

Delegated Decision Report

Application No:	23/0895	Statutory Period Expires:	05 December 2025
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Site:	Llanwern Works Queensway Llanwern Newport NP19 4QZ		
Proposal:	DISCHARGE OF CONDITION 28, PART 1 ONLY (VARIED BY 25/0056/NMA) OF 06/0471/O; REDEVELOPMENT OF SITE TO CREATE A MIXED-USE URBAN EXTENSION IN RELATION TO PHASE 5E(1)		
Applicant:	St. Modwen Developments Limited		
Type:	Discharge Conditions	Ward:	Llanwern
Decision:	Approved		

1. BACKGROUND

- 1.1 Outline Permission 06/0471 allowed for the redevelopment of the western end of the former Llanwern Steelworks. Given the site was known to be contaminated from its previous use a suite of decontamination conditions was applied to the permission to secure effective decontamination to enable the proposed end uses, residential in this case.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is part of the western end of the former Llanwern Steelworks. Phase 5E(1) is centred on approximately 51.574839155021756, -2.91778069633784 and is at the eastern end of the housing area of the regeneration site (Glan Llyn). The site is level and has been subject to extensive ground works.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The applicant is seeking the discharge of Part 1 of condition 28 of outline permission 06/0471 in relation to the area of Phase 5E(1) only. That condition was non-materially varied under approval 25/0056 and now reads as follows:

Part (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.

*Part (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.*

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

4. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
06/0471	REDEVELOPMENT OF SITE TO CREATE A MIXED USE URBAN EXTENSION COMPRISING: A RANGE OF NEW HOMES (APARTMENTS, HOUSES AND SOME SHELTERED ACCOMMODATION FOR THE ELDERLY - USE CLASSES C2&C3); NEW OFFICES, WORKSHOPS, FACTORIES AND WAREHOUSES (USE CLASSES B1, B2&B8); COMMUNITY FACILITIES INCLUDING NEW SCHOOLS AND COMMUNITY CENTRES (USE CLASSES D1&D2); A LOCAL CENTRE INCORPORATING SHOPS, OFFICES AND COMMERCIAL LEISURE FACILITIES INCLUDING NEW BARS, CAFES AND LICENSED PREMISES (USE CLASSES A1, A2, A3&D2); A NETWORK OF OPEN SPACES INCLUDING PARKLAND, FOOTPATHS, SPORTS PITCHES AND AREAS FOR INFORMAL RECREATION; NEW ROADS, ACCESSES AND PATHS; HEALTHCARE AND FITNESS FACILITIES (USE CLASSES D1&D2); PROVISION FOR A NEW RAILWAY HALT/STATION; OTHER ANCILLARY USES AND ACTIVITIES; AND REQUIRING: SITE CLEARANCE, TREATMENT AND PREPARATION; THE INSTALLATION OF NEW SERVICES AND INFRASTRUCTURE; THE CREATION OF NEW WATER BODIES AND DRAINAGE CHANNELS; IMPROVEMENTS/WORKS TO THE HIGHWAYS NETWORK AND OTHER ANCILLARY WORKS AND ACTIVITIES	GC 01 April 2010
23/0253	PARTIAL DISCHARGE OF CONDITION 27 (SITE INVESTIGATION AND REMEDIATION) IN RELATION TO PHASE 5E(1) ONLY OF PLANNING PERMISSION 06/0471 FOR REDEVELOPMENT OF SITE TO CREATE A MIXED-USE URBAN EXTENSION	A 14 March 2024
25/0056	NON-MATERIAL AMENDMENT APPLICATION TO VARY THE WORDING CONDITION 28 (VERIFICATION OF REMEDIATION) (TO SPLIT INTO PARTS 1 AND 2) OF 06/0471 REDEVELOPMENT OF THE SITE TO CREATE A MIXED-USE URBAN EXTENSION	AC 24 February 2025

5. PLANNING POLICY

5.1 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

GP7 – Environmental Protection & Public Health

6. CONSULTATION RESPONSES

6.1 Cyfoeth Naturiol Cymru / Natural Resources Wales: No objection.

6.2 NCC Scientific Officer: No substantive comment.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

- 8.1 This condition forms part of suite of decontamination conditions that were applied to the redevelopment of this former steelworks. Condition 28 works in tandem with Condition 27 which required a site risk assessment, a scheme of site investigation, a remediation plan informed by the site investigations and the framing of a decontamination verification plan.

- 5.3 Discharge 23/0253 identified the following broad strategies:

Human Health: The overall philosophy for remediation of the Site with regards to protection of human health is therefore severance of linkage pathways, by means of the removal of significant sources of contamination from the sub-surface and installation of a clean cover system or hardstanding in order to provide a safe development platform. This includes a turnover strategy as part of the earthworks. Additional measures, such as the provision of clean cover, soil-gas protection, water pipe protection etc, are then to be provided by the future housebuilder.

Controlled Waters: The Controlled Waters Detailed Quantitative Risk Assessment has assessed that once remediation has been undertaken and the removal of any free product and highly contaminated soils has been completed in accordance with the remedial targets set out in the CWDQRA (Appendix B), the Site is unlikely to pose a risk to controlled waters.

- 5.5 It should be noted that the approach taken to controlled waters required overturn of the made ground on the site, the removal of gross contamination and then the placement of site won materials to create a new cleaner layer of made ground that is significantly compacted to prevent infiltration (<10% air void) with a less compacted 'piling mat' laid above to encourage the lateral movement of infiltrated waters without infiltration to the potentially more contaminated soils below.
- 5.6 CNC/NRW on receipt of additional / new information at the start of October 2025 do not object to the discharge of the condition. The Scientific Officer's comments are now dated and there has been no new response to the October 2025 round of consultation. However the decontamination programme at Glan Llyn is now well established with the final stages being the importation of clean cover to break contamination pathways and the installation of gas membranes within buildings to prevent the entry of ground gas (naturally arising methane from deep lying peat layers rather than industrial contamination).
- 5.7 Approval 25/0056/NMA split the original Outline condition 28 into two parts which are:
- Part 1 – related to the works of site remediation / preparation which involved turnover of made ground, removal of gross contamination and retained piling and re-formation of the ground to agreed levels with appropriate materials. At this point the site was sufficiently prepared to be sold on to house builders by the master developer. This element of the condition is typically discharged by the master developer prior to onward sale to other parties.
- Part 2 – Deposition of 600mm of clean cover in external areas and installation of gas membranes within the constructed buildings, undertaken by the housebuilders as part of the build process and then discharged by them to fully deal with condition 28.
- 5.8 In this case the applicant is seeking the discharge of Part 1 only. The Part 1 elements pertain primarily to controlled water issues which CNC are satisfied with. The Part 2 elements are more related to Human Health aspects. As such the lack of a current comment from the Scientific Officer is less of an issue here since those particular interests will be more specifically addressed under the Part 2 elements when they are 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 submitted information is acceptable and can be discharged in relation to Part 1 of the condition.

11. **DECISION**

Approved.

NOTE TO APPLICANT

01 This decision relates to the following plans & documents:

- Drawing 18669 RLL 21 XX DR O 0173 – Phase 5E(i), Site Location Plan
- Soil Quality Verification Report, Phase 5E1 Ref:31040 R1 (30.09.2025)
- Phase 5E1, Chemical Validation Report (September 2025);18669-RLL-22-XX-RP-O-0348 P03
- Appendix A to Soil Quality Verification Report (Summary Data for Contaminants of Concern)
- Appendix B to Soil Quality Verification Report (Selected Remedial Targets Methodology spreadsheets)

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 This discharge relates to the area of Phase 5E(1) only as identified in Drawing 18669 RLL 21 XX DR O 0173 – Phase 5E(1), Site Location Plan and only to 'Part 1' of Condition 28 of Outline Permission 06/0471.