

18 February 2025

VIA PLANNING APPLICATIONS WALES

The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow rectangular background.

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Dear Geraint,

DRAIN 5, INDURENT PARK, NEWPORT

FULL PLANNING APPLICATION FOR THE INSTALLATION OF A TEMPORARY WEIR AND PENSTOCK AT DRAIN 5

PLANNING APPLICATIONS WALES REF. PP-13760629

On behalf of Indurent Logistics Propco A8 Ltd ("Indurent"), Savills is instructed to submit a full planning application under the Town and Country Planning Act 1990 ("TCPA 1990"), for the installation of a temporary weir and penstock within Drain 5, to the north of the Indurent Park business park, Newport. The application seeks to install the temporary weir and penstock to allow for additional water quality monitoring to take place enabling the continued discharge of surface water from the site into Tata's private drainage system.

It is important to stress Natural Resources Wales ("NRW"), as the environmental and flood risk body for Wales, has already granted its consent under Section 23 of the Land Drainage Act 1991 for the installation of the proposed weir and penstock.

Accordingly, this application comprises the following documents:

- Application forms and Ownership Certificates;
- Cover letter (including details and assessment of the proposal);
- Location Plan (ref. 17480-RLL-24-XX-DR-O-1284 P02);
- Existing Site Plan (ref. 17480-RLL-25-XX-DR-O-1291 P02);
- Proposed Site Plan (ref. 17480-RLL-24-XX-DR-O-1282 P06);
- Proposed Penstock and Weir Ecology Information and Green Infrastructure Statement (ref. JN00741/TN02 Rev 01) (February 2025);
- Precautionary Method of Working Proposed Penstock and Weir (ref. JN00741/TN01 REV01) and
- Drain 5 Temporary Weir and Penstock Technical Note (ref. 17480-RLL-25-XX-RP-O-1290-P03) (February 2025)

The application fee of £460.00 has been paid by Indurent directly to Newport City Council ("NCC").

Background and proposal

Reserved Matters ("RM") consent was approved by Newport City Council ("NCC") for the infrastructure and landscaping associated with Phase 2 of the business park site on 25 May 2017 (ref. 17/0248). The application included details of the proposed re-en running from the north of Unit 1, around the proposed pumping station

and around the CAF commercial unit to the north of the site before connecting into the existing incoming culvert. In accordance with this planning history, the reen was implemented without weirs.

Until such time as surface water from the site discharges directly to Monks Ditch (following the grant of a Discharge Permit from NRW), a temporary private arrangement is in place between Revantage and Tata whereby surface water is pumped into the adjoining Tata drainage network, as has been the position for many years. However, following recent discussions with Tata to extend this private arrangement beyond February 2025, additional monitoring of surface water quality is required prior to entering the Tata drainage system via Drain 5 North. This is not borne out of any direct concern about water quality, but rather the ability to better monitor incoming water to better understand peaks in some elements as part of Tata's reporting requirements. The nature of monitoring for these elements requires water to be more effectively 'held back' or 'penned'. This necessitates the temporary installation of a weir and penstock to achieve sufficient water volume to facilitate the additional monitoring. The introduction of a single weir and penstock is anticipated to be a temporary measure for as long as the Tata arrangement remains in place and removed once Glan Llyn's surface water drainage systems are fully operational (i.e. via Monks Ditch) – a period anticipated to be in the region of two years.

The proposed weir and penstock is simple in design and operation, as shown on the proposed drawings. The proposed weir and penstock will each measure approximately 7.1m by 1.2m and seeks to achieve a water level of 4.5mAOD.

Informal pre-application engagement with NCC concluded that, in NCC's view, while the physical works proposed are minor the resultant effects are likely to be greater than material and as such would be unlikely to succeed under an NMA application and as such a full planning application was recommended. NCC advised the following specific issues were addressed in any future application(s):

- Ecology;
- Habitat loss / creation;
- Visual amenity; and
- Hydrological changes / flood risk.

In light of NCC's response above, Savills has since been instructed by Indurent to submit a new full planning application (this application) for the proposed temporary weir and penstock at Drain 5. As part of this application, an assessment of each of the issues noted above are considered below.

Assessment

Ecology

SK Environmental, as long-standing ecologists across the Site, were instructed to review and assess any impacts from the proposed installation of the weir and penstock upon ecological interests. A site walkover was undertaken along the reen where the proposed weir and penstock will be located.

The findings of the above survey is set out in a Proposed Penstock and Weir Ecology Information and Green Infrastructure Statement (ref. JN00741/TN02) and accompanies this application including further details with respect to ecology. The report concludes the following with respect to ecology:

Water voles – a thorough search for evidence was undertaken, and no such signs were found in the location of the proposed weir and penstock, crucially no borough entrances were found present.

Nesting birds – Some limited potential for nesting activities by birds is present within the young willow trees along this section of the reen.

Aquatic invertebrates and fish – neither formed part of the assessment, but are likely to be present.

The report concludes that impacts of the works are likely to be confined to the short term. It further notes that the purpose of the works is to better manage water levels, which in turn will benefit wildlife, in particular water voles. The works are not considered to hinder movement of animals along the reen and stabilising the water levels to ensure both adequate water levels in summer and avoidance of flood in winter will be a beneficial impact of the works.

The removal of vegetation to facilitate and carry out earthworks in two small sections of the reen is acknowledged and the remainder of the section of reen will not be impacted by the physical works. Ecological impacts are limited to potential pollution and increased sediment run-off. The report concludes that a Precautionary Method of Working Proposed Penstock and Weir (PMW) must be put in place to facilitate works in a manner that avoids these impacts, as these may impact aquatic invertebrates and any fish present, which in turn may impact other species. A PMW (ref. JN00741/TN01 REV01) accompanies this submission and seeks to ensure ecological interests are protected during the construction of the weir and penstock.

Adequate management and protection of ecological interests is therefore controlled via the PMW (ref. JN00741/TN01 REV01).

In conclusion, the proposed development is considered to accord to Policy GP5 (Natural Environment) of the LDP by suitably managing biodiversity and ecological interests.

Habitat loss / creation

SK Environmental have conducted a recent survey of the habitat affected (i.e. between the weir and the penstock) for Drain 5 and concluded that they are confident ecological interests can be managed as per the above. As a result of the proposal, there will be no unacceptable impact upon any habitat.

Paragraph 1.13 of the Proposed Penstock and Weir Ecology Information and Green Infrastructure Statement (ref. JN00741/TN02) states that the reen section in question is already in place, as is a management plan and plans to plant it up with species suitable for water voles. The small-scale nature of the development, with a footprint only realistically covering the penstock and weir works, means it is impractical to install any additional features for the benefit of wildlife. The reduction of fluctuation in water levels is what creates a benefit for fauna in this location

In conclusion, the proposed development is considered to accord to Policy GP5 (Natural Environment) of the LDP by suitably managing habitats.

Visual amenity

As shown on the accompanying drawings, the proposed weir and penstock will be located within the reen within the wider industrial context of the business park. This will result in very little changes in terms of visual amenity (see indicative image (i) on Drain 5 Temporary Weir Proposal drawing (ref. 17480-RLL-24-XX-DR-O-1282 P06)). Owing to the weir and penstock being embedded within the reen together with the established landscaping and boundary treatments, the weir and penstock are likely to be screened from the surrounding area, and thus reducing any potential visual amenity impacts. Any increase in water level that may arise is considered to be of limited impact and reflects how the reens were designed to accommodate differing water levels.

There is not considered to be any implications of the reen from a visual amenity perspective. On this basis, it is considered that the proposal is found to be acceptable in terms of visual amenity and in accordance with Policy GP2 (General Amenity) and Policy GP6 (Quality of Design) of the LDP.

Hydrological changes / flood risk

A Drain 5 Temporary Weir and Penstock Technical Note (ref. 17480-RLL-25-XX-RP-O-1290-P03) prepared by Rodgers Leask accompanies this application and sets out the implications of the proposal on the drainage network and also considers flood risk. A summary of the position is set out below, however, the accompanying note should be referred to for full technical details in respect of flooding.

Water levels

At present water levels in reens is controlled by the rate in which Tata are able to discharge water from the Tata Middle East West Ditch (MEWD) into the Severn Estuary via their consented discharge. This subsequently influences the amount of water that is able to leave the site through Drain 5 (North). Water levels at Drain 5, in its current interim state, are rarely below 4.0mAOD. The invert level of the reen on site is 3.1mAOD, the proposed water level behind the weir is 4.5mAOD.

The approved planning drawings (reliant on approval of the Discharge Permit) show a normal operating level between 3.4mAOD and 4.5mAOD, severe storm levels of 5.3mAOD and a flood level of 6.5mAOD. The approved S23 infrastructure is within the normal range at 4.5mAOD.

Flood risk

At present the reen network is in an intermediate state where water levels agreed through planning (outline planning permission ref. 06/0471) have not been achieved. The approved strategy shall maintain a minimum water level of 3.4mAOD in all reens. To achieve the proposed approved water levels a Discharge Permit is required and thus mechanical control of the on-site surface water levels prior to pumped discharge into Monks Ditch. Infrastructure to discharge surface waters into Monks Ditch is in place and primed for operation, however water quality must be sufficient to allow for discharge into the Main River. Discussions are ongoing between Revantage / Indurent and NRW to agree permits to allow surface water to discharge into Monk's Ditch from both Indurent Park Newport (Drain 5 (north)) and Glan Llyn (Drain 2 (south)). Surface water monitoring data, to support a future submission to connect the pumping system to Monk's Ditch, is being collected on a fortnightly basis at a number of monitoring locations within the Site's surface water drainage system.

The introduction of the weir and penstock would not cause flood risk concerns as the weirs are capable of being overtopped at a certain level and sluice gates opened.

In conclusion, the proposed development is found acceptable when assessed against Policy SP1 (Sustainability), Policy SP3 (Flood Risk) and Policy GP7 (Environmental Protection and Public Health).

Summary

Informal pre-application discussions with NCC have indicated the need for full planning permission or the installation of a temporary weir and penstock within Drain 5. A temporary weir and penstock is necessary to facilitate additional water quality monitoring to continue the pumped discharge arrangement into Tata's private drainage system, until such time as surface water from the site can be discharged directly via Monk's Ditch.

The information included to support this submission is considered proportionate to the proposals to allow the timely determination of the application. As assessed above, the proposal to introduce the weir and penstock at Drain 5 is considered acceptable and is considered compliant with the relevant regulations, national and development plan policies (in so far as they are applicable) and it follows that there is full justification for approval of the application and the grant of planning permission.

I trust that the enclosed is in order and look forward to receiving confirmation that the application has been registered and validated in due course. Should you require any further information to support the application, please do not hesitate to contact me.

Yours faithfully,



Savills

Joshua Price
Associate

Enc. As above