

Delegated Decision Report

Application No:	25/0116	Statutory Period Expires:	10th April 2025
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Site:	Level Court Farm Saltmarsh Lane Goldcliff Newport NP18 2AT		
Proposal:	<i>PARTIAL DISCHARGE OF CONDITION 4 (CEMP) OF 24/0959 S73 APPLICATION TO VARY CONDITIONS 2 (BIO DIVERSITY ENHANCEMENT MEASURES) AND 3 (LANDSCAPING) OF 24/0183 CONSTRUCTION OF NEW STORAGE BUILDING (PART RETROSPECTIVE)(RESUBMISSION OF 23/0910). AMENDMENTS INCLUDE CHANGES TO TIMESCALES FOR SUBMISSION</i>		
Applicant:	R Preece		
Type:	Discharge Conditions	Ward:	Llanwern
Decision:	APPROVED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 This application relates to Level Court Farm, Saltmarsh Lane, Goldcliffe.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks partial discharge of condition 4 (CEMP) of 24/0959 which states:

The building hereby approved shall be removed and the site reverted to its former state within 6 months of the date of the failure to meet any one of the requirements set out in (i) to (iii) below.

- (i) Within 3 months of the date of this planning permission a site wide Construction Environmental Management Plan (CEMP) and timetable for its implementation shall been submitted to and approved in writing by the Local Planning Authority. The CEMP must include the following information;
- o Construction methods: details of materials, how waste generated will be managed;
 - o General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
 - o Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
 - o Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
 - o Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

In addition, the CEMP should reference the Guidance for Pollution Prevention PPG 6: Working at construction and demolition sites and/or GPP 5: Works and maintenance in or near water and include a link to www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/guidance-for-pollution-prevention-gpps-full-list/ so that the guidance can be referred to on site if needed.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the CEMP and implementation timetable or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers.

(iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Welsh Ministers.

The development shall be carried out thereafter in accordance with the approved CEMP and Implementation Timetable.

Reason: To ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in accordance with policies SP9 and GP5 of the Newport Local Development Plan 2011-2026.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision
24/0959	S73 APPLICATION TO VARY CONDITIONS 2 (BIO DIVERSITY ENHANCEMENT MEASURES) AND 3 (LANDSCAPING) OF 24/0183 CONSTRUCTION OF NEW STORAGE BUILDING (PART RETROSPECTIVE)(RESUBMISSION OF 23/0910). AMENDMENTS INCLUDE CHANGES TO TIMESCALES FOR SUBMISSION	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 SP5, SP8, GP2, GP5 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) are considered relevant to the determination of this application.

6. CONSULTATION RESPONSES

6.1 ENVIRONMENTAL HEALTH OFFICER: No objection to discharge of condition 4.

6.2 HIGHWAYS OFFICER: No objection to discharge of condition 4.

6.3 NATURAL RESOURCES WALES: We have no objection to the proposed development as submitted and provide the following advice.

Condition 4 – Construction Environmental Management Plan (CEMP)

We have reviewed the amended CEMP and have no objection to the proposed discharge of condition 4 of planning permission 24/0959.

7. PUBLIC REPRESENTATIONS

7.1 None.

8. ASSESSMENT

8.1 The following information has been submitted in respect of the discharge of condition 4 (CEMP):

- Construction Environmental Management Plan (February 2025)

Natural Resources Wales, the Highways Officer and Environmental Health Officer have reviewed the submitted CEMP and have advised that it is acceptable. On this basis condition 4 can be discharged.

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 to partially discharge condition 4.

11. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to:

- Construction Environmental Management Plan (February 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.