

Ein cyf/Our ref: CAS-314684-W9R3
Eich cyf/Your ref: 26/0350

Newport City Council
Civic Centre
Newport
NP20 4UR

Dyddiad/Date: 25 August 2026

Annwyl Syr/Madam/Dear Sir/Madam,

Bwriad/Proposal: Retrospective change of use of a livery yard and associated buildings to an inert material recovery facility, including an engineering fabrication unit

Lleoliad/Location: Sluice Farm, Broadstreet Common, Peterstone, Wentlooge, Cardiff, CF3 2TN

Thank you for consulting Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) about the above, which we received on 24 August 2026.

We have **concerns** with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding **protected sites, foul drainage, and flood risk**. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected sites

Severn Estuary Ramsar, Special Area of Conservation and Special Protection Area

The application site is located approximately 275m from the Severn Estuary Ramsar, Special Area of Conservation (SAC) and Special Protection Area (SPA). The Tarwick Reen, which forms part of the Gwent Levels drainage network is hydrologically connected to the Severn Estuary protected sites.

We have reviewed the Habitats Regulations Assessment by EcoVigour dated August 2025 (referred to in this letter as the Shadow Habitats Regulations Assessment (sHRA)) and the Preliminary Ecological Appraisal by EcoVigour dated October 2024.

We have concerns that a likely significant effect from the proposed development on the Severn Estuary SAC, SPA and Ramsar site cannot be ruled out. We advise that further information is required to adequately consider the potential impacts on the features of the protected sites and in particular to enable your Authority to carry out a Habitats Regulations Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). We advise as follows.

Water quality

We have concerns regarding the water quality impacts of the development and request further information on the proposed water quality controls, as detailed below.

Below ground storage tank

There is currently insufficient information regarding the discharge/effluent stored within the underground tank. We request further details on the composition and chemistry of the discharge/effluent, including whether it contains any contaminants and whether any testing or analysis has been undertaken. If testing has been carried out, we request copies of the results to inform our advice.

We also request clarification on how the discharge/effluent from the underground tank will be managed and disposed of. For example, whether the effluent is to be removed and disposed of by a licensed waste contractor at an appropriately authorised facility.

In addition, we request:

- Confirmation of whether the storage tank is double-bunded and details of the measures in place to prevent leaks, spills, and any resulting environmental pollution.
- Information on the inspection, monitoring, and maintenance arrangements for both the storage tank and the perimeter effluent channel drains, including the frequency of inspections and any procedures in place to identify and address defects or blockages.

Dust suppression system

We seek clarification on the extent of the dust suppression system and whether it is applied across the external yard areas where aggregates are stored, handled, and sorted, or whether it is confined solely to the waste management building.

If the dust suppression system does not extend to the yard areas, we request further information on the measures that are to be implemented to prevent dust generated from aggregate storage and handling from entering nearby watercourses or drainage systems. Details of the proposed dust management controls should be provided as well as an explanation as to how these measures will minimise the risk of environmental pollution.

Attenuation pond

Following entry into the attenuation pond, heavier particles and sediments within run-off are expected to settle to the base of the pond. The water then passes over a weir and through a hydrocarbon separator, which is designed to remove floating and lower-density contaminants.

We request further information on how dissolved contaminants, which may remain in the water following settlement and hydrocarbon separation, will be managed and removed to

prevent deterioration of Tarwick Reen and downstream connected watercourses, including the Severn Lower waterbody and protected sites.

We also seek clarification on whether any monitoring or testing of the discharged water is undertaken after it has passed through the attenuation pond and hydrocarbon separator. If such testing is carried out, details of the monitoring programme and the results should be provided.

In addition, sediment accumulated within the attenuation pond is likely, at times, to be contaminated and could pose a risk to the Tarwick Reen, the Severn Lower waterbody and protected sites if not appropriately managed. We therefore request further information on the management of sediment within the attenuation pond, including:

- The location(s) to which sediment removed from the attenuation pond will be taken.
- The proposed method of disposal or recovery of the sediment, including any waste classification and licensing requirements.
- The anticipated frequency of sediment removal and the factors that will trigger maintenance activities.
- The arrangements for monitoring sediment accumulation within the attenuation pond, including how sediment levels will be measured and managed given the pond's design depth of 1.2 metres.

Surface water monitoring

Section 13.1.3 of SGM03: EMS Environmental Management System Rev 01 dated August 2025 refers to surface water compliance points, monthly monitoring and sampling.

We have concerns regarding the proposed monitoring frequency. Whilst monthly monitoring is proposed, a significant volume of material may be received, processed, and handled between sampling events. As such, there is a risk that a contaminated load of waste or aggregate could be accepted shortly after a monitoring event, resulting in contaminated runoff entering the drainage system and receiving water environment before the next scheduled sample is collected.

Given the direct hydrological connection to Tarwick Reen and the wider Severn Lower waterbody and protected sites, we consider that the proposed monitoring frequency may not be sufficient to identify pollution incidents or provide confidence that site operations will not result in a deterioration of water quality. On the basis of the information provided to date, we do not agree that monthly monitoring of Tarwick Reen is adequate. Further justification for the proposed monitoring regime is required.

Flooding

We have concerns regarding the potential impact of flooding on the water quality of Tarwick Reen and downstream connected watercourses, including the Severn Lower waterbody. Further details should be provided on the impacts of flooding to water quality, together with a flood risk management plan.

The site is located within an area at risk of flooding and, should a flood event occur, there is potential for flood water to bypass existing control measures, which may result in unprocessed contaminants from the yard and Materials Recovery Facility (MRF) building

to enter the Tarwick Reen directly. Further information should therefore be provided on the measures in place to minimise the risk of pollutants being released during flood events.

Clarification is sought on the potential impacts of flooding on the integrity and operation of the underground storage tank. The applicant should confirm whether flood events could result in the ingress or escape of effluent and provide details of any engineering controls, containment measures, monitoring systems, or emergency procedures that are in place to prevent, detect, and respond to such incidents.

Water quality summary

Due to the lack of information provided and concerns raised above, we cannot agree with the conclusion of the sHRA, that there will be no likely significant effect on the Severn Estuary protected sites, from a water quality perspective.

Ornithology

We are broadly satisfied that the information presented supports the applicant's conclusion that significant effects on the Severn Estuary SPA/Ramsar qualifying bird features from noise and vibration disturbance are unlikely. Given the nature of the retrospective development, the site's existing operational use, and its distance from the SPA boundary, we have no specific concerns regarding disturbance to overwintering birds, including occasional flyovers of qualifying species.

We note that the desk study contains records of SPA qualifying species, including Bewick's Swan and Greater White-fronted Goose, which are relatively dated (2015). However, based on the information available, there is currently no evidence that the application site or immediately adjacent land supports significant numbers of qualifying bird species or constitutes important supporting habitat. We therefore do not consider that additional wintering bird surveys are necessary to inform the assessment and are unlikely to materially alter the conclusions of the sHRA in this respect.

However, we are not fully satisfied that the sHRA has adequately considered potential indirect effects associated with surface water runoff, flooding and pollution incidents on the bird features of adjacent protected sites. The site is located within a hydrologically connected landscape in close proximity to the Severn Estuary SPA/Ramsar and surrounding Gwent Levels habitats. Whilst these pathways are unlikely to result in direct disturbance to qualifying bird features, deterioration of supporting habitats and prey resources could indirectly affect the conservation objectives of the Severn Estuary SPA/Ramsar.

As such sufficient information should be provided to demonstrate that proposed drainage, flood risk and pollution prevention measures will effectively avoid adverse effects on habitats and ecological resources supporting the qualifying bird features of the Severn Estuary SPA/Ramsar. We refer you to our advice above regarding water quality. Until these pathways are fully considered, we cannot be fully satisfied that all potential impact pathways relevant to the qualifying bird features have been appropriately assessed within the sHRA.

Protected sites summary

We have concerns regarding the water quality impacts of the development and advise that insufficient information regarding water quality has been provided. Additional information is requested regarding:

- The below ground storage tank and the discharge/effluent stored within the tank.
- The dust suppression system and dust management.
- Dissolved contaminants management and removal.
- Monitoring/testing of water.
- Management of sediment within the attenuation pond.
- Surface water monitoring frequency.
- Impact of flooding on water quality and a flood risk management plan.
- Information to demonstrate that proposed drainage, flood risk and pollution prevention measures will avoid adverse effects on habitats and ecological resources supporting the qualifying bird features of the Severn Estuary SPA/Ramsar.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), your authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC, SPA and Ramsar site, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC/SPA/Ramsar site.

Sites of Special Scientific Interest

The site is enclosed by, and potentially located within, the Gwent Levels Rumney and Peterstone Site of Special Scientific Interest (SSSI). The application site is also located approximately 275m from the Severn Estuary SSSI.

The site plan (drawing no. (23) 291) and the supporting documents appear to contain different red line boundaries. As such, we are unable to determine the extent of the application area in relation to the Gwent Levels Rumney and Peterstone SSSI. An updated site location plan clearly illustrating the application area, on an Ordnance Survey base, is required.

The Gwent Levels sites of SSSIs are notified for the range of aquatic plants and invertebrates associated with the reens and ditches of the drainage system. The special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. Any development which has an adverse impact on any of these factors will have an adverse impact on the wildlife for which the area is notified.

We have concerns that inadequate information has been submitted to demonstrate that the proposed development will not damage the notified features of the SSSIs.

Paragraph 6.4.26 of Planning Policy Wales (PPW) (edition 12) states that

“...proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood and development should be refused where there are adverse impacts on the features for which a site has been designated.”

We consider that the development is likely to damage the notified features of the SSSI designations.

To protect the Gwent Level SSSI, buffer zones of a minimum of 7m from the top of the ditch bank and 12.5m from the top of the reen bank should be maintained. Within these buffer zones there should be no physical development, storage of materials (including soil piles or fuel storage), no refuelling of machinery, and where possible no trafficking of vehicles. This is required to ensure that contamination of reens and impacts on the interest features of the SSSI are avoided.

The screening bund adjacent to Tarwick reen appears to be located within the 12.5m buffer zone. The drainage plan states that the bund has been planted with a diverse mix of native scrub species. However, a planting list has not been provided. Details of the species mix should be submitted to demonstrate that the species are appropriate for the SSSI.

We note there is an outfall, which discharges surface water from the site into Tarwick reen. We advise only clean, uncontaminated water should be discharged to the drainage system. Any discharge should be compatible with the water quality requirements of the Gwent Levels SSSI and should be restricted to greenfield run-off rates. We advise that the additional information requested in relation to the Severn Estuary protected sites regarding water quality is also directly relevant to the SSSI designations.

In the absence of the above information, we cannot rule out damage to the notified features of the SSSIs, from the proposed development. We therefore recommend that planning permission should only be granted if additional information is provided which demonstrates that the proposed development will not damage the notified features of the SSSIs.

Ultimately, the decision as to whether the proposed development should proceed is entirely a matter for your authority, having followed the step-wise approach in PPW. Our advice above focuses on the likelihood and significance of impacts on the notified features of the SSSIs from the proposed development.

Should you be minded to grant planning permission in the absence of this additional information, we ask that you notify us under the provisions contained in Section 28I of the Wildlife and Countryside Act 1981 (as amended). We also direct you to paragraph 6.4.28 of PPW which states that if you are minded to grant planning permission against our advice, then you must notify Welsh Ministers.

Foul drainage

We note that the intention is to dispose of foul drainage to a private sewerage system, i.e. a septic tank. The application does not identify the location of the septic tank, the discharge point for treated effluent from the tank, anticipated foul drainage volumes, or

whether a drainage field is present. This information is necessary to assess potential risks to controlled waters

However, according to our records, the proposed development is located within a publicly sewered area. The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

Section 6.6.21 of Planning Policy Wales states:

“Any development discharging domestic sewage should connect to the foul sewer where it is reasonable to do so. Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible...”

Government guidance on private sewerage in Welsh Government Circular 008/2018 stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

We therefore advise the Applicant to either amend their proposals to ensure that the foul drainage is connected to the mains sewerage system or provide detailed evidence to demonstrate that it is not reasonable to connect.

The Applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- Approach the sewerage undertaker to reach an agreement for a connection to the foul sewer.
- If the sewerage undertaker refuses connection to the public sewer, request that they adopt the proposed treatment system.
- If the sewerage undertaker refuses both of the above, you must appeal the refusal with Ofwat.

For further details please see [Natural Resources Wales / Private sewage treatment in an area with a public sewer](#)

The Applicant should be aware that should a connection to the mains sewer not be feasible, they will also need to demonstrate that the proposal would not pose an unacceptable risk to the water environment. Welsh Government Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage.

As stated above, we expect developers discharging domestic sewage to connect to the public foul sewer where it is reasonable to do so. We will not normally grant a discharge permit for a private sewage treatment system where it is reasonable to connect to the public foul sewer. We also expect discharges of trade effluent to connect to the public foul

sewer where it is reasonable to do so and subject to the sewerage undertaker granting a trade effluent consent or entering into a trade effluent agreement.

Applicants wishing to operate a private sewerage system will need either to apply to us for an environmental permit or register with us for an exemption from the permit requirement. Septic tanks and small sewage treatment works that meet certain criteria may be registered as exempt.

A step by step guide to registering an exemption can be found on our [website](#).

If the septic tank or private sewage treatment system is not eligible for an exemption, the Applicant will need to apply for an environmental permit, further details can be found [here](#). Should a permit be required further information may be needed as part of that application process. The Applicant is therefore advised to contact us for pre-application advice at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the permit requirements. Further details on how to access our pre-application advice service can be found [here](#).

It is important to note that a grant of planning permission does not guarantee that a permit will be granted. A proposal may be deemed unacceptable either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible. Applicants are encouraged to ensure they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

Please note, a lack of capacity, or plans to improve capacity in the sewer, is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an environmental permit or exemption for private treatment facilities in such circumstances.

Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs [website](#), which provides further information.

Further advice

We note that this planning application is retrospective. Should the proposed septic tank be in situ / operational, we advise that it does not appear to be registered with NRW and as such, any discharge from it is an offence under the Environmental Permitting Regulations 2016.

Flood risk

The planning application proposes less vulnerable development (inert material recovery facility, including an engineering fabrication unit). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and within Flood Zones 2 and 3 (rivers and sea) and TAN15 Defended Zone.

We refer you to Section 10 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN15) for advice on how you should consider this application in line with current planning policy. Our role is to provide you with detailed advice on the findings and conclusions of the Flood Consequences Assessment (FCA) in relation to flooding from rivers and/or the sea, including the impact on flooding elsewhere. For advice on flood risk from surface water and or small watercourses you should consult with your Lead Local Flood Authority.

Therefore, we have reviewed the FCA undertaken by JBA Consulting dated May 2025. Our advice to you is that the FCA is incomplete. The advice in paragraph 10.24 of TAN15 is clear:

“In zones 2, 3 and TAN 15 defended zone developers must undertake a flood consequences assessment proportionate to the nature and scale of the proposal. Before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the principles set out in section 8, where they are not satisfied, planning permission should be refused.”

Therefore, in accordance with paragraph 15.4, we advise you to use your powers to request further information. In its current form, the assessment does not consider the necessary technical requirements or acceptability criteria as set out in the TAN15.

In particular, to assess the acceptability of flood consequences, the FCA should be prepared in accordance with:

- Section 6 of TAN15 – Technical Requirements of a FCA (Figure 2)
- Section 11 of TAN15 – Acceptability Criteria (Figures 5 and 6)

In addition, we note that the FCA states that a detailed fluvial flood model of the River Ebbw has been used to inform the FCA. The River Ebbw is approximately 6-7km away from the application site. The relevance of modelling results from the River Ebbw to the site is unclear. If there is no detailed fluvial model relevant to the application site, consideration should be given to using the Flood Map for Planning (FMfP) and comparing fluvial extents to topographic survey information to estimate fluvial flood levels.

We also note that only a 25% climate change allowance (CCA) has been applied to the fluvial extents on FMfP. The latest climate change guidance set out by Welsh Government is 35%. The climate change allowance of 35% needs to be applied in assessing flood risk at this site.

In order to assess the impact of flood risk elsewhere, the FCA should confirm which structures on site are new or enlarged and which did not form part of the former livery yard use.

A revised FCA addressing the above requirements will be necessary before further assessment of flood risks and consequences for this proposal can progress.

Should you be minded to go against our advice, you should inform us at the earliest opportunity prior to granting consent and allow sufficient time for us to make further representations.

Please note, if an amended FCA is not submitted or any subsequent amended FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we would **object** to the application.

TAN15 advises that the FCA should be proportionate to the nature and scale of the proposal. Developers should refer to all relevant sections of the TAN to determine the scope of the FCA that is required for this particular proposal. Further guidance is also available on our [website](#).

Protected species

We acknowledge the submission of a Preliminary Ecological Appraisal by EcoVigour dated October 2024. We note the following:

- Section 5.7.3 - A full water vole search could not be carried out and therefore the presence of this species within the surrounding reens could not be ruled out.
- Section 5.7.5 - A water vole survey is likely to be required for any works within 5m of a reen and if water voles are confirmed to be present, a licence will be required from NRW.
- Section 5.7.6 - The presence of otter in the surrounding area cannot be ruled out.
- Section 5.7.7 - Should the proposed works disturb or encroach on potential otter habitat, precautionary measures and further surveys will be required.

We recommend you seek the advice of your Authority's internal ecological adviser about the requirement for further information to be submitted in support of the application, the need for bespoke surveys and the scope of further information, where required.

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

Flood risk activity permit

The site is adjacent to/near the main rivers Tarwick Reen and Rhosog Fawr Reen. The Environmental Permitting Regulations 2016 require a bespoke Flood Risk Activity Permit to be obtained for any works or structures located in, under, over or within 8 metres of the bank top of a designated main river. Further advice and guidance is available: [Natural Resources Wales / Check if you need a flood risk activity permit \(FRAP\)](#).

Land drainage consent

The application site is situated within NRW's Internal Drainage District (IDD) boundary. Any works may require a formal Land Drainage Consent (LDC) from the IDD in accordance with Section 23 of the Land Drainage Act 1991. We refer you to our website for further details: [Natural Resources Wales / Apply for land drainage consent](#)

For your information, land drainage consent cannot be granted retrospectively.

Environmental permits/exemptions

The activity proposed in this planning application may require an environmental permit or exemption under The Environmental Permitting (England and Wales) Regulations 2016. An environmental permit or exemption must be in place before any waste activity takes place on site. Advice regarding permits and exemptions can be found at the following link:

[Natural Resources Wales / Do you need to apply for a permit or register a waste exemption](#)

Please contact Natural Resources Wales for advice regarding an Environment Permit application on 0300 065 3000.

Undertaking this proposed activity without the benefit of an Environmental Permit or exemption is an offence against Environmental Legislation and may result in enforcement action being taken against the operator.

Obtaining planning permission does not necessarily ensure you will be issued an environmental permit.

If you have any queries about the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Annabelle Evans

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning

Cyfoeth Naturiol Cymru/Natural Resources Wales

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.