequate mitigation and compensatory ecological measures have been proposed as part of the application.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents:

- Landscape and Ecological Management Plan (LEMP) and SSSI Grassland Management Strategy (Ref: 293651-ARP-XX-XX-RP-YE-002 Rev 3)
- Plant Schedule (Drawing ref: 293651-ARP-XX-SP-LD-0001 Rev P002)
- Figure 3. Grassland Compensation Area Vegetation Clearance (Drawing ref: 293651-LD-XX-DR-0403 Rev 4)
- Figure 4. Proposed Landscape and Habitat General Arrangement (Drawing ref: 293651-LD-XX-DR-001 Rev 5)
- Figure 5. Existing Conditions and Vegetation Lost and Retained (Drawing ref: 293651-LD-XX-DR-0002 Rev 2)
- Ecological Impact Assessment (EclA) (Ref: 293651-ARP-XX-XX-RP-YE-0001 Issue 02 – 12 December 2023)
- Dormouse Conservation Strategy (Ref: 293651-ARP-XX-XX-RP-YE-0004 Rev 2 – 12 December 2023)
- Planning, Design and Access Statement (Ref: 293651-ARP-ZZ-XX-RP-YP-000001 Rev 3 – 13 December 2023)
- Two-staged Vegetation Clearance Method Statement (Ref: 293651-ARP-XX-XX-RP-YE-0005 Issue 02 – 12 December 2023)
- Vegetation Surveys, dated October 2021 by *Sturgess Ecology*, Document ref: C271/D1/V2)
- Site Location Plan (Drawing ref: CG1000 P03)
- Application Plan (Drawing ref: CG10001 Rev P03)
- Existing Site Topography and TAN15 Flood Zones (Drawing ref: CG1002 Rev P03)
- Existing Utilities (Drawing ref: CG1003 Rev P03)
- Proposed General Arrangement (Drawing ref: CG1010 Rev P03)
- Proposed Finished Levels (Drawing ref: CG1011 Rev P03)
- Proposed Site Layout (Drawing ref: CG1012 Rev P03)
- Proposed Connections Plan (Drawing ref: CG1030 Rev P03)
- Proposed Drainage Layout (Drawing ref: CG1040 Rev P03)
- Substation Drainage Strategy Report (Ref: CL-ARP-DGS-00-RP-CD-00001 Rev P04 – 27 September 2023)
- Preliminary Ecological Assessment (Ref: ECO/1 Issue 23 August 2021)
- Landscape Plan Appendix A 293651-ARP-XXX-XX-RP-YE-0005
- Celtic Lakes Substations Flood Consequences Assessment – Version 3, July 2023 by *JBA Consulting* (Received: 02/10/2023)
- Archaeological Watching Brief, July 2023 by GGAT (Ref: 2023/029)
- Archaeological Assessment, July 2023 by GGAT (Ref: 2023/036)
- Archaeological Written Scheme of Investigation, September 2023 (Ref: 2023/048)
- Noise and Vibration Assessment (Ref: 293651-00\R01-HM Rev P01 – 31 July 2023)
- Celtic Lakes National Vegetation Classification Survey Report, September 2023 – Version V1.0.
- Swept Path Analysis (Drawing ref: CG1020 Rev P03)
- Tree Retention and Removal Plan (Drawing ref: Figure 3)
- Tree Retention and Removal Plan (Drawing ref: Figure 2)

- NGED 132kV/33kV/11kV Substation Proposed Plan (Drawing ref: 15602-HYD-XX-XX-DR-Y-3003 Rev P03)
- NGED 132kV/33kV/11kV Substation Proposed Elevations and Sections (Drawing ref: 15602-HYD-XX-XX-DR-Y-3004 Rev P03)
- NGED 132kV/33kV/11kV Substation Site Plan (Drawing ref: 15602-HYD-XX-XX-DR-Y-3006 Rev P02)
- Celtic Lakes Power – Arboricultural Impact Assessment, Welsh Government, Version V0.1 (July 2023) (Received: 02/10/2023)
- Tree Retention and Removal Plan (Drawing ref: Figure 1)
- Celtic Lakes Geotechnical and Geoenvironmental Interpretative Report (Ref: 4-50, Issue 01 – September 2023)
- Celtic Lakes NGED Substation Landscape and Visual Appraisal Parts 1 - 5 (Ref: 17 July 2023)
- Celtic Lakes NGED Substation Information to Inform a Habitats Regulations Assessment (Ref: 293651-ARP-XX-XX-RP-YE-0003 Issue – 26 September 2023)
- Figure 4: Landscape General Arrangement (Drawing ref: 293651-ld-xx-dr-0001 Rev P03)
- PAC Report (Received: 02/10/2023)
- Celtic Lakes Planning Support – Transport Statement (Ref: 293651-ARP-XX-0001 – 22 September 2023)

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

02 No development shall take place until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with that out-lined in 'Celtic Lakes, Imperial Park, Newport: Archaeological Written Scheme of Investigation by GGAT Archaeological Services Report no. 2023/048, dated September 2023).

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Policy CE of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142 2014, does not exceed a level of 5dB below the existing background level, with no tonal element to the plant.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

04 No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of construction has been submitted to and approved in writing by the Council as Local Planning Authority.

The method statement shall include, but not be limited to:

- Entrance/exit from the site for visitors/contractors/deliveries
- Temporary works to facilitate access from highway
- Location of directional signage within the site
- Parking for contractors, site operatives and visitors
- Temporary roads/areas of hard standing
- Details of street sweeping/street cleansing/wheelwash facilities
- Hours of working
- Phasing of works including start/finish dates

For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway.

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers in accordance with Policies GP2 and GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

05 If, during the course of construction (including, site clearance, demolition and ground works) 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out in accordance with the agreed details.

REASON: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policy GP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

06 No development shall commence until a plan for the provision, management and maintenance of the dormouse habitat features has been submitted to and approved by the Local Planning Authority.

07 The habitat management plan shall build upon the principles and commitments for protected species mitigation and compensation contained within the documents 'Landscape and Ecological Management Plan (LEMP) and SSSI Grassland Management Strategy Reference: 293651-ARP-XX-XX-RP-YE-0002 Rev 3 dated 12 December 2023' and 'Dormouse Conservation Strategy Reference: 293651-ARP-XX-XX-RP-YE-0004 Rev 2 dated 12 December 2023', and shall include:

- Details of habitats and ecological features present or to be created on and off site, including planting schedules
- Details of the desired conditions of habitats (present and to be created) on and off site
- Details of short- and long-term management, monitoring and maintenance of new and existing habitats at the site, to deliver and maintain the desired condition
- Details of scheduling and timing of activities
- Measures to restrict human access to habitat creation areas
- Details of monitoring of ecological features
- Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within years of completion of development
- Details of management and maintenance responsibilities
- Details of measures to eradicate invasive non-native species, including Cotoneaster spp
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed

A written report on the delivery of the habitat management plan shall be submitted to the LPA at the completion of construction, and thereafter at 5-year intervals post construction. The report shall include an updated habitat management plan which incorporates recommended changes arising from the monitoring and the 5-yearly review.

The habitat management plan shall be carried out in accordance with the approved details.

REASON: A habitat management plan should be submitted to ensure necessary habitat management measures are agreed prior to commencement and implemented to ensure the site's habitat features are adequately managed long term in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

08 No development shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

REASON: To ensure necessary management measures are agreed prior to construction and implemented for the protection of the environment in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

09 Notwithstanding the submitted details in regard to the seed mix for the grasslands, prior to the sowing and/or planting of the grasslands, details of the seeds and/or plants proposed shall be submitted to and agreed in writing by the Local Planning Authority. Development shall commence in accordance with the agreed details.

REASON: In the interests of enhancement of biodiversity in the immediate area in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

10 Cesspit

Prior to the installation of the cesspit, details of the cesspit and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall commence in accordance with the agreed details and retained for the duration of the use.

REASON: In the interests of protecting the hydrology of the groundwater in accordance with Policy GP5 and GP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

11 Lighting

Prior to the installation of any external lighting, details shall be submitted showing luminance impact on the wider area and the timings of when the lighting shall be used and how this will be controlled. Development shall commence in accordance with the agreed details.

REASON: In the interests of biodiversity in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

12 The compensation areas must be implemented as shown on the drawings and documents below in accordance with the timetable as shown on Figure 3 Grassland Compensation Area Vegetation Clearance (Drawing ref: 293651-LD-XX-DR-0403 Rev 4):

- *Figure 3 Grassland Compensation Area Vegetation Clearance (Drawing ref: 293651-LD-XX-DR-0403 Rev 4)*
- *Landscape and Ecological Management Plan (LEMP) and SSSI Grassland Management Strategy (Ref: 293651-ARP-XX-XX-RP-YE-0002 Rev 3 – 12 December 2023)*
- *Figure 4 Proposed Landscape and Habitat General Arrangement (Drawing ref: 293651-LD-XX-DR-0001 Rev 5)*

- *Figure 5 Existing Conditions and Vegetation Lost and Retained (Drawing ref: 293651-LD-XX-DR-0002 Rev 2)*
- *Ecological Impact Assessment (EclA) (Ref: 293651-ARP-XX-XX-RP-YE-0001 Issue 002 – 12 December 2023)*
- *Dormouse Conservation Strategy (Ref: 293651-ARP-XX-XX-RP-YE-0004 Rev 2 – 12 December 2023)*
- *Two-staged Vegetation Clearance Method Statement (Ref: 293651-ARP-XX-XX-RP-YE-0005 Issue 002 – 12 December 2023)*
- *Vegetation Clearance Method Statement*

Once implemented the compensation areas shall be maintained in accordance with the Landscape and Ecological Management Plan (LEMP) and SSSI Grassland Management Strategy (Ref: 293651-ARP-XX-XX-RP-YE-0002 Rev 3 – 12 December 2023).

REASON: In the interests of ensuring the site is suitably compensated and mitigated in regard to onsite biodiversity in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP4, SP8, SP9, SP17, GP1, GP2, GP4, GP5, GP6, GP7, CE6, CE8, EM1, EM3, T4 and W3 were relevant to the determination of this application.

02 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

03 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.

Warning: A European Protected Species (EPS) licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/ or receive an unlimited fine. Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000, or at <https://naturalresources.wales/permits-and-permissions/protected-specieslicensing/european-protected-species-licensing/information-on-european-protectedspecies-licensing/?lang=en> . We may wish to discuss minor aspects of the proposed mitigation with the applicant in more detail at the EPS licence application stage. Please note that any changes to plans between planning consent and the EPS licence application may affect the outcome of the licence application.

CEMP condition They include: Potential queueing of vehicles on highway or backing up to highway (gate needs to be manned); Debris on highway (wheelwash facility needed); Safe access for pedestrians (segregate pedestrian access to site/private access).

No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Council as Local Planning Authority. The method statement shall include, but not be limited to: Entrance/exit from the site for visitors/contractors/deliveries Temporary works to facilitate access from highway Location of directional signage within the site Parking for contractors, site operatives and visitors Temporary roads/areas of hard standing Details of street sweeping/street cleansing/wheelwash facilities Hours of working Phasing of works including start/finish dates For the avoidance of doubt all construction

vehicles shall load/unload within the confines of the site and not on the highway. The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers

04 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

05 It is considered that the decision has been made in conformity with the Marine Policy Statement (2011) and in accordance with marine national planning policy contained within the Welsh National Marine Plan (2019) as demonstrated in the assessment of this proposal.

Appendix A – In Combination Effects

The Habitats Regulations require assessment of the in-combination effects. The following extant projects are in proximity to the River Usk and within 2km of the application site, and are assessed for their potential for in-combination effects:

- 23/0954 - PROVISION OF AN ATTENUATION BASIN, SUBSTATION, SPRINKLER TANK, SECURITY BOUNDARY FENCE, CCTV, EXTERNAL LIGHTING AND HARD AND SOFT LANDSCAPING

The development is under consideration and is located north of the application site. An Ecological Impact Assessment has been submitted for the proposed development and remains to be assessed by the Councils Ecologist.

- 21/0988 - CONSTRUCTION OF A THREE STOREY MANUFACTURING AND RESEARCH AND DEVELOPMENT FACILITY AND ADMINISTRATION OFFICE, EXTERNAL PLANT, STORAGE AND GAS STORAGE COMPOUND, CAR PARKING, SUSTAINABLE DRAINAGE, HARD AND SOFT LANDSCAPING, ATTENUATION BASIN AND ASSOCIATED WORKS.

This development is under construction and runs adjacent to the application site. An Ecological Impact Assessment was submitted and identified localised mitigation required. This planning application did not include a HRA assessment and so is not considered further.

- 23/0549 - S73 APPLICATION TO VARY CONDITIONS 1 (APPROVED PLANS), 7 (LANDSCAPING AND PLANTING SCHEME) AND 10 (NOISE ASSESSMENT) OF 20/0039 ERECTION OF 4NO. THREE-STOREY DATA CENTRE BUILDINGS COMPRISING B8 USE AND ANCILLARY B1 USE, PROVISION OF EMERGENCY GENERATORS, SECURITY LODGE, HARD AND SOFT LANDSCAPING, INTERNAL ACCESS ROADS, CAR PARKING AND SUSTAINABLE DRAINAGE. AMENDMENTS INCLUDE CHANGES TO BUILDING FOOTPRINTS AND DESIGN, LOCATION OF GENERATORS, CHANGES TO DRAINAGE STRATEGY AND LANDSCAPING AND OTHER LAYOUT CHANGES

This development is within 100 metres of the nearest part of the application site to the north east and has recently started site preparation. Ecological Impacts were considered and any impact controlled through planning conditions. This planning application did not include a HRA assessment and so is not considered further.

- 21/0976 - CONSTRUCTION OF UNDERGROUND ELECTRICITY TRANSMISSION CONNECTION AND ASSOCIATED WORKS

This development is comparable in nature and scale to the proposed application and the cables are supplied from the same substation. It is located east of the application site and provides power to another Data Centre. Works are understood to have been undertaken but has been included for completeness. This planning application did not include a HRA assessment and so is not considered further.

- 23/0878 - PROPOSED ELECTRICITY SUBSTATION COMPOUND (132/33/11KV), INCLUDING A SWITCH-ROOM BUILDING AND OUTDOOR ELECTRICAL EQUIPMENT, ENCLOSED BY A SECURITY FENCE, WITH ASSOCIATED INFRASTRUCTURE INCLUDING ACCESS, LANDSCAPING, DRAINAGE AND EARTHWORKS

This application is currently before the Local Planning Authority and is within close proximity of the application site. A HRA has been submitted and this has also considered the in combination effects with the aforementioned developments. That HRA concluded that the proposal will not adversely affect the integrity of the Severn Estuary European Marine Site or River Usk SAC, either alone or in-combination with other plans or projects.

It is therefore considered that there would be no in combination effects as a result of the proposed development being considered within this application.

Conclusion

The proposed development has been considered alongside other current planning applications or extant planning permissions within the proximity of the site and it is not considered that there would be any in combination effects of the River Usk (SAC) or the Severn Estuary Marine Site and an Appropriate Assessment is not necessary.

END