

Delegated Decision Report

Application No:	25/1001	Statutory Period Expires:	23rd January 2026
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Site:	<i>Land Known as Celtic Business Park Queensway Llanwern Newport South Wales</i>		
Proposal:	VARIATION OF CONDITION 1 (PLANS CONDITION) OF RESERVED MATTERS 17/0250 FOR A MANUFACTURING UNIT ON THE CELTIC BUSINESS PARK PURSUANT TO OUTLINE PERMISSION 06/0471. AMENDMENTS ARE FOR THE DELIVERY OF A NEW DYNAMIC TEST TRACK AND ELECTRIFICATION WITH ASSOCIATED WORKS AND LANDSCAPING		
Applicant:	CAF Rolling Stock UK Ltd		
Type:	Renewals & Variation of Conditions	Ward:	Llanwern
Decision:	Granted & Conditions		

1. BACKGROUND

- 1.1 Reserved Matters approval was given for a manufacturing unit (train assembly factory) under submission 17/0250. This application itself being pursuant to planning permission 06/0471 for the regeneration of the western end of the former Llanwern Steelworks. This included an industrial area for B1, B2 and B8 uses immediately east of the Monks Ditch. That industrial area is currently known as Indurent Park but was previously known as Saint Modwen's Park and before that Celtic Business Park. The unit subject to this application is at the northern end of Indurent Park adjacent to the existing Tata Steel service (railway) lines.

2. SITE LOCATION AND CONTEXT

- 2.1 See Paragraph 1.1.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The applicant is seeking to amend the plans approved under Reserved Matters approval 17/0250 to include:
- A test track with overhead electrical cabling
 - Provision of electrical plant & control equipment and associated underground cabling
 - Extended concrete apron (incorporating existing railway tracks)
 - Additional lengths of railway track for train unloading and storage.

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	GC 01 April 2010

	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	
17/0250/RM	DISCHARGE OF CONDITION 01 (ALL RESERVED MATTERS) AND INFORMATION TO PARTIALLY DISCHARGE CONDITIONS 07 (LANDSCAPE MANAGEMENT PLAN), 08 (MATERIALS FOR BUILDINGS), 09 (MATERIALS FOR HARD SURFACING), 10 (BOUNDARY TREATMENTS), 12 (OFF STREET PARKING AND CYCLE PARKING), 15 (EMERGENCY ACCESS), 16 (CONSTRUCTION DETAILS OF ROADS, FOOTWAYS AND CYCLE PATHS), 18 (DETAILS OF ESTATE ROADS), 22 (STREET LIGHTING), 24 (SITE LEVELS AND CROSS SECTIONS), 33 (DISPOSAL OF SURFACE WATERS), 34 (DETAILS OF FOUL AND SURFACE WATER DRAINAGE), 39 (CARBON REDUCTION STRATEGY) AND 43 (FIREFIGHTING) OF PLANNING PERMISSION 06/0471 FOR THE REGENERATION OF THE FORMER LLANWERN STEELWORKS (GLAN LLYN) IN RELATION TO A MANUFACTURING UNIT ON THE CELTIC BUSINESS PARK	AC 31 May 2017

5. PLANNING POLICY

5.1 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1 – Sustainability

SP3 – Flood Risk

SP9 – Conservation of the Natural, Historic & Built Environment

SP11 – Eastern Expansion Area

SP17 – Employment Land

GP1 – Climate Change

GP2 – General Amenity
GP5 – Natural Environment
GP6 – Quality of Design

5.4 SUPPLEMENTARY PLANNING GUIDANCE

None relevant.

6. CONSULTATION RESPONSES

- 6.1 Cyfoeth Naturiol Cymru / Natural Resources Wales (CNC/NRW): No comment, on the understanding decontamination conditions have been previously discharged.
- 6.2 Network Rail: No objection.
- 6.3 Heneb: Archaeological considerations have already been made under previous submissions, no further comment.
- 6.4 HSE: Does not advise against.
- 6.5 Wales & West Utilities: Advise of equipment in the area and safe working practices.
- 6.6 Scottish & Southern Electricity: Advise of equipment in the area and safe working practices.
- 6.7 National Grid Electricity Distribution: Advise of equipment in the area and safe working practices.
- 6.8 Indigo Pipelines: Advise of equipment in the area and safe working practices.
- 6.9 National Grid Electricity Transmission: No interest.
- 6.10 NCC Landscaping: No objection.
- 6.11 NCC SAB: Comments.

7. PUBLIC REPRESENTATIONS

None.

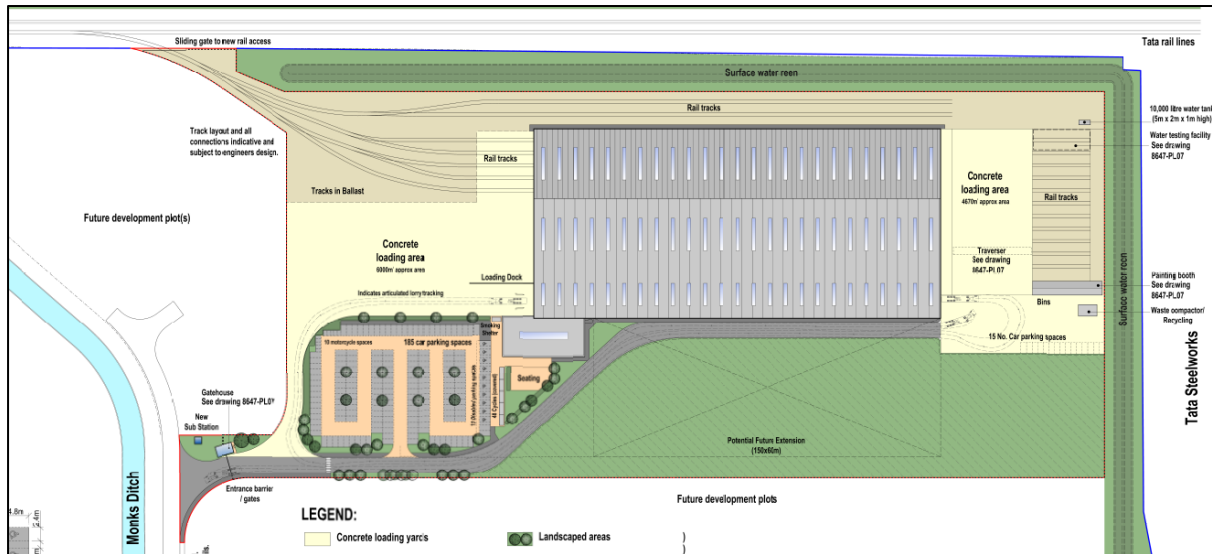
8. ASSESSMENT

- 8.1 The proposal is for various works at the existing CAF plant at the northern end of Indurent Park (formerly Saint Modwen's Park). These works are:
- A test track with overhead electrical cabling.
 - Provision of electrical plant & control equipment and associated underground cabling.
 - Extended concrete apron (incorporating existing railway tracks).
 - Additional lengths of railway track for train unloading and storage.
- 8.2 The applicant has chosen to address these works via a variation of the existing permission i.e. variation of condition 01 (Plans). The traditional approach to this was a test of 'minor materiality' but case law has established that such a concept does not exist in planning and therefore the key issue is to establish whether the proposed changes would leave the development still within the development description and

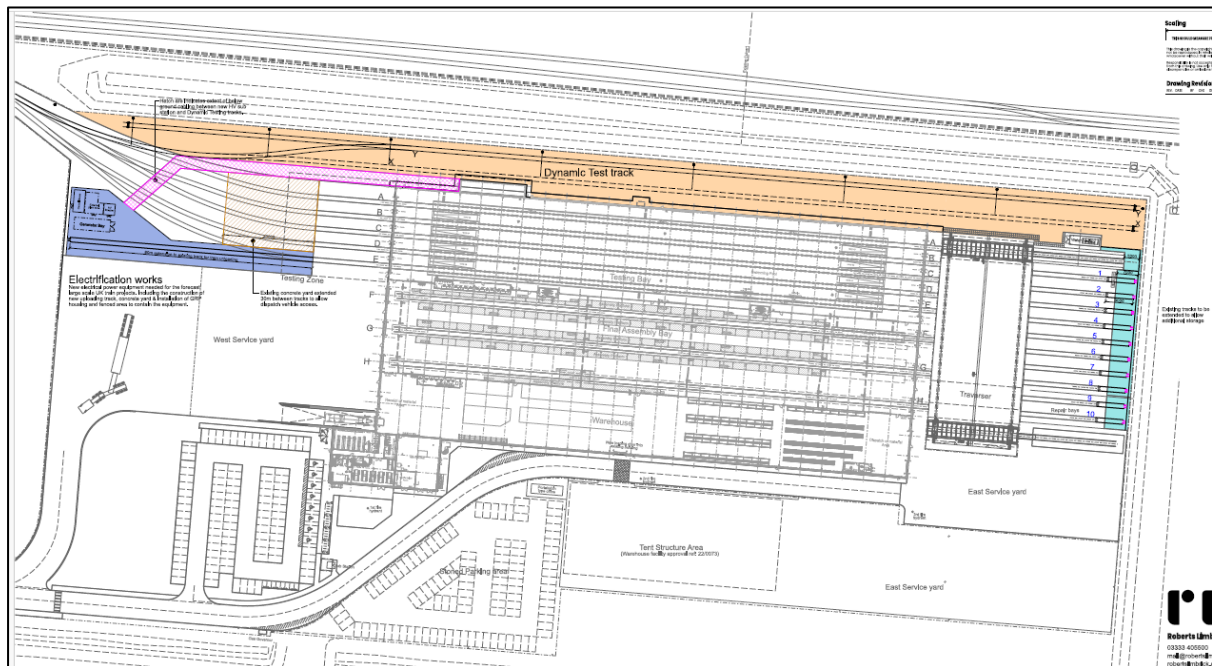
then subject to the normal range of planning considerations to judge the acceptability of the proposals.

- 8.3 In this case the key description is that of the outline permission (06/0471) which allows for the construction of B2 units and this is further reinforced by the relevant RM approval (17/0250) which refers to a manufacturing unit. The proposed changes would not result in the scheme falling outside the scope of what has been granted / approved. The applicant has confirmed all proposed development is within the approved red line for the approved reserved matters scheme.

Extract, Drawing 8647 PL02a – Site Layout (17/0250)



Extract Drawing 0003 P02 – Proposed Site Plan (25/1001)



Test track & overhead electrical cabling

- 8.4 The test track would be located north of the existing building in an area initially approved containing track infrastructure. As such on its face there is no significant change in the character of this part of the site. The overhead cabling is necessary to test electric vehicles (trams / trains) and would be seen against a backdrop of existing rail infrastructure including the Tata Service Lines to the immediate north. The cabling and supporting gantries would not look out of place and are acceptable in context.

Provision of electrical plant & control equipment and associated underground cabling

- 8.5 The electrification works involve provision of the plant required to electrify the test track and the associated underground cabling to carry the current to the track. The plant area is of limited scale and no more than required to electrify the limited track length. In scale and context it is acceptable.

Extended concrete apron (incorporating existing railway tracks)

- 8.6 There are currently rail tracks to the west of the existing building. These are in part set in a concreted apron immediately adjacent the building doors. The proposal is to extend this area by approximately 700sqm and again within the site context where there are large areas of existing hardstanding the changes are relatively minor and are acceptable in context.

Additional lengths of railway track for train unloading and storage

- 8.7 To the immediate east of the shed where the trains are assembled is a sequence of short track runs where completed trains / trams are stored during testing and pending movement off site. There are 10no. such track lengths (labelled repair bays) and each one of these would be extended by approximately 7m. Again in context this is a minor and consistent change.
- 8.8 The changes support the existing use of the site and are entirely acceptable in terms of their impact on the site and surroundings. Policies GP2 (Visual Amenity) and GP6 (Design) are complied with.
- 8.9 In terms of the conditional regime on the original Reserved Matters, that was sparse and subject to the reapplication of a suitable plans condition, no other conditions are required given the minimal changes that are proposed.

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 changes support the existing use of the site and are entirely acceptable in terms of their impact on the site and surroundings. Policies GP2 (Visual Amenity) and GP6 (Design) are complied with.

11. **DECISION**

Granted & Conditions

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

From this approval

- Drawing 10529 RLA 25 XX DR A 0001 P01 - Site Location Plan
- Drawing 10529 RLA 25 XX DR A 0003 P02 – Proposed Site Plan

From 17/0250 *so far as retained unamended by this approval:*

- Drawing 2016-299 100 P4 – Drainage Layout & Levels
- Drawing M11.113.D.012 A – Phase 3 Landscape Layout & Tree Planting
- Drawing M11.110.D.013 A – Phase 3 Detailed Planting
- Drawing 8647 PL06 A – Proposed Typical Section
- Drawing 8647 PL05 A – Proposed Elevations
- Drawing 8647 PL03 – Proposed Ground Floor Plan
- Drawing 8647 PL04 – Office Floor Plans
- Drawing 8647 PL07 – Proposed Ancillary Buildings, Plans & Elevations

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 non-conditioned plans:

- Drawing 10529-RLA-25-XX-DR-A-0002 P02 - Existing Site Plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP9, SP11, SP17, GP1, GP2, GP5 & GP6 were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.