

APPLICATION DETAILS

No: 21/0570 Ward: St Julians

Type: Discharge Conditions

Expiry Date: 20th July 2021

Applicant: Engie

Site: Land To South Of Glan Usk Primary School, Herbert Road, Newport, South Wales

Proposal: **PARTIAL DISCHARGE OF CONDITIONS 2 (IMPORTED MATERIALS TO RAISE THE SITE) AND 16 (REMEDIAION VERIFICATION) (PLOTS 76-99 & 100-119) OF PLANNING PERMISSION 18/0293 FOR THE DEVELOPMENT OF 195 RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1**

Decision: APPROVED

1.0 CONSULTATIONS

1.1 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW): No objection.

2. INTERNAL COUNCIL ADVICE

2.1 None.

3. REPRESENTATIONS

3.1 None.

4. RELEVANT SITE HISTORY

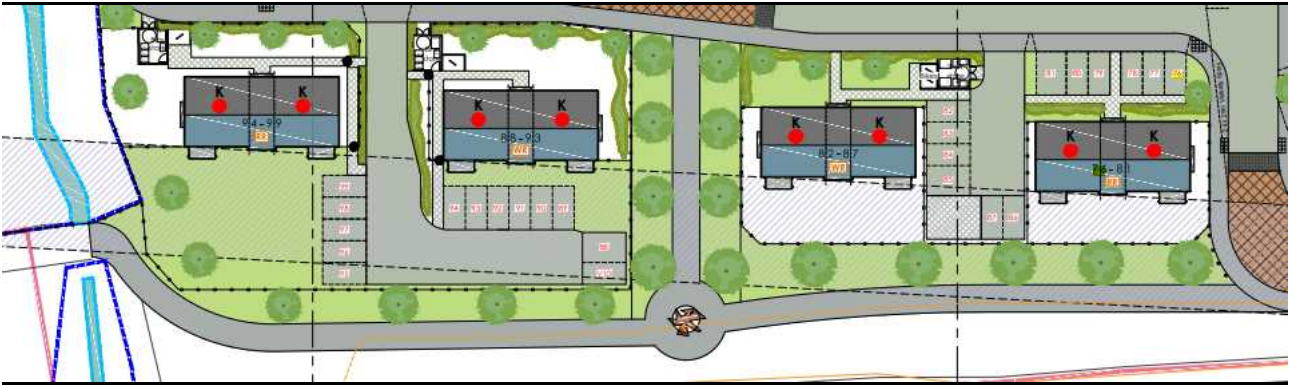
Ref. No.	Description	Decision & Date
18/0293	DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1	GC 03 October 2018
21/0196	PARTIAL DISCHARGE OF CONDITION 02 (IMPORTED MATERIALS) IN RELATION TO PHASE 2 PLOTS 1-46 AND 56-99, CONDITION 12 (DETAILS OF GLAZING AND VENTILATION) IN RELATION TO PHASE 3 AND CONDITION 16 (REMEDIAION VERIFICATION) IN RELATION TO PHASE 2 PLOTS 1-38 OF PLANNING PERMISSION 18/0293 FOR DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1	A 17 June 2021
20/0875	PARTIAL DISCHARGE OF CONDITION 12 (DETAILS OF GLAZING AND VENTILATION) AND 16 (REMEDIAION VERIFICATION) IN RELATION TO PLOTS 39-46 AND 56-75 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 01 February 2021
17/0082	DISCHARGE OF CONDITION 03 (REMEDIAION STRATEGY), PARTIAL DISCHARGE OF CONDITION 10 (REMEDIAION VERIFICATION REPORT) AND PARTIAL	A 16 March 2017

**DISCHARGE OF CONDITION 20 (IMPORTED MATERIAL)
OF PLANNING PERMISSION 13/1279 FOR
CONSTRUCTION OF 251NO. DWELLINGS ON LAND
SOUTH OF GLAN USK PRIMARY SCHOOL**

5. ASSESSMENT

5.1 The applicant is seeking to discharge conditions 02 (Imported Materials) and 16 (Remediation Verification) of planning permission 18/0293 in relation to Plots 76-99 & 100-119 inclusive:

Extracts from Drawing 3073 (04)100 O - Site Layout (Permission 18/0293)



5.2 The relevant conditions read as follows:

02 Imported Materials to raise the site

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 including controlled waters which may arise as a result of potential land contamination are satisfactorily addressed.*

21/0196 – Partial Discharge approved on 17/06/2021 By Newport City Council

16 Remediation Verification

Prior to occupation of any part of the approved development, a verification report demonstrating completion of the works set out in the remediation strategy submitted under discharge of condition approval 17/0082 (or any other strategy that may be subsequently agreed) and the effectiveness of the remediation for that part of the site shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: *In order to demonstrate that the remediation criteria relating to controlled waters and human health have been met. In order to (if necessary) secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters or human health following remediation of the site.*

20/0875 – Partial Discharge approved (in relation to Plots 39-46 and 56-75) on 01/02/2021 by Newport City Council.

5.3 The applicant has provided three letters from Ruth Howells of Terra Firma. These letters confirm that 600mm of ‘clean cover’ has been provided at Plots 76-99 & 108-119 and include the relevant chemical analysis to show the cover is chemically appropriate for a residential end use.

5.4 Condition 02 requires that the final clean cover to be chemically tested and appropriate to its end use. The submitted information shows this to be the case for the relevant Plots and condition 02 can be discharged in relation to the clean cover on these plots. Policy GP7 (Environmental Protection & Public Health) is complied with.

5.5 In terms of condition 16 (Remediation Verification), discharge approval 17/0082 agreed to a Remediation Strategy (August 2015). That strategy confirms:

Cover is to include subsoil and topsoil material in garden and landscaped areas. A minimum of 600mm of clean imported fill (topsoil/subsoil) is required in garden and landscaped areas.

As such the 600mm of clean cover which has been confirmed as provided meets this term of the approved Remediation Strategy and this part of the strategy can be agreed as having been discharged for the cited plots. Policy GP7 (Environmental Protection & Public Health) is complied with.

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 Condition 02 (Imported Materials) can be discharged in relation to Plots 76-99 & 100-119 inclusive in regard to the chemical composition of the clean cover.

Condition 16 (Remediation Verification) can be discharged in relation to Plots 76-99 & 100-119 inclusive in regard to the depth and chemical composition of the clean cover required in the relevant remediation strategy.

8. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to the following plans & documents:

- Drawing LP-P1,2&3-01 – Phase 1, 2 & 3 Location Plan
- Drawing 3073 (04) 001 B – Site Location
- Letter from Asbri Planning dated 23 June 2021 (Reference 18.278)
- Terra Firma letter - 12 November 2020 (Reference RH/12032/VP76-99) – Plots 76-99
- Terra Firma letter - 17 May 2021 (Reference RH/12032/VP108-119) – Plots 108-119
- Terra Firma letter - 10 June 2021 (Reference RH/12032/VP100-107) - Plots 100-107

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.
