

Notice of Decision

R Mackin
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Great Park Road
Bradley Stoke
Bristol
BS32 4QL

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)

Application No: **23/1134**

Application Type: **Discharge Conditions**

Proposal: **PARTIAL DISCHARGE OF CONDITION 16 (REMEDIATION VERIFICATION) OF 18/0293 DEVELOPMENT OF 195 NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS,PARKING, LANDSCAPING AND ASSOCIATED WORKS**

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

Decision Date: **2nd May 2024**

In pursuance of its powers under the above Act the Council of the City of Newport notifies you of its decision in respect of your application, registered by them on 20th December 2023. The application has been:-

Refused

1. The submitted information does not address the controlled waters element of the condition and it is not appropriate to split out the human health and controlled waters elements of the condition given the decontamination effort was the same for both elements of the condition; that is Human Health and Controlled Waters were to be addressed globally under a single decontamination process. No evidence has been provided to show the risk to controlled waters had been adequately addressed contrary to Policy GP7 (Environmental Protection) of the adopted Newport Local Development Plan 2011-2026.

NOTE TO APPLICANT

This decision notice is issued in respect of Planning Permission only and does not convey any approval which may be required under any other legislation or provisions, such as, but not limited to, Highways and Building Regulations. For advice on the requirements of the Building Regulations and allied legislation, and/or whether there is a need for a Building Regulations submission, please contact the Council's Building Control Section on 01633 656656 or email building.control@newport.gov.uk. For advice on obtaining relevant permissions from the Highway Authority, please contact highway.planning@newport.gov.uk

The plans have been assessed on the basis of the scale or dimensions stipulated and any statement of 'do not scale' (or similar) has been disregarded.

1. This decision relates to the following plans and documents:
Drawing LP-P1, 2&3-01 - Phase 1, 2 & 3, Location Plan
CAPPING VALIDATION REPORT: HERBERT ROAD, PHASE 3 PLOTS 47-55, 120-126, 138- 143, 161 - 195 (Terra Firma letter dated 15.12.2023)
2. 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.
3. 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.
4. 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.

Signed on behalf of the Council

Newport City Council
Regeneration, Investment and Housing
Civic Centre
Newport
South Wales
NP20 4UR

Tracey Brooks Bsc Hons Dip TP MRTPI ILM
Pennaeth Adfywio a Datblygu Economaidd / Head of Regeneration and Economic Development
Cyngor Dinas Casnewydd / Newport City Council

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IMPORTANT! PLEASE READ THE NOTES ON THE REVERSE OF THIS FORM

Notes for Applicants

TOWN AND COUNTRY PLANNING ACT 1990

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals can be made online at: <http://www.gov.wales/planningappeal> (or <https://llyw.cymru/apelio-yn-erbyn-penderfyniad-cynllunio>).
If you are unable to access the online appeal form, please contact Planning and Environment Decisions Wales to obtain a paper copy of the appeal form on tel: 0300 0604400.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning and Environment Decisions Wales (PEDW.Casework@gov.wales) at least 10 days before submitting the appeal. Further information is available on <https://gov.wales/appeal-planning-decision>.