

Delegated Decision Report

Application No:	26/0224	Statutory Period Expires:	20th April 2026
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Site:	Civil & Marine Queensway Llanwern Newport NP19 4QX		
Proposal:	PRIOR NOTIFICATION FOR DEMOLITION OF BUILDINGS INCLUDING TRANSPORT OFFICE, WEIGHBRIDGE OFFICE, MAIN OFFICE, LABORATORY STORES, MCC BUILDING, AMENITY BLOCK, WORKSHOP AND STOCKYARD CONVEYOR CONTROL AND ANCILLARY INFRASTRUCTURE AND PLANT		
Applicant:	Civil And Marine Limited		
Type:	Demolition	Ward:	Llanwern
Decision:	Prior Approval is Required		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site covers approximately 4640sqm (0.46Ha) on a level area of tipped blast furnace slag south of the Queensway in Llanwern. The southeast corner of the site is wooded and lies within the Nash & Goldcliff SSSI.

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposal is the demolition of on-site buildings and the removal and relocation of onsite plant leaving the site clear and level and with utilities being capped off. Existing perimeter fencing will be left in place.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision & Date
1/17863	NEW SLAG CEMENT PROCESSING PLANT WITH ANCILLARY BUILDINGS	GC 13 June 1989
89/0838	INSTALLATION OF ONE LIQUID PROPANE GAS VESSEL AS STORAGE OF FUEL FOR DRYING PURPOSES	GC 03 May 1990
92/0940	INSTALLATION OF 3 NO.1000 TONNE SILOS AT CIVIL & MARINE SLAG CEMENT LTD	Not available

5. PLANNING POLICY

5.1 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

The following policies of the adopted Newport Local Development Plan 2011-2026 (NLDP) are relevant:

- SP1 – Sustainability
- SP5 - Countryside
- SP8 - Special Landscape Areas
- SP9 – Conservation of the Natural, Historic & Built Environment
- GP2 – General Amenity
- GP5 – Natural Environment
- GP7 – Environmental Protection

5.4 SUPPLEMENTARY PLANNING GUIDANCE

The following SPGs are relevant:

- Wildlife & Development (December 2025)

6. CONSULTATION RESPONSES

6.1 Health & Safety Executive: No interest.

6.2 Wales & West Utilities: No interest.

6.3 National Grid Electricity Distribution: No interest.

6.4 National Grid Electricity Transmission: No interest.

6.5 NCC Ecology Officer:

I am concerned at the potential environmental impacts of the proposed demolition, so my advice is that an ecological impact assessment should be carried out.

The site is partly within and adjacent to the Gwent levels: Nash and Goldcliff SSSI, which is notified for the flora and fauna which inhabit the reens and ditches of that site. There are reens which run close to the area of proposed demolition, so I am concerned about potential impacts arising during demolition from:

- Dust and aerial pollution
- Contaminated surface water run off
- Mobilisation of existing ground contaminants such as fuels and oils, which may leach into the reen system

I am less concerned that demolition may cause disturbance to wetland birds which are features of the nearby Severn Estuary SPA, and which may be using the adjacent fields as functionally-linked habitat. Any EclA should consider the need for a Habitats Regulations Assessment to look at the potential for disturbance to these birds.

Some of the structures to be demolished are close to the trees which bound the south and west of the site, so the impacts upon these trees, and any protected species they may support, should be assessed.

In terms of impacts upon protected species, the nature of construction of the buildings on site do not generally lend themselves to supporting roosting bats. They appear to be portakabin-type structures, or clad in sheet metal, which generally don't have the right thermal properties that bats prefer. However I can see that some of the structures at the edge of the site seem to have been taken over by vegetation:

This vegetation may increase the likelihood of gaps and holes in the structures that bats could exploit, and may also buffer against extremes of temperature, and so make the structures more habitable for bats. Therefore, on balance, an EclA should include a preliminary assessment for potential roosting features in these buildings.

The adjacent reens and vegetation may support otters and dormice respectively, so the potential impacts of demolition, especially any tree removal needed, should be assessed in an EclA.

7. PUBLIC REPRESENTATIONS

The applicant has displayed the public notification required. No comments have been reported.

8. ASSESSMENT

- 8.1 Demolition of a building is permitted development under Schedule 2 Part 31 of the General Permitted Development Order 1995 (as amended) subject to the following condition:

(b)(i) the developer shall, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the method of demolition and any proposed restoration of the site;

Following receipt of the required details, the LPA has 28 days to make a determination as to whether prior approval of the demolition is required, that is whether further information is required or if the development can proceed in accordance with the already submitted details.

- 8.2 The applicant has provided minimal details in terms of the demolition process and has identified buildings on the site and differentiated them from 'plant'. The applicant explains that plant will be removed from the site and reused elsewhere on other sites the business owns. Buildings will be demolished with the site left clear and level, utilities capped off and perimeter fencing left in place.
- 8.3 The applicant advises that no demolition methodology has been arrived at yet but it will be informed by ecological surveys. The applicant notes that part of the site is within the Nash & Goldcliff SSSI this being a wooded section in the southeast corner of the site. The applicant advises that the only development within this site section is a septic tank which they consider to be plant i.e. not needing prior approval for its removal. The GPDO does not robustly define building other than by the exclusion of plant and machinery which are themselves not meaningfully defined in the case of plant and machinery is not defined at all.
- 8.4 The prior approval process narrowly focuses on the method of demolition and the proposed restoration of the site; Part 31 A.2 (b) (i) but 'global' considerations such as protected species and archaeology can be impacted by the demolition methodology and proposed site restoration and are therefore relevant.
- 8.5 There are site sensitivities here given the site is partially within one of the Gwent Levels SSSIs. The Gwent Levels: Nash and Goldcliff Site of Special Scientific Interest (SSSI) was notified primarily to protect its high-value ecological, botanical, and invertebrate interests, which are supported by an extensive, historic network of drainage ditches known as reens.
- 8.6 The site is enclosed by reens but it is not clear that these are isolated from the wider reen network within the SSSI or whether they feed to the Tata drainage system which is distinct from the natural historic drainage system and does not connect into the wider Levels' reen system. However there is significant risk that uncontrolled demolition activities, particularly the removal of foul drainage infrastructure and uncontrolled runoff of contaminated waters and dust deposition could impact on these reens, the wider reen system and associated areas of the SSSI if they are interconnected. It is not likely that the septic tank would be accepted as plant rather than a building and its exclusion from the demolition methodology would be a concern. This is also true of other elements identified as plant including the silos and the mill which are the largest structures on the site by some margin and have all the characteristics of buildings.
- 8.7 However the applicant is at liberty to apply for the demolition of whatever built elements he chooses to identify but this does not mean that other onsite elements have to be accepted or are implicitly accepted as being 'plant' for the purposes of the order. This would be a fact and degree point and the completion of works that are not permitted development due to non-compliance with the conditional regime of the order would be unauthorised development that could be enforced against if expedient.
- 8.8 Therefore the key question here is whether there is sufficient information to agree that the LPA's prior approval is or is not required for the demolition of the identified built elements. Although the site is remote from dwellings and highways with those highways having significant capacity to accommodate demolition traffic there are concerns in relation to the natural environment. That is the Nash & Goldcliff SSSI which is adjacent to / within the demolition areas with the risks being pollution of the water environment and disturbance to fauna, especially bird assemblages from the River Severn Special Protection Area which may

be using parts of the adjacent SSSI. The removal of structures has the potential to impact on protected species and / or nesting birds and there is no evidence that these impacts will not occur or can be mitigated since there has been no submission of an Ecological Impact Assessment for the works.

- 8.9 Since the applicant has not provided a detailed demolition methodology or any ecological information the current level of information provided is inadequate and prior approval is required.

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 applicant has not provided a detailed demolition methodology or any ecological information. The current level of information provided is inadequate and prior approval is required.

11. DECISION

PRIOR APPROVAL IS REQUIRED

01 The demolition works are located close to or within an ecologically sensitive area. Additional information is required and must include a detailed demolition method statement and an Ecological Impact Assessment demonstrating that there will be no unacceptable impact upon the Nash & Goldcliff SSSI, bird assemblages from the River Severn Special Protection Area and any species that might be using the site or adjacent areas of the SSSI.

NOTE TO APPLICANT

01 This decision relates to the following plans & documents:

- Covering Letter, undated (Reference L117/P2)
- Drawing L117m/3 – Site Plan
- Drawing L117m/4 – Layout Plan
- SITE NOTICE UNDER PART 31 – ANY BUILDING OPERATION CONSISTING OF THE DEMOLITION OF A BUILDING
- Photos 1-3 of Site Notice on display
- Drone Gallery (site photos)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP5, SP8, SP9, GP2, GP5 & GP7 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.

04 Nothing in this decision should be taken as an explicit or implicit agreement by the LPA as to what site elements are plant and what site elements are buildings.