

Delegated Decision Report

Application No:	26/0400	Statutory Period Expires:	11th September 2026
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Site:	<i>Land known as Celtic Business Park, Queensway, Llanwern, Newport, South Wales</i>		
Proposal:	SECTION 73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS), CONDITION 3 (PARKING AND CIRCULATION) AND CONDITION 4 (NET BIODIVERSITY BENEFIT) OF 25/1100 S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 22/0073/RM (PURSUANT TO 06/0471/O) FOR A PERMANENT WAREHOUSE FACILITY AND ASSOCIATED INFRASTRUCTURE. AMENDMENTS INCLUDE CHANGES TO LAYOUT TO ACCOMMODATE A LARGER TENTED WAREHOUSE FACILITY		
Applicant:	CAF Rolling Stock UK Ltd		
Type:	Renewals & Variation of Conditions	Ward:	Llanwern
Decision:	Approved & Conditions		

1. BACKGROUND

- 1.1 The applicant has planning permission and Reserved Matters approval in place for a semi-permanent tented warehouse facility on vacant ground south of the CAF train factory on Indurent Park (Celtic Business Park / Saint Modwens Park). The land is within the curtilage of the existing factory and is currently unused.
- 1.2 Under this proposal the applicant is looking to enlarge the proposed warehouse and relocate it. Changes to the conditional regime of 25/1100 beyond the plans condition are also proposed to prevent a new permission having mutual incompatibility between approved plans and other conditions that form part of the approval.
- 1.3 The main changes sought under this application are:
 - An enlarged tented warehouse / storage building.
 - Its relocation within the site.
 - Areas of hardstanding around the building to act as circulation space for delivery vehicles.
 - A reduced area of grassland within the curtilage of the building.
 - Additional lighting columns.
 - Revised access and circulation details.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located on vacant ground south of the existing building. Application area shown below:



3. DESCRIPTION OF DEVELOPMENT

3.1 See above.

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 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

14/1124	DISCHARGE OF CONDITION 04 (SUB AREA MASTERPLAN) OF PLANNING PERMISSION 06/0471 FOR A MIXED-USE REDEVELOPMENT OF THE FORMER LLANWERN STEELWORKS (GLAN LLYN) IN RELATION TO THE EMPLOYMENT (EASTERN) SUB-AREA	A 05 January 2015
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
22/0073/RM	RESERVED MATTERS APPLICATION (ALL MATTERS) AND THE PARTIAL DISCHARGE OF CONDITIONS 08 (MATERIALS), 09 (HARD LANDSCAPING), 10 (BOUNDARY TREATMENTS), 12 (PARKING AND CYCLE STORAGE), 15 (EMERGENCY ACCESS), 22 (LIGHTING), 24 (FLOOD CONSEQUENCE ASSESSMENT), 33 (SURFACE WATER DISPOSAL) AND 43 (ACCESS TO OPEN WATER) OF PERMISSION 06/0471 FOR THE REGENERATION OF THE FORMER LLANWERN STEELWORKS (GLAN LLYN) IN RELATION TO A PERMANENT WAREHOUSE FACILITY AND ASSOCIATED INFRASTRUCTURE ASSOCIATED WITH THE CAF COMMERCIAL UNIT AT ST MODWENS PARK	AC 24 March 2022
25/1100/VC	S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 22/0073/RM (PURSUANT TO 06/0471/O) FOR A PERMANENT WAREHOUSE FACILITY AND ASSOCIATED INFRASTRUCTURE. THE CHANGES IS AN INCREASE IN THE SIZE OF THE WAREHOUSE BUILDING.	AC 12 February 2026

5. PLANNING POLICY

5.1 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1 – Sustainability

SP3 – Flood Risk

SP9 – Conservation of the Natural, Historic & Built Environment

GP1 – Climate Change

GP2 – General Amenity
GP5 – Natural Environment
GP6 – Design

5.2 SUPPLEMENTARY PLANNING GUIDANCE

None relevant.

6. CONSULTATION RESPONSES

- 6.1 National Grid Electricity Distribution: Advise of equipment in the area and safe working practices.
- 6.2 Wales & West Utilities: Advise of safe working practices.
- 6.3 Indigo Pipelines: Advise of equipment in the area and safe working practices.
- 6.4 National Grid Electricity Transmission: No interest.
- 6.5 Health & Safety Executive: No interest.
- 6.6 Cyfoeth Naturiol Cymru / Natural resources Wales: advise that bats forage across the site and recommended measures within the Preliminary Ecological Appraisal should be conditioned to protect the bat interest on the site.
- 6.6 NCC SAB: Generic comments.

7. PUBLIC REPRESENTATIONS

- 7.1 Neighbour and Ward member notification letters were sent on 05 June 2026; a Site Notice was put up on 10.06.2026. No comments were received

8. ASSESSMENT

Key Issues

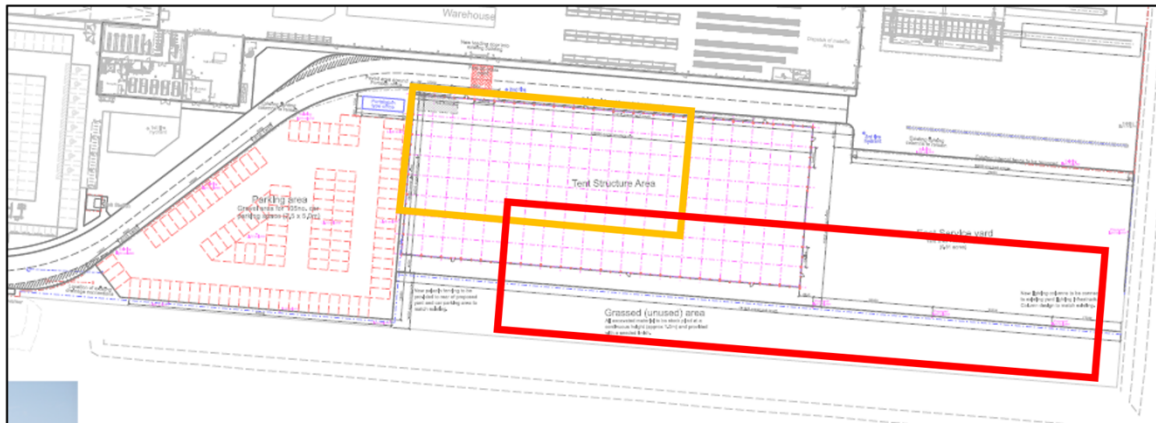
- 8.1 Key issues are:
- Visual impact of the increased scale of the building
 - Green Infrastructure
 - Net gain for biodiversity
 - Parking & Circulation Space
 - Other conditional changes

Visual impact of the increased scale of the building

- 8.2 The table and graphic below identify changes in the proposed tented structure in terms of area and siting. These changes also impact on the area available for landscaping and upon parking & circulation / delivery space that is available.

(m / sqm)	26/0400	25/1100	22/0073
Height, eaves	7.0	7.0	4.0
Height, ridge	11.7	13.5	9.2
Length	150.0	100.0	70.0
Width	30.0	40.0	30.0

Area	4500	4000	2100
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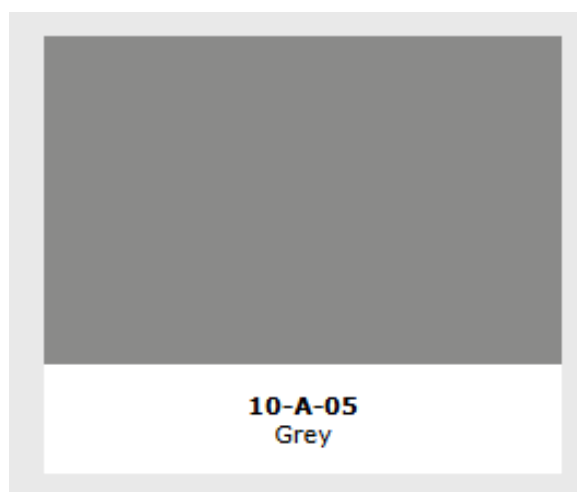


Orange – 22/0073, Hatched Pink – 25/1100, Red – 26/0400

- 8.3 The proposed building is significantly longer than either of the previous approvals being more than twice as long as the original and half as long again as the first revision. Its location southwards significantly hardens the site's southern boundary which will now be dominated by a long building of substantial bulk. The LPA has taken legal advice on the scope and effect of this s73 having regard to the extent of changes to the previous permission, timing and other factors. Having regard to this legal advice, the LPA is satisfied this submission is correctly made and can be considered under Section 73 of the Act. The effect of any decision will be to provide a new package of consented application comprising the original outline permission and subsequent reserved matters approval notwithstanding that different reserved matters have previously been agreed. The latter remain implementable.
- 8.4 However the site and the wider site is characterised by large buildings of substantial bulk with parking and circulation areas around them and the larger tented building will not be out of character. In appearance terms the drawings confirm that the wall panels and steel structural work will be powder coated in goosewing grey. No RAL colour or British Standard is given for the colour. However it is generally accepted that RAL 7038, Agate Grey is a close match to B.S. 10a05 grey i.e. a goosewing grey is a mid-grey colour:



 RAL Colour Chart
RAL 7038 Colour (Agate grey) - R...



10-A-05
Grey

- 8.5 The chosen colour is acceptable in context and matches the grey colour palette of the buildings on the site and the wider business park. In terms of design and appearance the change is acceptable in context and Policies GP2ii (Visual Amenity) and GP6 (Quality of Design) are complied with.

Green Infrastructure & Net gain for biodiversity

- 8.6 The site is not well vegetated currently having been reclaimed industrial land with aerial photographs showing the site of the tented building as scrubby. The applicant has provided a Preliminary Ecological Survey which concludes that outside the reen corridor which is unaffected by the proposal there is little of ecological value on the site but makes recommendations on site clearance (nesting birds / herptiles) and potential enhancement measures (bird and bat boxes). The PEC does not identify nesting birds or herptiles as present on the site but does not exclude their presence either and identifies safeguards that should be employed when the site is prepared for development. The PEA (May 2026) notes that bats may commute or forage within the site and that well vegetated linear features outside the site (reens) would make for good bat foraging areas. CNC/NRW advise that the mitigation measures outlined in the PEA for bats should be adopted. That is a condition to control lighting spill to the reen areas.
- 8.7 The initial RM approval (22/0073) approved certain new lighting columns in the existing gravelled car park and within the proposed 'East Service Yard' but did not require any details of that lighting including details of lighting or light spill. A condition required that the proposed lighting was installed prior to first use but no more than this.
- 8.8 The first RM variation (25/1100) altered this lighting plan to account for the revised scale and siting of the warehouse building but given the 'VC' nature of the application and the lack of concerns raised over the proposed lighting the conditional regime still required no more than the lighting was installed.
- 8.9 In this submission the lighting plan has changed again, since the building is larger and relocated. However new information has identified the adjacent reen environments south and east of the site to be sensitive due to bat and other wildlife interest that had not been previously identified. This potentially reflects the 'naturalisation' of the waterway over time.
- 8.10 In some respects this submission is an improvement over previous versions since the building itself will block off much of the southern and eastern reen. However new columns / light fittings are still proposed along the new access road and within HGV circulation areas so a risk of light spill exists or the installation of further lighting. However subject to a condition, this risk can be mitigated.
- 8.11 In terms of Green Infrastructure the baseline would have been established under the initial RM approval (17/0250) given the site was essentially bare following remediation of contamination. Under that approval the application area was shown as grassed and no other GI was approved. This was in part due to leaving the site free for future expansion. As such the fallback on GI is weak and under this proposal although a greater area of 'grass' would be lost the overall harm in terms of what has been approved and what is actually there (very patchy low scrub) is minimal. The proposed changes would have a slightly adverse impact on GI but that is not sufficient to be determinative.

- 8.12 Paragraph 6.4.3 of Planning Policy Wales Edition 12 (PPW12) advises that development *must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems*. As already noted this site is operating from a low base in terms of green infrastructure and bio-diversity and this is confirmed by the submitted Preliminary Ecological Appraisal. That document advises modest measures to secure net-benefit these being the provision of bird and bat boxes on the existing permanent CAF building. In this context that is proportionate and can be secured under condition. Subject to such a condition Policy GP5ii (Biodiversity) is complied with.

Parking & Circulation Space

- 8.13 The submitted drawings show sufficient circulation space for articulated lorries to manoeuvre around the building and circulation space for larger vehicles is adequate. This circulation space is shown as concreted so the provision of this hard surfaced area is another change sought under this submission. Subject to controls over drainage from this area including the removal of hydrocarbons to protect surface waters this element of the proposal is acceptable and Policies GP1 (Climate Change) and GP7 (Environmental Protection) are complied with.
- 8.14 The parking on site is best addressed in totality. Currently the site is Zone 6 (Deep Rural) but in reality it functions as Zone 4, Suburban or Near Urban. In this zone industrial sites require 1 car parking space per 120sqm of gross floorspace. On this site that translates to the existing unit (15,000sqm) plus the supporting warehouse (4,500sqm) meaning that 163 car spaces would be required. The proposal would have space for 170 cars which is sufficient in total. Parking provision is adequate and Policies GP4 (Parking) and T4 (Parking) are complied with.

Other conditional changes

- 8.15 The changes in the layout plan to accommodate and relocate the new warehouse building also require other changes in the conditional regime. The applicant identifies that changes are needed in RM Condition 03 (Parking & Circulation) and RM Condition 04 (Net Benefit for Biodiversity).

The Parking & Circulation Condition currently reads:

03 Parking & Circulation Space: The approved parking, lighting and the circulation area (East Service Yard) shall be provided fully as approved, including drainage prior to the first beneficial use of the 'Tent' structure and retained thereafter. The East Service Yard shall be completed in concrete or in any other materials as may be submitted to and agreed in writing by the Council.

Reason: to ensure that adequate parking is provided in the interests of highways safety and the free flow of traffic, adequate lighting is provided in the interests of safety and wider amenity, so the site can be adequately drained and so that the new storage structure can be safely accessed and serviced by HGVs in the interests of safety and its efficient operation. Policies GP2, GP3, GP4, GP7 & T4.

- 8.16 With the applicant seeking to remove reference to the East Service Yard and replace that wording with 'Delivery Yard' to reflect the changes in plan annotation between the most recent approval and this submission. However the area labelled Delivery Yard is not the only area of hardstanding proposed under this submission so the proposed wording will not bite on all the proposed areas if the suggested wording is used. That said the principle of changing the wording is acceptable and the wording

can be changed to accommodate the proposed changes to the development in this submission.

- 8.17 In terms of net benefit the applicant is seeking changes in wording to incorporate the recommendations of the Preliminary Ecological Appraisal submitted with this application as opposed to submitting a freestanding scheme for agreement and implementation. In principle this can also be secured the proposed measures being a nature friendly planting scheme and the installation of 2no bird boxes and 2no. bat boxes on the existing reception building or the existing main building. Both of these buildings are outside the red line for this submission but are known to be under the control of the applicant (CAF) and have been blue lined and so these measures can be conditioned. However the level of detail within the PEA is not sufficient of itself to be relied upon, since it for example seeks a grassland / scrub management regime for retained open areas and those details are currently lacking. Any revised condition could address this.

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 subject to conditions.

11. DECISION

Approved & Conditions

01 Plans: The development shall be implemented in accordance with the following plans and documents, other than as amended by any conditional discharges:

- Drawing 10026 PL01 – Site Location Plan
- Drawing 10026 PL07B – Overall Site Cross Section
- Drawing 10026 PL08 – Proposed Site Layout (Revised) External Finishes Vehicle Manoeuvring
- Drawing 10026 PL09 – Proposed Tent Building Details (Revised)

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

Pre – construction conditions

02 Lighting: No new external lighting columns or light fittings shall be installed on the site until such a time as details of that lighting including an isolux drawing for the new lighting has been submitted to and agreed in writing by the LPA. No external lighting shall be installed thereafter other than as agreed by the LPA.

Reason: to protect the sensitive re-environment from excessive lighting in the interests of bio-diversity, primarily bats and to prevent unnecessary light pollution. Policies SP1, GP2, GP5 and GP7.

03 Surface water drainage and hydrocarbons: Prior to the first beneficial use of the hardstanding hereby approved details of how surface water will be drained from that hardstanding including details as to how hydrocarbons will be prevented from entering surface waters or ground waters either directly or indirectly shall be provided in writing to the LPA. Following the written agreement of the LPA the drainage mechanism and means of removing hydrocarbons shall be installed as agreed before the first use of the hardstanding and shall be retained as agreed for the lifetime of the development. No hydrocarbons from the hardstanding shall be allowed to enter surface or groundwaters.

Reason: to control runoff in the interests of flood prevention and to protect surface and ground waters from pollution. Policies SP1, SP4, GP1 & GP7.

Pre –occupation conditions

04 Parking & Circulation Space: The approved access, parking and vehicle circulation spaces shall be provided fully as approved prior to the first beneficial use of the New Warehouse Facility 'Tented' structure hereby permitted and shall be retained and kept available for those uses thereafter. The vehicle circulation spaces shown light brown in Drawing 10026 PL08 shall be completed in concrete or in any other materials as may be submitted to and agreed in writing by the Council.

Reason: to ensure that adequate parking is provided in the interests of highways safety and the free flow of traffic and so that the new storage structure can be safely accessed and serviced by HGVs in the interests of safety and its efficient operation. Policies GP2, GP4, GP7 & T4.

Other Conditions Requiring the Submission of Information

05 Net Benefit for Bio-diversity: Within 3 months of this decision details of a scheme of net benefit for bio-diversity including a timetable for implementation and a management programme that is informed by Paragraphs 5.8 & 5.9 of the submitted Preliminary Ecological Appraisal (Soltys Brewster, May 2026) shall be submitted in writing to the LPA. Following the LPAs written agreement the scheme shall be implemented as agreed including timings and shall be retained and maintained for the lifetime of the development hereby approved.

Reason: to secure net benefit for bio-diversity. Policies SP9, GP5 and PPW12.

General conditions

06 Site clearance: the site shall be cleared in accordance with the methodologies and timings described at Paragraphs 5.3, 5.4 and 5.6 of the Preliminary Ecological Appraisal (Soltys Brewster, May 2026).

Reason: to protect the interests of nesting birds and any herptiles that may be on the site. Policies SP1 & GP5.

07 Portakabin: The Portakabin shall be installed as shown in Drawing 10026 PL03 D held on file 25/1100 or if not that indicative structure then prior to its installation on site details of the alternative Portakabin's appearance in terms of scale, materials and colour shall be provided to the Local Planning Authority in writing. Following the LPA's written agreement the alternative Portakabin structure shall be installed as agreed.

Reason: to ensure the building is of acceptable scale and appearance. Policies GP2 & GP6.

NOTE TO APPLICANT

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

- Covering Letter dated 22.05.2026
- Document Issue Schedule
- PRELIMINARY ECOLOGICAL APPRAISAL (May 2026)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The following Policies were relevant to the determination of this application:

SP1 – Sustainability

SP3 – Flood Risk

SP9 – Conservation of the Natural, Historic & Built Environment

GP1 – Climate Change

GP2 – General Amenity
GP5 – Natural Environment
GP6 – Design

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 Decision should be read in conjunction with that for Outline Planning Permission 06/0471 since conditions of that permission remain relevant and enforceable to the development approved under this decision.

05 Nesting birds and herptiles may be present on the site and clearance works should be undertaken in accordance with Section 5 of the Preliminary Ecological Appraisal (May 2026). It is an offence under Section 1 of the [Wildlife and Countryside Act of 1981](#) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built, or to intentionally kill, injure or take chicks or adults, or intentionally take or destroy any eggs. Various reptiles and amphibians are also protected under the same Act. If you encounter active bird nests or reptiles / amphibians whilst undertaking works you should cease work and seek ecological advice.