

## APPLICATION DETAILS

No: 20/1242 Ward: St Julians  
Type: Discharge Conditions  
Expiry Date: 2nd March 2021  
Applicant: Engie  
Site: Land To South Of Glan Usk Primary School Herbert Road Newport South Wales  
Proposal: PARTIAL DISCHARGE OF CONDITION 6 (PILING AND RISKS TO GROUNDWATERS) OF PLANNING PERMISSION 18/0293 FOR DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, RELATING TO PARTS OF PHASE 3 OF THE DEVELOPMENT ABOVE DWR CYMRU / WELSH WATER INFRASTRUCTURE (TRUNK SEWER)

Decision: APPROVED

### 1. CONSULTATIONS

#### 1.1 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW):

We have no objection to the proposed development as submitted and provide the following advice.

We note from the submitted information that the justification for bored piles in a small area within phase 3 appears to have been dictated by Dwr Cymru Welsh Water due to a trunk sewer. Therefore, we have no objection to the partial discharge of condition 6 in relation to Phase 3.

### 2. INTERNAL COUNCIL ADVICE

2.1 PUBLIC PROTECTION MANAGER (CONTAMINATED LAND): No comment.

### 3. REPRESENTATIONS

3.1 None.

### 4. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
18/0293	DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1	GC 03 October 2018
19/0002	PARTIAL DISCHARGE OF CONDITION 06 (PILING AND RISK TO GROUND WATERS) OF PLANNING PERMISSION 18/0293 FOR THE DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1	A 14 February 2019

### 5. ASSESSMENT

5.1 The applicant is seeking to partially discharge the following condition:

## *06 Piling & Risks to Ground Waters*

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

**Reason:** *There is an increased potential for pollution of ground waters from inappropriate methods of piling.*

**19/0002 – Partial Discharge approved on 14/02/2019 by Newport City Council.**

- 5.2 The applicant is proposing the use of Continuous Flight Auger Piling on part of the site above a Dwr Cymru / Welsh Water Main Sewer that crosses the site. DCWW will not agree to percussive piling adjacent to the sewer necessitating the varied piling method.
- 5.3 The applicant has confirmed measures to minimise risk of mobilising contaminated waters and the disposal of the arisings from the boring process. CNC/NRW are satisfied there are no unacceptable risks to ground or surface waters and have agreed to the piling methodology on this limited area of the overall site.
- 5.4 The Public Protection Manger was also consulted but notes that the condition was applied in the interests of protecting ground waters and he has made no comment on this application.
- 5.5 Policy GP7 (Environmental Protection & Public Health) is complied with and the condition can be discharged in part.

## **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 Policy GP7 (Environmental Protection & Public Health) is complied with and the condition can be discharged in part.

## **8. DECISION**

### **APPROVED**

#### *NOTE TO APPLICANT*

01 This decision relates to the following plans & documents:

- Drawing 1795 035 B – Site Plan, Phase 3, Sheet 3/3
- Drawing PRL-01 K – Production Layout (Hand Annotated Phasing Plan)
- Drawing 3073 (04) 001 B – Site Location
- Materials Management Plan Form – October 2014
- Email from Liam Griffiths 08.07.2021 12:29
- Combined Method & Risk for CFA Piling – 10.12.2019
- Combined Method & Risk Smartfoot – 12.09.2019
- Email from Liam Griffiths 07.07.201 10:57
- Letter from CNC/NRW – 15.12.2020
- Letter from Van Elle – 01.11.2018 (General Contaminated Site Risk Assessment)
- Letter from Asbri Planning 23.12.2020
- Pile Design documents 1-3, (Van Elle) – 01.11.2018
- Schedule of Piling Rig Components – 25.09.2017
- Schedule of Piling Rig Components – 09.12.2019

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policy GP7 was 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.

04 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.

05 This approval is only given in relation to the plots identified in Drawing 1795 035 B, that is Plots 161-166, 152-153, 154-155, 150-151 and 133-137.

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