

**/APPLICATION DETAILS**

**No:** 18/1057      **Ward:** ST JULIANS

**Type:** DISCHARGE CONDITIONS

**Expiry Date:** 07-JUN-2019

**Applicant:** N/A, ENGIE

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

**Proposal:** PARTIAL DISCHARGE OF CONDITIONS 11 (GROUNDWATER ASSESSMENT), 12 (RECREATION AREA DETAILS FOR PHASE 1), 13 (OPEN SPACE MAINTENANCE STRATEGY), 18 (REPORTS ON MONITORING, MAINTENANCE AND CONTINGENCY ACTION) AND 20 (TESTING OF IMPORTED SOIL OR AGGREGATE FOR PHASE 1) OF PLANNING PERMISSION 13/1279 FOR DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS

**DECISION - APPROVED**

**1. CONSULTATIONS**

1.1 NATURAL RESOURCES WALES: No comment.

**2. INTERNAL COUNCIL ADVICE**

2.1 HEAD OF LAW AND REGULATION (POLLUTION): With the evidence provided I have no objection the partial discharge of condition 20 for Phase 1 as defined in the Terrafirma Report 12032/P2. Little / no evidence provided to discharge any of the other contaminated land conditions for Phases 2 & 3, therefore the contaminated land condition (20) for these phases 2 & 3 should remain in full. Conditions 11 and 18 relate to controlled waters and not human health and as such no comments are offered with regard to these conditions.

2.2 HEAD OF CITY SERVICES (LANDSCAPE): No objections.

2.3 HEAD OF CITY SERVICES (DRAINAGE): No response.

**3. REPRESENTATIONS**

3.1 None.

**4. RELEVANT SITE HISTORY**

13/1279	DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1	Granted with Conditions
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## **5. ASSESSMENT**

- 5.1 This application seeks to partially discharge conditions 11 (groundwater assessment), 12 (recreation area details), 13 (open space maintenance strategy), 18 (reports on monitoring, maintenance and contingency action) and 20 (testing of imported soil or aggregate of planning permission 13/1279 for development of 251 dwellings and associated works). The partial discharge of the conditions is sought with regard to phase 1 of the development. Condition 11 states:

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

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

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

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

- 5.2 Natural Resources Wales have responded advising that they have no comments with regard to the partial discharge of the condition. NRW are the Council's advisors with regards to such matters.

- 5.3 *Condition 12 states:*

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

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

- 5.4 This phase of the development (Phase 1) contains no informal or formal recreation areas and no further information is required with regard to the matters covered by the condition.

- 5.5 *Condition 13 states:*

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

5.6 A management strategy has been provided. The maintenance is to be carried out by Pobl Living. Matters such as tree care, street furniture, fencing, shrubs, hedgerows and grasses are covered in the strategy. The Council's Landscape officer confirms no objections are offered to the partial discharge of the condition. Whilst Phase 1 does not contain informal or formal recreation facilities this information is submitted with regard to subsequent phases.

5.7 *Condition 18 states:*

*(18) Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.*

5.8 A Geo-environmental investigation Report has been submitted. Natural Resources Wales have responded to the Council's consultation advising that they have no comments with regard to the partial discharge of the condition. NRW are the Council's advisors with regards to such matters.

5.9 *Condition 20 states:*

*(20) Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority before that material is imported to the site. No other fill material shall be imported onto the site.  
Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.*

5.10 In response to the information provided the Public Protection Manager offers no objection to the partial discharge of the condition for Phase 1 as defined in the Terrafirma Report 12032/P2. However, little / no evidence has been provided to discharge the contaminated land conditions for Phases 2 & 3, therefore the contaminated land condition (20) for these phases 2 & 3 should remain in full.

## **6. OTHER CONSIDERATIONS**

### **6.1 *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.

### **6.2 *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.

### **6.3 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.

### **6.4 The above duty has 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.**

### **6.5 *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.

### **6.6 *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.

## **7. CONCLUSION**

7.1 The information provided to partially discharge the conditions is acceptable and the application is approved.

**8. DECISION**

APPROVED

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Formal and Informal Open Space Maintenance Strategy dated August 2018, Terrafirma Report 12032/P2, Letter from Terra Firma to NRW regarding ground water testing 30/8/2018, Letter from Terra Firma to Engie 2/8/2018, email from NRW to Terra Firma 1/9/2018, Geotechnical & Geo-environmental Site Investigation Report Phase 1 February 2017, Geotechnical & Geo-environmental Site Investigation Report Phase 2 July 2018, Phase 1 – Imported Soil Validation Report 2, Phasing Plan Revision H.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No Policies were relevant to the determination of this application.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.