

Delegated Decision Report

Application No:	25/0174	Statutory Period Expires:	12th May 2025
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Site:	Llanwern Works Queensway Llanwern Newport South Wales		
Proposal:	PARTIAL DISCHARGE OF CONDITION 28 (VERIFICATION REPORTS) (PART 2 ONLY) RELATING TO PLOTS 184-188 OF PHASE 4H OF PLANNING PERMISSION 06/0471 FOR MIXED RE-DEVELOPMENT OF SITE		
Applicant:	Bellway Homes Limited (Wales)		
Type:	Discharge Conditions	Ward:	Llanwern
Decision:	APPROVED		

1. BACKGROUND

- 1.1 Following the approval of NMA application 25/0056 on 24/02/2025, condition 28 of 06/0471 has now been formally split into two parts as follows.

(28) (1) Prior to the commencement of each phase of development as defined by Condition 03 (that is any development excluding that required as part of the remediation strategy), unless an alternative timescale for the component parts of that phase and/or for specific remediation works has firstly been agreed in writing by the Local Planning Authority, a verification report demonstrating completion of works set out in the approved remediation strategy for that phase (or each part of the phase if an alternative timescale has been agreed by the Local Planning Authority for the component parts) 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 for that phase to demonstrate that the site remediation criteria (specifically permeability, soils, chemical validation and groundwater/pore water but excluding the drainage layer installation and/or installation of gas membranes and/or clean capping material, which shall be governed by part (2) of this condition) have been met. It shall also include any 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.

*(2) Post completion of the remedial works as set out under part (1) of this condition, and prior to first occupation of the relevant phase, details of the drainage layer installation **and** installation of gas membranes **and** clean capping material, (insofar as applicable), shall be submitted to and approved, in writing, by the Local Planning Authority.*

Discharge of PC28 Part 1

A validation report is to be submitted to demonstrate the quality of the engineered fill materials to include:

- Description of remediation activities
- Summary of soil movements (tickets for import and export of materials to be provided if relevant)
- Presentation of soils validation data (laboratory certificates and summary tables)
- Screening against RL SRVs to identify CoCs
- Statistical assessment and screening against reference values for CoCs
- Presentation of hydraulic conductivity data for the engineered fill

Discharge of PC28 Part 2

A validation report is to be submitted to demonstrate the presence, thickness and nature of the drainage layer, to include:

- A description of the works undertaken
- Materials import receipts including description of the materials (typically 6F2 or Type 1 materials)
- Photographic evidence of the extent of the materials (e.g. aerial photographs)
- Photographic evidence of the type and depth of the materials on a 75 m x 75 m grid (or

finer grid as appropriate for the size of the plot).

2. SITE LOCATION AND CONTEXT

2.1 This application relates to plots 184-188 phase 4h of the Llanwern Works development site.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks to discharge part 2 of condition 28 (decontamination verification) of planning permission 06/0471 which states:

(28) (2) Post completion of the remedial works as set out under part (1) of this condition, and prior to first occupation of the relevant phase, details of the drainage layer installation and installation of gas membranes and clean capping material, (insofar as applicable), shall be submitted to and approved, in writing, by the Local Planning Authority.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision
06/0471	REDEVELOPMENT OF THE SITE TO CREATE A MIXED USE URBAN EXTENSION	GRANTED WITH CONDITIONS

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policies SP9 and GP2 of the Newport Local Development Plan 2011-2026 are relevant to this application.

6. CONSULTATION RESPONSES

6.1 NATURAL RESOURCES WALES: We continue to have no objection to the discharge of conditions application. I can see that the information submitted is in relation to the human health aspects of the discharge of condition only. Recognising that condition 28 has now been split into two parts. As part of the second part of the condition, we would expect to see validation that the drainage layer (piling mat) be submitted with any DOC 28 part 2 applications. However, under application 24/0942 I can see that the placement of the drainage layer (piling mat) has already been undertaken for this phase which is in accordance with the remediation strategy and validation plan. Therefore, we would have

no further comments to make and defer to Steve on anything human health related.

6.2 SCIENTIFIC OFFICER: No objections.

7. PUBLIC REPRESENTATIONS

7.1 None.

8. ASSESSMENT

8.1 This application seeks to discharge part 2 of condition 28 (decontamination verification) of planning permission 06/0471 or partially discharge condition 28 insofar as it relates to part 2 of the condition and the area of the strategic site stated in the description. The condition part 2 states:

(28) (2) Post completion of the remedial works as set out under part (1) of this condition, and prior to first occupation of the relevant phase, details of the drainage layer installation and installation of gas membranes and clean capping material, (insofar as applicable), shall be submitted to and approved, in writing, by the Local Planning Authority.

8.2 The following information has been submitted in respect of this application:

- Site Location Plan (received 06/03/2025)
- Segment 001 of Plot 184 to 188 LQ Validation V1 (received 06/03/2025)

8.4 Natural Resources Wales and the Scientific Officer have advised that they have no objection to the discharge of condition 28 (part 2 only) in relation to plots 184-188 of phase 4h.

9. OTHER CONSIDERATIONS

9.1 *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.

9.2 *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.

9.3 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.

9.4 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.

9.5 *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.

9.6 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.

10. CONCLUSION

10.1 The information submitted is sufficient and the application is approved.

11. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to:

- Site Location Plan (received 06/03/2025)
- Segment 001 of Plot 184 to 188 LQ Validation V1 (received 06/03/2025)

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.

04 This decision relates to plots 184-188 of phase 4h only.