

Delegated Decision Report

Application No:	25/0128	Statutory Period Expires:	18th April 2025
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Site:	<i>Land Known As Celtic Business Park Queensway Llanwern Newport South Wales</i>		
Proposal:	<i>INSTALLATION OF A TEMPORARY WEIR AND PENSTOCK AT DRAIN 5</i>		
Applicant:	<i>Indurent Logistics Propco A8 Ltd</i>		
Type:	Full	Ward:	Llanwern
Decision:	GRANTED & CONDITIONS		

1. BACKGROUND

- 1.1 Surface Water drainage from this site is currently being discharged via the Tata private drainage system that has an outlet on the Severn at Porton. To maintain that agreement the applicant is required to demonstrate that surface waters are within certain limits in terms of chemical content so that Tata can be confident that their discharge licence will not be compromised. This necessitates the formation of a pool of water with a sufficient dwell time for waters to be tested and shown to be compliant with the discharge licence.

2. SITE LOCATION AND CONTEXT

- 2.1 The site for the temporary dam / penstock (sluice gate) is at the northern end of a reen to the immediate east of the CAF unit on Indurent Park. Approximately 160m to the south a weir will be erected, between these two structures a 1.3m deep pool will be created within the existing reen channel with the pool being centred on approximately 51.57950998268322, -2.907346283651295 behind the eastern elevation of the CAF building.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The development will consist of a penstock (adjustable sluice gate) set into a 'sandbag' dam and a weir of similar construction both being approximately 1.3 high and 7.1m wide. Water quality monitoring equipment will also be installed on the pool. The 'sandbags' are to be filled with concrete and piled to produce dams in the reen. The northern dam will contain the penstock / sluice gate.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision & Date
06/0471/O	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	GC 01 April 2010

	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	
17/0248/R M	APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PERMISSION 06/0471 FOR THE REGENERATION OF THE FORMER LLANWERN STEELWORKS (GLAN LLAN) IN RELATION TO THE CONSTRUCTION OF ACCESS ROADS AND FOUL AND SURFACE WATER DRAINAGE ON THE CELTIC BUSINESS PARK INCLUDING LANDSCAPING DETAILS AND DETAILS TO DISCHARGE CONDITION 7 (LANDSCAPE MANAGEMENT), CONDITION 9 (DETAILS OF HARD SURFACING), CONDITION 16 (DETAILS OF ROADS, CYCLEWAYS & FOOTWAYS), CONDITION 18(ESTATE ROADS), CONDITION 22 (STREETLIGHTING), CONDITION 24 (SITE LEVELS), CONDITION 33 (SURFACE WATER DRAINAGE) & CONDITION 34 (FOUL AND SURFACE WATER DRAINAGE) OF PLANNING PERMISSION 06/0471.	AC 25 May 2017

5. PLANNING POLICY

5.1 Newport Local Development Plan (2011-2026)

SP3 – Flood Risk
GP1 – Climate Change
GP2 – General Amenity
GP5 – Natural Environment
GP7 – Environmental Protection & Public Health

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales: No objection.

6.2 NCC SAB: SAB not required.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 14.03.2025 and a Site Notice was put up on 19.03.2025. No comments were received.

7.1 LLANWERN COMMUNITY COUNCIL: No comment received.

8. **ASSESSMENT**

The key issues are:

Drainage / Flooding

8.1 The pool that is to be created is relatively shallow at 1.3m deep and is easily contained within the existing reen channel. There will be a localised raising of the water level within the reen but there is no risk of water escaping the channel and leading to localised flooding. Additional water can still run-off to the normal outlet. The proposal is acceptable in terms of Policies SP3 and GP7 since there is no increased risk of flooding from what is proposed.

Biodiversity

8.2 The site is a reclaimed industrial area. The watercourse has been in place for several years now, aerial photographs suggest 7 years. The channels and the reen floor have vegetated (grasses / reeds). However there is no reason to think the loss of bank habitat beneath the pool would be harmful to bio-diversity interests particularly given the limited time the ecosystem has had to develop. The pool will create its own habitat in due course. Policy GP5 (natural environment) is complied with.

Visual Amenity/ Character and Appearance

8.3 The pool will not be visible from the public realm and will have a very limited visual impact. In terms of private views these will be of a pool of water and dam structures that would not be out of place in a manmade drainage system. As such visual impact is limited and acceptable. Policies GP2 (amenity) and GP5 (design) are complied with.

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 proposal is acceptable and permission is granted.

11. **DECISION**

Granted & Conditions

01 The development shall be implemented in accordance with the following plans and documents:

- Drawing 17480 RLL 24 XX DR O 1284 P02 – Drain 5 Penning Section, Location Plan
- Drawing 17480-RLL-24-XX-DR-O-1282 P06 – Drain 5 temporary Planning Proposal

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

NOTE TO APPLICANT

01 This decision relates to the following unconditioned plans & drawings:

- Covering Letter from Savills – dated 18.02.2025
- Drawing 17480-RLL-25-XX-DR-O-1291 P02 – Drain 5, Existing Site Plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP3, GP1, GP2, GP5 & GP7 were relevant to the determination of this application.

03 This application has been screened under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and found not to be EIA development.

04 It is considered that the decision has been made in conformity with the Marine Policy Statement (2011) and in accordance with marine national planning policy contained within the Welsh National Marine Plan (2019) as demonstrated in the assessment of this proposal.