

## **Preface**

- 1.1. This documents the relevant national and local planning policy context for the site. It identifies relevant planning and land use policies and assesses the performance of the proposed development against the identified policy framework.

### **National Planning Policy - Planning Policy Wales (PPW) (Edition 11, February 2021)**

- 1.2. PPW (Edition 11), which was adopted in February 2021, represents the latest change to PPW since it was first published in May 1996 and rather than the series of piecemeal updates that have taken place in the publication of previous editions of PPW, Edition 10 is entirely rewrites and restructured Edition 9 in the context of the Well-being of Future Generations (Wales) Act 2015.
- 1.3. It has an over-riding objective to accommodate current and future needs and seeks to maximise delivery of outcomes against all aspects of well-being and sustainable development, set to be achieved by adopting a placemaking approach. The concept of placemaking introduced in the PPW is considered a key element to deliver on the aspirations of the Act and drive plan-making and development management decisions.
- 1.4. Paragraph 2.13 sets out that this plan-led system underpins the delivery of sustainable places, undertaken through the adoption of 5 Key Principles which represents a guiding vision for all development plans. These principles seek to support the culture change needed to embrace placemaking and ensure that planning facilitates the right development in the right place. These principles are set out as follows:
- Growing our economy in a sustainable manner;
  - Making best use of resources;
  - Facilitating accessible and healthy environments;
  - Creating & sustaining communities; and
  - Maximising environmental protection and limiting environmental impact.
- 1.5. Paragraph 2.11 sets out the Well-being of Future Generations Act's 'Five Ways of Working' which public bodies are required to demonstrate in undertaking their sustainable development duty. Giving consideration to these ways of working is an intrinsic part of the planning system. It will be for each decision making body to demonstrate how they have operated in this manner. These 'Five Ways of Working' are set out as follows:
- Collaboration;
  - Prevention;
  - Long Term;
  - Involvement; and
  - Integration.
- 1.6. PPW sets out that the principles of sustainable development and the approach to decision making contained in the above Five Ways of Working are matters that are already integral to the planning system. However, the planning system can and must improve in these areas if the requirements of the Planning Act and the Well-being of Future Generations Act are to be achieved.

- 1.7. Paragraphs 3.51, 3.52, and 3.53 relate to previously developed land, which is defined on Page 38. Paragraph 3.51 recognises that there is a preference for the redevelopment of previously developed land rather than greenfield. This is recognised between Paragraphs 3.37 and 3.44 of PPW which, in introducing the requirement to undertake a site search sequence, states that previously developed land should be considered first.
- 1.8. Section 4.1 relates to transport. It seeks to focus new development in efficient and sustainable locations which encourage journeys by foot, bike, and public transport over use of private vehicles and the integration of different modes of transport.
- 1.9. Section 4.2 relates to housing. Paragraph 4.2.2 states that local authorities must identify a supply of housing land, enable the delivery of a range of types of housing, and focus on delivering the identified supply. In terms of delivery, Paragraph 4.2.15 requires planning authorities to be able to demonstrate a five year supply of housing land which is deliverable.
- 1.10. Section 6.4 relates to biodiversity and ecology. Generally, it seeks to support proposals that conserve and enhance features of ecological value whilst resisting harmful developments, stressing the role that the planning system has in doing so.
- 1.11. Whilst much of the focus of the section is on statutory designations such as Sites of Special Scientific Interest, Special Areas of Conservation, and Ramsar sites, Paragraph 6.4.20 relates to non-statutory ecological designations such as Sites of Importance for Nature Conservation. It states that whilst non-statutory designations make a vital contribution to the ecological network, they carry less weight than statutory designations and that local planning policies should not preclude appropriate developments so long as there are no 'adverse impacts on features for which a site is designated'.
- 1.12. Within Section 6.4 of PPW, Paragraphs 6.4.24, 6.4.25, 6.4.26, and 6.4.27 relates to trees, woodland, and hedges. Combined, these paragraphs require the protection of trees where they have ecological value, contribute to character, or are important green infrastructure. If such trees are to be removed, they should be replaced.
- 1.13. Section 6.7 of PPW relates to air quality and soundscape. Edition 10 is the first to introduce the 'agent of change' principle, with Paragraph 6.7.5 stating that:
- "The agent of change principle says that a business or person responsible for introducing a change is responsible for managing that change. In practice, for example, this means a developer would have to ensure that solutions to address air quality or noise from nearby pre-existing infrastructure, businesses or venues can be found and implemented as part of ensuring development is acceptable."*
- 1.14. In this case it means that if the introduction of housing raises concerns relating to noise as a result of adjoining uses, mitigation measures should be applied to the proposed housing rather than existing surrounding uses.

#### **National Planning Policy - Technical Advice Notes (TANs)**

- 1.15. TANs provide supplementary policy principles and add more detailed content on how a range of issues might affect the development potential of the site. Those TANs that are considered to be relevant to the determination of the application are summarised below.

*TAN 2: Planning and Affordable Housing (2006)*

- 1.16. TAN 2 provides guidance relating to the provision of affordable housing. Within the document, key principles are identified regarding the need for LPAs to address the need for affordable housing through the preparation of their LDPs and the need for appropriate levels of affordable housing to be delivered

*TAN 11: Noise (October 1997)*

- 1.17. The document identifies various issues relating to noise and its relationship with planning. In particular, the TAN identifies that noise-sensitive development should be assessed against its compatibility with existing activities, and any expected increase. Furthermore, it also makes clear that developments likely to be subject to unacceptable high noise levels should not be permitted unless mitigation measures can be introduced that are proportionate and reasonable.

*TAN 12: Design (March 2016)*

- 1.18. TAN 12 seeks to encourage high quality design, built environments and public realm for all new development. The document also contains guidance on important built environment issues such as access, character, delivering community safety, environmental sustainability and movement.

*TAN 15: Development and Flood Risk (July 2004)*

- 1.19. TAN 15 provides important guidance and tests for development within areas of flood risk. In doing so, the document categorises land according to its risk of flooding: Zone A, Zone B, Zone C1 and Zone C2. The document sets out a precautionary framework for development within areas of flood risk, seeking to direct new development away from areas at high risk of flooding (i.e. Zones C1 and C2) to areas at lower risk of flooding (i.e. Zones A and B) unless the tests identified within the document are met.

*TAN 18: Transport (March 2007)*

- 1.20. TAN 18 seeks to promote an efficient, sustainable and accessible transport system across Wales. The requirement of promoting travel efficient settlement patterns is a key objective of the document, whilst the TAN also states that new development should be located where it would be accessible by public transport, provide an appropriate level of parking provision, promote cycling and walking and creating a safe public realm.

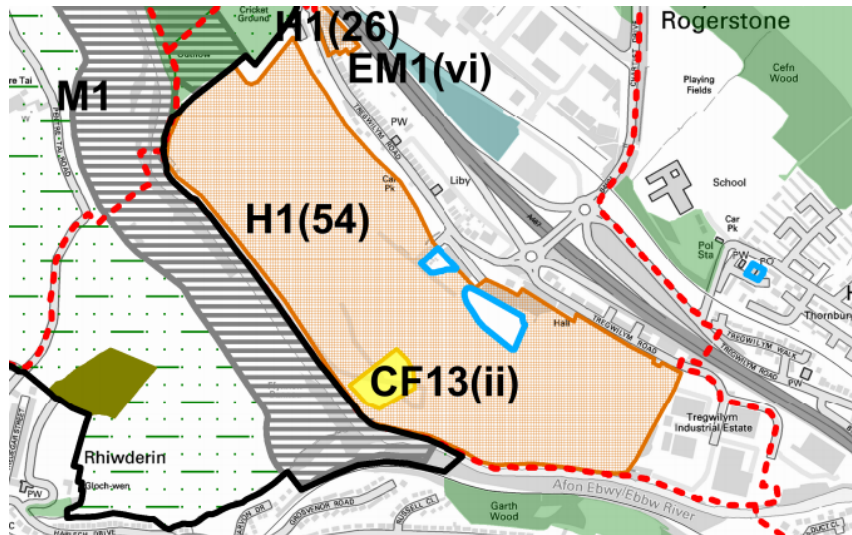
### **National Planning Policy - Future Wales: The National Plan**

- 1.21. Welsh Government has formally adopted Future Wales: The National Plan 2040 (Future Wales). Future Wales outlines the Welsh Government's strategies for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, delivering growth in the right areas, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of communities. Unlike its predecessor, the Wales Spatial Plan, which was in place when the outline application and subsequent reserved matters applications were determined, Future Wales now forms part of the statutory development plan.
- 1.22. Future Wales sub-divides Wales into four regions with the application site located within the South West Wales region. A total of 36 policies are contained within Future Wales of which 19 are thematic and the remainder relate to the four regions. Those policies relevant to the determination of this application are summarised below:
- 1.23. Policy 1 (Where Wales Will Grow) identifies a series of National and Regional Growth Areas within which new development is generally to be focused. Newport, alongside Cardiff and the Valleys, is identified as a National Growth Area and therefore general support is offered by this policy for proposals for new housing within this location.

- 1.24. Policy 2 (Shaping Urban Growth and Regeneration – Strategic Placemaking) sets out the following seven key principles for placemaking:
- Encouraging a mix of uses to reduce car travel and result in activity throughout the day;
  - Provision of a mix of housing tenures and types;
  - Delivering development close to (and well-connected to) services and public transport;
  - Encouragement of density in sustainable and accessible locations, including requirement to achieve a minimum density of 50 dwellings per hectare within “Urban Areas”;
  - Developments to incorporate a hierarchy of permeable networks of streets;
  - Consideration of opportunities for the development of a range of plot sizes as well as opportunities for self and custom build;
  - Integration of Green Infrastructure.
- 1.25. Policy 8 (Flooding) recognises the flood constraints that much of South East Wales (including Newport)) is subject to but seeks to focus growth within the National Growth Areas where flood risk can be managed.
- 1.26. Policy 9 (Resilient Ecological Networks and Green Infrastructure) reiterates the requirement for all developments to achieve a biodiversity net gain. This should be achieved by identifying areas to be safeguarded, and identifying opportunities for the maximisation of existing green infrastructure and introduce new green infrastructure. Where possible, existing designated or high value sites should be connected through green infrastructure improvements.
- 1.27. Policy 12 (Regional Connectivity) encourages a masterplanning approaches to move the modal shift away from the private car by incorporating measures that encourage active travel and the use of public transport.
- 1.28. Policy 13 (Supporting Digital Communications) requires new developments to include the provision of Gigabit capable broadband from the outset.
- 1.29. Policy 33 (National Growth Area – Cardiff, Newport and the Valleys) expands upon Policy 1 of Future Wales, stating that Welsh Government supports the strengthening of Newport’s strategic role for sustainable long-term growth and investment. The subtext expands upon this by specifically stating that strategic growth should be focussed in Newport itself to support brownfield regeneration.

#### **Local Planning Policy - Newport Local Development Plan**

- 1.30. The application was assessed in the context of the Newport City Council Unitary Development Plan (UDP) which was adopted in 2006 and covered the period from 1996 to 2011. At the time of preparation and adoption of the UDP the site was still used for the manufacturing of aluminium and accordingly the site was designated as white land within Rogerstone’s settlement boundary neither subject to a housing allocation or employment safeguarding. In the determination of the application weight was therefore given to the contribution that the proposals would make to the supply of housing on a site where the prospects of future use for employment purposes were remote.
- 1.31. The UDP has now been replaced by the Newport City Council Local Development Plan (LDP) which was adopted in 2015 and covers the period between 2011 and 2026. The approach taken in the LDP is to encourage the regeneration of previously developed and derelict land with the focus of housing delivery on brownfield rather than greenfield sites.
- 1.32. The relevant extract of the Proposals Map for the site is replicated below:



**LDP Proposals Map**

- 1.33. Jubilee Park forms an allocation in the adopted LDP with Policy H1(54) allocating the site for 1,034 homes. This is a significant contribution to meeting the total housing requirement over the plan period of 10.,350 homes that is set in Policy SP10 (House Building Requirement). Policy CF13 identifies three locations where new or expanded schools are required. Jubille Park (under allocation 13ii) is identified to accommodate a new primary school whilst Policy R8 makes provision for the delivery of a local centre within Jubilee Park. Reflecting this, Jubilee Park is included within Rogerstone's settlement boundaries.
- 1.34. Taken together it is evident that the redevelopment of Jubilee Park is an important aspiration of the adopted LDP with clear policy support for its delivery.
- 1.35. Policy SP1 (Sustainability) requires development to be sustainable by being concentrated in accessible locations and on previously developed land within settlement boundaries. The policy encourages the efficient use of land, requires the reduction in energy consumption, the minimisation of waste, improve access to services, the conservation and enhancement of green spaces, and appropriate locations given flood risk.
- 1.36. Policy SP2 (Health) requires that proposals make a positive contribution to health and well-being.
- 1.37. Policy SP3 (Flood Risk) states that development will only be permitted in flood zones in accordance with national planning policy. Development should be directed away from those areas at risk of flooding and will not be permitted where it increases the risk of flooding.
- 1.38. Policy SP4 (Water Consumption) requires that development minimises water consumption through SuDS and the re-use of water onsite.
- 1.39. Policy SP13 (Planning Obligations) requires development to make contributions to local regional infrastructure that is proportional to the size and nature of the proposals. These obligations should mitigate any negative impacts of development and could relate to the upgrading of education facilities, affordable housing, highways improvements, outdoor recreation, community facilities, and public realm improvements.
- 1.40. Policy SP18 (Urban Regeneration) favours proposals which assist with the regeneration of the urban area, particularly where they make use of vacant land and result in the provision of residential uses.

- 1.41. Policy GP1 (General Development Principles – Climate Change) requires that development can withstand climate change, minimises energy requirements, and meets relevant BREEAM standards.
- 1.42. Policy GP2 (General Development Principles - General Amenity) requires that development is acceptable on amenity grounds with regards to air quality, noise, light, character, appearance, and design.
- 1.43. Policy GP3 (General Development Principles – Service Infrastructure) – requires that new development is served by appropriate foul water drainage services.
- 1.44. Policy GP4 (General Development Principles – Highways and Accessibility) states that development should provide access for pedestrians and cyclists., is accessible by public transport, incorporates appropriate parking, provides safe access arrangements, is accessible by public transport, and does not have an unacceptable impact on the highways network.
- 1.45. Policy GP5 (General Development Principles – Natural Environment) states that development will be permitted where it protects and mitigates for biodiversity, do not have an unacceptable impact on water quality, do not result in the loss of high agricultural land, and are acceptable on landscape grounds.
- 1.46. Policy GP6 (General Development Principles – Quality of Design) sets a requirement for high quality design. A total of seven principles of good design (site context, access / permeability / layout, preservation / enhancement, scale / form, materials, and sustainability) are identified.
- 1.47. Policy GP7 (General Principles – Environmental Protection and Public Health) requires that the impact of development on health (with regards to dust, contamination, noise, light pollution, water pollution, or dust) is acceptable.
- 1.48. Policy H2 (Housing Standards) states that development should be built to high standards of environmental and sustainable design;
- 1.49. Policy H3 (Housing Mix and Density) sets a requirement for all developments of in excess of 10 dwellings to achieve a density of 30 dwellings per hectare;
- 1.50. Policy H4 (Affordable Housing) states that, for developments of in excess of 10 units within settlements boundaries and within “Rogerstone and West Newport” 30% of new hoems are required to be affordable;
- 1.51. Policy T4 (Parking) requires that all development complied with adopted parking standards.

#### **Local Planning Policy – Supplementary Planning Guidance**

- 1.52. The LDP is supported by a series of pieces of Supplementary Planning Guidance (SPG) which, whilst not having development plan status, constitute material considerations in the determination of planning application. Those SPGs relevant to the determination of the application are considered below:
- 1.53. Sustainable Travel SPG – This SPG provides guidance on how sites should link with the wider area as well as providing guidance on the preparation of Travel Plans and how various forms of parking should be laid out;
- 1.54. Planning Obligations SPG – This SPG expands upon Policy SP13 (Planning Obligations) by detailing how planning obligations will be calculated, matters relating to how they are applied, and for what forms of infrastrcutrue they will fund.
- 1.55. Affordable Housing SPG – This SPG expands upon Policy H4 (Affordable Housing) by outlining how the Council expects affordable housing to be delivered as part of new residential developments.

- 1.56. Parking Standards SPG – This SPG sets car and cycle parking standards on the basis of six identified parking zones. The site is located within Parking Zone 4 where car parking will be provided at a rate of 1 space per bedroom for houses (up to a maximum of 3) and 1 space per 5 units for visitors.