

Delegated Decision Report

Application No:	26/0086	Statutory Period Expires:	13th May 2026
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Site:	<i>Solutia Uk Ltd Traston Road Newport NP19 4XF</i>		
Proposal:	<i>LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED SITING OF 2NO GAS STORAGE UNITS AND ASSOCIATED INFRASTRUCTURE</i>		
Applicant:	<i>S Langstone</i>		
Type:	Lawful Development Proposed	Ward:	Llanwern
Decision:	GRANTED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The proposal is for works at Solutia UK Ltd, Traston Road in the Lliswerry ward which is sited within an existing industrial site.

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposal includes installing static, 2no vacuum-insulated cryogenic liquid nitrogen storage tanks connected to 2no vaporizers to supply gaseous nitrogen to the site. The installation also includes integrated instrumentation, controls, alarms, and safety systems. The site work includes hard standing prior to plant construction, no new access for construction or deliveries is required. Deliveries via existing site road infrastructure, no additional drainage required beyond the current surface water drainage network, a small heated building will be required for the VSD compressor

The new equipment to be installed provides N2 to the site to inert process equipment and will be in continuous operation .The equipment to be installed will be a Nitrogen Generating Pressure Swing Adsorber (PSA) comprising the following components: One Variable Speed Drive Compressor, One Pre-treatment Skid, One Air Receiver, One PSA Skid, Two Adsorber Vessels, One Nitrogen Receiver and One Product Line buffer vessel. Due to the criticality of maintaining N2 to the site there will also be a tanker offloading bay with two liquid N2 storage tanks with associated vaporisers installed as a backup facility.

4. RELEVANT SITE HISTORY

Ref. No.	Description	Decision
00/0008	ERECTION OF BUILDING HOUSING AN ELECTRICAL GENERATOR AND ASSOCIATED APPARATUS	GRANTED WITH CONDITIONS
00/0096	INSTALLATION OF GAS PIPELINE FROM CORPORATION ROAD TO PROPOSED ELECTRIC GENERATION PLANT ON TRASTON ROAD	GRANTED
00/1070	ERECTION OF BUILDING HOUSING AN ELECTRICAL GENERATOR & ASSOCIATED APPARATUS (AMENDMENT TO PLANNING PERMISSION 00/0008)	GRANTED WITH CONDITIONS
00/0509	CONSTRUCTION OF A NEW 6.5M WIDE, BLOCK PAVED, PILED WALKWAY LINKING THE EXISTING WALKWAYS AT PONTYPOOL WHARF AND LIVERPOOL WHARF	GRANTED WITH CONDITIONS
01/1111	STORAGE OF HAZARDOUS SUBSTANCES	GRANTED WITH CONDITIONS

02/0807	HAZARDOUS SUBSTANCE CONSENT APPLICATION FOR STORAGE OF ZINC OXIDE (AMENDMENT TO PP 01/1111)	GRANTED WITH CONDITIONS
03/0157	HAZARDOUS SUBSTANCE CONSENT APPLICATION FOR STORAGE OF VARIOUS CHEMICALS	GRANTED
07/1586	HAZARDOUS SUBSTANCE CONSENT APPLICATION FOR STORAGE OF KEROSENE (AMENDMENT TO PLANNING PERMISSION 03/0157/HSC)	GRANTED WITH CONDITIONS
10/1102		
13/0219	HAZARDOUS SUBSTANCES CONSENT APPLICATION FOR STORAGE OF BENZENE, BIPHENYL AND TRIPHENYL (PARTIAL AMENDMENT TO 07/1586)	GRANTED WITH CONDITIONS
14/0270	HAZARDOUS SUBSTANCES CONSENT APPLICATION FOR THE STORAGE OF HAZARDOUS SUBSTANCES (PARTIAL AMENDMENT TO 13/0219)	GRANTED WITH CONDITIONS
17/0907	HAZARDOUS SUBSTANCES CONSENT TO STORE: 57 TONNES OF DIETHYLENETRIAMINE 50 TONNES OF BISHEXAMETHYLENETRIAMINE (BHMT) 180 TONNES OF PHOSPHORUS TRICHLORIDE 33 TONNES OF 33% AQUEOUS AMMONIA SOLUTION 2000 TONNES OF SUBSTANCES HAZARDOUS TO THE AQUATIC ENVIRONMENT IN CATEGORY ACUTE OR CHRONIC 1 2000 TONNES OF SUBSTANCES HAZARDOUS TO THE AQUATIC ENVIRONMENT IN CATEGORY CHRONIC 2 (INCLUDING 1600 TONNES OF THERMINOL 66) 100 TONNES OF FLAMMABLE LIQUIDS	GRANTED WITH CONDITIONS
19/0647	ERECTION OF STEEL FRAMED STRUCTURE FOR PARKING OF SITE FIRE TENDER	GRANTED WITH CONDITIONS
21/0769	PRIOR APPROVAL FOR DEMOLITION OF SPRAY DRIER PLANT PROCESS AREA	PRIOR APPROVAL NOT REQUIRED

5. PLANNING POLICY

- 5.1 This is a Lawful Development Certificate and therefore policy considerations are not applicable.

6. CONSULTATION RESPONSES

- 6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 PART 8 INDUSTRIAL AND WAREHOUSE DEVELOPMENT

Class B

Permitted development

B. Development carried out on industrial land for the purposes of an industrial process

consisting of—

- (a) the installation of additional or replacement plant or machinery,*
- (b) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus, or*
- (c) the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.*

Development not permitted

B.1. Development described in Class B(a) is not permitted if—

- (a) it would materially affect the external appearance of the premises of the undertaking concerned; or*
- (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.*

Interpretation of Class B

B.2. In Class B, “industrial land” means land used for the carrying out of an industrial process, including land used for the purposes of an industrial undertaking as a dock, harbour or quay but does not include land in or adjacent to and occupied together with a mine.

Class C

Permitted development

C. Development consisting of—

- (a) the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or*
- (b) the replacement in whole or in part of such a surface.*

Development not permitted

C.1. Development is not permitted by Class C if the development would be within the curtilage of a listed building.

Conditions

C.2. Development is permitted by Class C subject to the condition that the hard surface must be—

- (a) porous or permeable; or*
- (b) provided to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the industrial building or warehouse; and*
- (c) permanently maintained so that it continues to comply with the requirements of paragraph (a) and (b).*

- 8.2 The site, Solutia, is a long-established chemical manufacturing facility. The works proposed are for the installation of additional plant/machinery on site. The works do not exceed a height of 15m above ground level and would not materially affect the external appearance of the premises.
- 8.3 The proposed hardstanding would not be constructed of porous or permeable material and therefore in order to comply with Class C.2, the development must direct run off water from the hard surface to a porous or permeable area or surface within the curtilage of the industrial building. The applicant has advised that ‘surface water from the new concrete foundation for the Nitrogen plant will be conveyed via an underground piped system to an open underground surface sump. At the pump house, located above the sump, this surface water is pumped via the site treated effluent system directly to the Severn Estuary under license conditions agreed with Natural Resources Wales.’
- 8.4 It is therefore considered that the proposed development accords with Class B and C.

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 proposed development does not exceed any of the limitations or conditions set out in Part 8 Industrial and Warehouse Development Class B and Class C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is therefore permitted development.

11. **DECISION**

GRANTED

01 The proposed development accords with Part 8, Class B & Class C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is therefore lawful.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Nitrogen Generation Site Layout and Location Drawing No.NP-UTL-0050-L-DRG-00001 Rev B, Site Boundary Photo, Site Area Photo, NP Nitrogen Generation Site Layout and Location, Plant Description: Liquid Nitrogen Offloading, Storage and Vapourisation Facility.