

APPLICATION DETAILS

No: 15/0977 **Ward:** ST JULIANS

Type: DISCHARGE CONDITIONS

Expiry Date: 30-SEP-2015

Applicant: RUTH HOWELLS, TERRA FIRMA (WALES) LIMITED

Site: LAND TO SOUTH OF AND INCLUDING GLEBELANDS STADIUM, BANK STREET, NEWPORT

Proposal: PARTIAL DISCHARGE OF CONDITIONS 05 (REMEDIATION STRATEGY TO SAFEGUARD THE AQUATIC ENVIRONMENT) AND 06 (REMEDIATION TO SAFEGUARD RESIDENTIAL AMENITIES) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT & HARD PLAY AREAS & RESIDENTIAL DEVELOPMENT (IN RELATION TO THE RESIDENTIAL AREA ONLY AND AMENDMENT TO APPROVAL 15/0408)

DECISION: APPROVED

1. CONSULTATIONS

1.1 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES: No objection to the partial discharge of condition 05 (Remediation Strategy to safeguard the aquatic environment) and 06 (Remediation Strategy to safeguard residential amenities).

2. INTERNAL COUNCIL ADVICE

2.1 HEAD OF LAW & REGULATION (ENVIRONMENTAL HEALTH): Agrees to the partial discharge of condition 06 but defers to CNC/NRW in relation to condition 05.

3. REPRESENTATIONS

3.1 None.

4. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
00/0768	REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT & HARD PLAY AREAS & RESIDENTIAL DEVELOPMENT	GC 31 October 2000
03/1531	ERECTION OF A REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT (PURSUANT TO 00/0768)	AC 19 May 2004
06/0170	PARTIAL DISCHARGE OF CONDITION 06 (CONTAMINATION REMEDIATION) OF PLANNING PERMISSION 00/0768 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	A 05 April 2006
07/0820	PARTIAL DISCHARGE OF CONDITION 06 (CONTAMINATION REMEDIATION) OF PLANNING PERMISSION 00/0768 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT -AMENDMENT TO PARTIAL DISCHARGE UNDER REFERENCE 06/0170	A 05 September 2007
07/0939	PARTIAL DISCHARGE OF CONDITION 06 (CONTAMINATION REMEDIATION RELATING TO RESIDENTIAL) OF PLANNING PERMISSION 00/0768 FOR THE ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT	A 17 October 2007
09/0591	DISCHARGE OF CONDITION 7 (CERTIFICATION REPORT FOR SCHOOL SITE ONLY) OF PLANNING PERMISSION 00/0768 FOR THE ERECTION OF A REPLACEMENT PRIMARY SCHOOL. ALL WEATHER PITCH, SOFT AND HARD PLAY AREA AND	A 19 January 2010

	RESIDENTIAL DEVELOPMENT	
15/0408	PARTIAL. DISCHARGE OF CONDITIONS 05 (REMEDIATION STRATEGY TO SAFEGUARD THE AQUATIC ENVIRONMENT) AND 06 (REMEDIATION STRATEGY TO SAFEGUARD RESIDENTIAL AMENITIES) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT IN RELATION TO THE AREA OF RESIDENTIAL DEVELOPMENT ONLY	A 25 June 2015

5. ASSESSMENT

5.1 The applicant is seeking to partially discharge conditions 5 and 6 of permissions 00/0768 for a replacement primary school and residential development on land at the former Glebelands Stadium, Newport. Those conditions read as follows:

05 Details provided in accordance with condition 01 and pursuant to discharging siting as a reserved matter shall include a quantitative risk assessment that assesses levels of contamination on site and their potential to impact controlled waters (groundwater and surface water) identified end receptors. The risk assessment will have regard to the layout and design of the end development / use, particularly the foundation works required on site.

Such a risk assessment must be based upon information acquired following an investigation of the mobility of contamination on site in addition to the results of the site investigation entitled 'Durham Road Schools PFI Project Contamination Investigation Interpretive Report' (June 2000) and previous investigations of the area. The risk assessment must identify any / all clean up levels required to ensure the integrity of controlled waters and identified end receptors.

A remediation strategy shall be formulated and approved in writing by the local planning authority and the agreed scheme shall be implemented in accordance with the approved details.

Reason: To safeguard the aquatic environment and prevent pollution from the physical disturbance associated with construction works in the short term and re-development of the site in the longer term, and to protect the integrity of the River Usk candidate Special Area of Conservation.

06 Prior to the commencement of development on the site (including any demolition or land raising works) the following shall be conducted:

- a) *a site investigation consisting of at least 3 months duration of monitoring to ascertain the presence of gas having regard to the end use of the site. This shall include an analysis of the source of any gas and a report on the investigation shall be submitted for the consideration and approval of the local planning authority. This assessment must include the results of the survey and recommendations regarding any structural precautions to be incorporated into the buildings.*
- b) *A quantitative risk assessment of the ground conditions on the site having regard to the end use of the site. Such a risk assessment must use both the results of the site investigation entitled 'Durham Road Schools PFI Project Contamination Investigation Interpretive Report' (June 2000) and previous investigations in the area, together with additional ground investigation as required to carry out a comprehensive risk assessment.*

A remediation strategy in relation to both a) and b) above shall be formulated and approved in writing by the local planning authority and the agreed scheme shall be carried out prior to the commencement of any works on the site.

Reason: To ensure the site is comprehensively investigated, the presence of contamination clearly identified and its impacts appropriately mitigated in the interest of residential amenities and to safeguard the interests of future users of the site.

5.2 The above permissions gave approval for the redevelopment of the site for a primary school at the northern end of the site and for housing at the southern end of the site. The school element of the development has been carried out and is in place and is known as Glan Usk School.

- 5.3 The Council informally agreed to the phased development of the site and dealt with a series of discharge of condition applications for the school site on that basis. As such the above two conditions were not dealt with in relation to the southern (housing) part of the site.
- 5.4 The conditions in broad terms, both seek the development of a contamination remediation strategy on a site that was known to have been used as a tip in the past. Condition 05 seeks to protect the aquatic environment and was intended to protect the interests of the Environment Agency (Wales) and to ensure the aquatic environment is protected. Condition 06 seeks similar information in the interests of protecting human health. The conditions had differing remits but any coherent remediation strategy would need to address both issues.
- 5.5 The applicant recently obtained a partial discharge of the above conditions under approval 15/0408. However chemical testing of the stockpiled material which is to be brought onto the site to cap the contaminated ground required a variation in the remediation strategy. The issues relate to the presence of asbestos and other pollutants in the stockpiled material. To mitigate the small risk from these pollutants it is proposed to raise the site with the stockpiled material and then cap that with a geotextile membrane and 300mm of different fill which will be entirely clean. Following concerns raised by CNC/NRW it was agreed that the more contaminated parts of the stockpile would be placed no closer than 50m to Lottery's Reen (in order to protect controlled waters in the River Usk) and the stockpiled material would be capped with 500mm of clean material that would be compacted to prevent the infiltration of surface water. This latter proposal is acceptable to CNC/NRW which now has no objection to the partial re-discharge of the relevant conditions.
- 5.6 In terms of human health the Head of Law & Regulation has no objection to the re-discharge of the conditions.
- 5.7 The applicant has clarified how the remediation strategy will be verified under this submission. Verification that the approved strategy has been successfully completed is required under condition 07 of permission 00/0768. In this case Terra Firma confirm the stockpiled material as well as material from other sites has already been moved on to the application site. They confirm that the relevant parts of the stockpile were not placed within 50m of Lottery's Reen and that a geotextile membrane will be installed prior to the deposition of the final 'clean' fill layer. They identify how the remediation programme will be verified following its final completion. The remediation verification plan gives comfort that the proposed strategy can be appropriately monitored and certified as complete in due course.

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 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

6.5 ***Planning (Wales) Act 2015 (Welsh language)***

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

7. CONCLUSION

7.1 The application is approved.

8. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Remediation Strategy (August 2015)
- Chemical Testing: Stockpiled Material Intended as Engineered Fill – Lower Half of Stockpile (August 2015)
- Letter Reference RH/12032/let20 dated 19th August 2015 (Terra Firma to CNC/NRW)
- Letter Reference RH/12032/let22 dated 10th December 2015 (Terra Firma to NCC)

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 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.
