

Delegated Decision Report

Application No:	25/0626	Statutory Period Expires:	24th April 2026
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Site:	<i>Solutia UK Ltd Traston Road Newport South Wales NP19 4XF</i>		
Proposal:	<i>HAZARDOUS SUBSTANCES CONSENT TO STORE AND PRODUCE NEW GRADES OF HEAT TRANSFER CHEMICALS, SIMILAR TO THOSE ALREADY APPROVED AND IN USE AT THE SITE, ALSO INCLUDED ARE MINOR UPDATES TO OTHER CHEMICALS STORED AT THE SITE</i>		
Applicant:	<i>D Rudd</i>		
Type:	Hazardous Substances	Ward:	Llanwern
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 The site has had numerous Hazardous Substances Consents approved since 2001 which can be seen in the site history below.

2. SITE LOCATION AND CONTEXT

- 2.1 The site, Solutia, is a long-established chemical manufacturing site on the southern edge of Newport.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application is seeking Hazardous Substances Consent (HSC) to store and produce new grades of heat transfer chemicals, similar to those already approved and in use at the site as well as minor updates to other chemicals stored at the site.
- 3.2 The application has been made due to additional new Therminol products being produced at the site that fall under Aquatic Toxicity (chronic) Category 1, as well as other corrections and minor changes. The following new products would be produced and stored; Therminol 75, Therminol VP3, Therminol 66J and Therminol 68.
- 3.3 For the purposes of applications for HSC, Newport, the Local Planning Authority is considered as 'the Hazardous Substances Authority' (HSA).

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
17/0907	HAZARDOUS SUBSTANCES CONSENT TO STORE: 57 TONNES OF DIETHYLENETRIAMINE 50 TONNES OF BISHEXAMETHYLENETRIAMINE (BHMT) 180 TONNES OF PHOSPHORUS TRICHLORIDE 33 TONNES OF 33% AQUEOUS AMMONIA SOLUTION 2000 TONNES OF SUBSTANCES HAZARDOUS TO THE AQUATIC ENVIRONMENT IN CATEGORY ACUTE OR CHRONIC 1 2000 TONNES OF SUBSTANCES HAZARDOUS TO THE AQUATIC ENVIRONMENT IN CATEGORY CHRONIC 2 (INCLUDING 1600 TONNES OF THERMINOL 66) 100 TONNES OF FLAMMABLE LIQUIDS	GRANTED WITH CONDITIONS	09/01/2020
14/0270	HAZARDOUS SUBSTANCES CONSENT APPLICATION FOR THE STORAGE OF HAZARDOUS SUBSTANCES (PARTIAL	GRANTED WITH CONDITIONS	04/09/2014

	AMENDMENT TO 13/0219)		
13/0219	HAZARDOUS SUBSTANCES CONSENT APPLICATION FOR STORAGE OF BENZENE, BIPHENYL AND TRIPHENYL (PARTIAL AMENDMENT TO 07/1586)	GRANTED	01/05/2013
07/1586	HAZARDOUS SUBSTANCE CONSENT APPLICATION FOR STORAGE OF KEROSENE (AMENDMENT TO PLANNING PERMISSION 03/0157/HSC)	GRANTED WITH CONDITIONS	06/03/2008
03/0157	HAZARDOUS SUBSTANCE CONSENT APPLICATION FOR STORAGE OF VARIOUS CHEMICALS	GRANTED WITH CONDITIONS	14/11/2003
02/0807	HAZARDOUS SUBSTANCE CONSENT APPLICATION FOR STORAGE OF ZINC OXIDE (AMENDMENT TO PP 01/1111)	GRANTED WITH CONDITIONS	01/11/2002
01/1111	STORAGE OF HAZARDOUS SUBSTANCES	GRANTED WITH CONDITIONS	24/05/2002

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

GP7 – Environmental Protection and Public Health

6. CONSULTATION RESPONSES

6.1 Health and Safety Executive (HSE):

1. Hazardous Substance Consent for application 25/0626 is an application submitted by Solutia UK Ltd. to Newport City Council for the storage of hazardous substances as listed in Table 1 under the Planning (Hazardous Substances) (Wales) Regulations 2015. The Health and Safety Executive has assessed the risks to the current population in existing developments surrounding the likely activities, resulting from the granting of Hazardous Substances Consent 25/0626.

2. Only the risks from hazardous substances for which Consent is being sought have been assessed. HSE has assessed the risk of harm from the maximum quantity of hazardous substances for which Consent is being sought. Risks which may arise from the presence of other substances have not been taken into account in this assessment.

3. In considering this application for Consent, HSE has made the assumption that the requirements of the Health and Safety at Work etc. Act 1974, and all relevant statutory

provisions, will be met at the establishment should Consent be granted. On this basis, HSE has concluded that the risks to the surrounding population arising from the proposed operation(s) are so small that **there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent 25/0626.**

4. HSE will, on request, explain to the Hazardous Substances Authority the reasons for its advice. Such a request can be sent to me to arrange a response.

5. Following Government advice that particulars in the application Form do not automatically become conditions of consent, it would be beneficial to include the following condition: **"The hazardous substance(s) shall not be kept or used other than in accordance with the application particulars provided on the application form, nor outside the area(s) marked for storage of the substance(s) on the plan(s) which formed part of the application 25/0626."**

6. On the basis of the above assessment, the Consultation Zone map, within HSE's land use planning webapp <https://pa.hsl.gov.uk/> will be unaltered

7. If Consent is granted, consult HSE on relevant development in the consultation area by using HSE's land use planning web app <https://pa.hsl.gov.uk/>.

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- 6.2 Natural Resources Wales: No objection to the application as submitted and provide the following advice.

Flood Risk

The Flood Map for Planning identifies the site to be at risk of flooding and within Flood Zone 2 and 3 (Sea) and the TAN 15 Defended Zone. Given the nature of the proposal (and in the absence of a flood consequences assessment) we consider the proposal could be acceptable, subject to the developer being made aware of the potential flood risks and consequences.

Control of Major Accident Hazards

This site is regulated under the Control of Major Accident Hazards Regulations 2015 (COMAH). The site is already an Upper Tier COMAH site and store similar chemicals. The regulations aim to ensure substances are controlled adequately and any additional risks posed to human health and the environment because of the proposal will be managed in line with the other COMAH inventory on site.

Other Matters

The advice in this letter relates to matters which are included on our consultation topics list. We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Advice for the Developer

If there is a change (increase, decrease) of new COMAH chemical inventory, the establishment will need to review and resubmit a revised COMAH Notification to the Health and Safety Executive with the details of changes.

- 6.3 South Wales Fire and Rescue Service: The existing Fire Risk Assessment should be reviewed to take into consideration the alterations.

- 6.4 Environmental Health: No comments received.

7. PUBLIC REPRESENTATIONS

- 7.1 Neighbour and Ward member notification letters were sent on 03/09/2025 and a Site Notice was put up on 05/09/2025. No comments were received.

- 7.2 Community Council (Nash): No comments were received.

8. ASSESSMENT

- 8.1 The Seveso III Directive aims to control major accident hazards involving dangerous substances and deals with health and safety controls as well as land use planning of the

establishments and the developments around them. The implementation of the Directive is being undertaken primarily through the COMAH regulations, which are implemented by the Health and Safety Executive (HSE). The COMAH regulations deal with on-site safety measures, requirements for the inspection of sites and the preparation of site safety plans and emergency plans. However, the implementation of the land use planning aspects of the Directive is being undertaken through The Planning (Hazardous Substances) (Wales) Regulations 2015, which consolidate and amend the 1992 regulations.

8.2 In determining applications for HSC, those regulations mentioned above state that the HSA must take in to account the results of the consultation undertaken and, in accordance with Section 9(2) of the Planning (Hazardous Substances) Act 1990, it shall also have regard to any material considerations, in particular;

- to any current or contemplated use of the land to which the application relates;
- to the way in which land in the vicinity is being used or is likely to be used;
- to any planning permission that has been granted for development of land in the vicinity;
- to the provisions of the development plan; and
- to any advice which the Health and Safety Executive or Health and Safety Commission have given following consultation

8.3 The Solutia site at Traston Road, is a long-established chemical manufacturing site producing heat transfer fluids, water treatment chemicals and plasticisers.

8.4 The Health and Safety Executive (HSE) has reviewed the application and has assessed the risks to the surrounding areas and current population in existing developments from those activities resulting from the granting of this Hazardous Substances Consent. The HSE have concluded that the proposed operations area so small that there are no significant reasons, on safety grounds, for refusing the Hazardous Substances Consent.

8.5 NRW were consulted on the application. They offer no objection and provide advice outlined above. South Wales Fire and Rescue Service were also consulted and advised that the existing Fire Risk Assessment should be reviewed to take into consideration the alterations.

8.6 NCC Environmental Health and Scientific Officers have not responded during the lengthy consideration period. Notwithstanding, this is a well established plant with a site history of hazardous substance storage and manufacture. The HSC process is complimentary, but separate, to the COMAH regulations which deal with safety measures under health and safety law. HSC is the regulator and has responded. The storage will take place in existing site confines and within existing plant. No further operational development is being applied for.

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 It is concluded that the risks to the surrounding population and land uses would be acceptable. It is therefore considered appropriate that hazardous substance consent is granted, subject to the following conditions.

11. **DECISION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Table A-D Public and Confidential Versions, Covering Letter, Biphenyl Storage Area (Appendix 6) Drawing No.NP-GEN-0000-L-DRG-00014 1A, Dequest Drumming & Therminol Loading (Appendix 8) Drawing No.NP-GEN-0000-L-DRG-00016 1A, South Tank Farm Storage Area (Appendix 14) Drawing No.NP-GEN-0000-L-DRG-00020 2 and HB40 Storage Area (Appendix 5) Drawing No.NP-GEN-0000-L-DRG-00013 2A.

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

02 The hazardous substance(s) shall not be kept or used other than in accordance with the application particulars provided on the application form, nor outside the area(s) marked for storage of the substance(s) on the plan(s) which formed part of the application 25/0626.

Reason: In the interests of Health & Safety.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Table A-D Public and Confidential Versions, Covering Letter, Biphenyl Storage Area (Appendix 6) Drawing No.NP-GEN-0000-L-DRG-00014 1A, Dequest Drumming & Therminol Loading (Appendix 8) Drawing No.NP-GEN-0000-L-DRG-00016 1A, South Tank Farm Storage Area (Appendix 14) Drawing No.NP-GEN-0000-L-DRG-00020 2 and HB40 Storage Area (Appendix 5) Drawing No.NP-GEN-0000-L-DRG-00013 2A.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026

(Adopted January 2015). Policy GP7 was relevant to the determination of this application.