

# Delegated Decision Report

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|------------------------|----------------|----------------------------------|----------------------------|
| <b>Application No:</b> | <b>26/0584</b> | <b>Statutory Period Expires:</b> | <b>24th September 2026</b> |
|------------------------|----------------|----------------------------------|----------------------------|

|                   |                                                                                                                                                                  |              |                              |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------------|
| <b>Site:</b>      | <b>Castle Farm Bishton Road Bishton Newport NP18 2DZ</b>                                                                                                         |              |                              |
| <b>Proposal:</b>  | <b>PARTIAL DISCHARGE OF CONDITIONS 2 (ODOUR IMPACT ASSESSMENT AND ODOUR MANAGEMENT PLAN ONLY) AND 3 (CEMP) OF 22/1122 CONSTRUCTION OF A COVERED MANURE STORE</b> |              |                              |
| <b>Applicant:</b> | <b>M Webber</b>                                                                                                                                                  |              |                              |
| <b>Type:</b>      | <b>Discharge Conditions</b>                                                                                                                                      | <b>Ward:</b> | <b>Bishton And Langstone</b> |
| <b>Decision:</b>  | <b>APPROVED</b>                                                                                                                                                  |              |                              |

## 1. BACKGROUND

- 1.1 Planning permission was granted in 2023 for the construction of a covered manure store. The permission was subject to the following conditions, which this application seeks to partially discharge:

*02 No development shall be carried out on site until a detailed odour management plan; waste management plan and a full odour impact assessment have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be maintained throughout the life time of the development.*

*Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 and GP7 of the NLDP.*

*03 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.*

*The CEMP should include:*

- o Construction methods: details of materials, how waste generated will be managed;*
- o General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.*
- o Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use*
- o Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.*

*The CEMP shall be implemented as approved during the site preparation and construction phases of the development.*

*Reason: To protect the special interest features of the SSSI from the scheme and in accordance with Policy GP5 of the NLDP.*

## 2. RELEVANT SITE HISTORY

|         |                                                                                                                                                  |                         |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 01/0358 | ERECTION OF ANIMAL & HAY STORAGE BARN                                                                                                            | REFUSED                 |
| 01/0670 | ERECTION OF ANIMAL AND HAY STORAGE BARN CONVERSION OF REDUNDANT AGRICULTURAL BUILDINGS INTO 4 NO. DWELLINGS AFFECTING PUBLIC FOOTPATH NO. 388/3. | WITHDRAWN               |
| 02/0402 | CONVERSION OF REDUNDANT AGRICULTURAL BUILDINGS INTO 4NO. DWELLINGS AFFECTING CART ROAD -                                                         | GRANTED WITH CONDITIONS |

|         |                                                                                                                                                                                                                                     |                                     |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
|         | BRIDLEWAY NO. 22 BISHTON (RESUBMISSION).                                                                                                                                                                                            |                                     |
| 02/0427 | ERECTION OF ANIMAL AND HAY STORAGE BARN (RESUBMISSION).                                                                                                                                                                             | GRANTED WITH CONDITIONS             |
| 12/0164 | CONSTRUCTION OF NEW VEHICULAR/PEDESTRIAN ACCESS AFFECTING PUBLIC RIGHT OF WAY 388/3                                                                                                                                                 | GRANTED WITH CONDITIONS             |
| 13/1220 | ERECTION OF AGRICULTURAL BUILDING FOR THE STORAGE OF FODDER AND MACHINERY                                                                                                                                                           | PRIOR APPROVAL NOT REQUIRED         |
| 14/0713 | ERECTION OF A 900KW (0.9MW) WIND TURBINE MEASURING UP TO 77 METRES IN HEIGHT AND ANCILLARY EQUIPMENT AND ASSOCIATED INFRASTRUCTURE (AFFECTING PUBLIC RIGHT OF WAY 388/20 BISHTON AND 388/18 BISHTON)                                | APPEAL G6935/A/15/3070024 DISMISSED |
| 15/0725 | ERECTION OF 0.9MW WIND TURBINE OF 66 METRES IN HEIGHT (TO BLADE TIP) AND ANCILLARY EQUIPMENT AND ASSOCIATED INFRASTRUCTURE (AFFECTING PUBLIC RIGHT OF WAY 388/20 BISHTON AND 388/18 BISHTON) (RESUBMISSION OF APPLICATION 14/0713). | REFUSED                             |
| 16/0293 | PARTIAL DISCHARGE OF CONDITIONS 01 (SURFACE WATER) AND 02 (HEDGEROW DETAILS) OF PLANNING PERMISSION 12/0164 FOR CONSTRUCTION OF NEW VEHICULAR/PEDESTRIAN ACCESS AFFECTING PUBLIC RIGHT OF WAY 388/3                                 | APPROVED                            |
| 17/0040 | PRIOR NOTIFICATION FOR AGRICULTURAL DEVELOPMENT FOR THE ERECTION OF A STEEL BUILDING FOR AGRICULTURAL STORAGE                                                                                                                       | PRIOR APPROVAL NOT REQUIRED         |
| 20/0991 | RETENTION OF TRACK BUILT IN VARIANCE TO PLANNING PERMISSION 12/0164 AFFECTING PUBLIC RIGHT OF WAY 388/3                                                                                                                             | REFUSED                             |
| 21/0597 | RETENTION OF EXISTING ACCESS TRACK AFFECTING PUBLIC RIGHT OF WAY 388/1 AND 388/3                                                                                                                                                    | GRANTED WITH CONDITIONS             |
| 21/0697 | PRIOR APPROVAL FOR A STEEL FRAMED BUILDING FOR THE STORAGE OF MACHINERY, EQUIPMENT, FODDER AND BEDDING MATERIAL                                                                                                                     | PRIOR APPROVAL NOT REQUIRED         |
| 22/1122 | CONSTRUCTION OF A COVERED MANURE STORE                                                                                                                                                                                              | GRANTED WITH CONDITIONS             |
| 26/0593 | <b>PRIOR NOTIFICATION FOR STEEL PORTAL FRAME EXTENSIONS TO THE NORTH AND SOUTH OF EXISTING AGRICULTURAL BUILDING</b>                                                                                                                | PRIOR APPROVAL REQUIRED AND REFUSED |

### 3. CONSULTATION RESPONSES

3.1 Natural Resources Wales: We have reviewed the submitted Construction Environmental Management Plan (CEMP, Connop & Son Ltd, November 2024) and raise no objection to the pollution mitigation measures outlined.

3.2 Local Highways Authority: **Highway recommendation:**

2 (ODOUR MANAGEMENT PLAN): No comment.

3 (CEMP): no objection to partial discharge.

**Highway Comments:**

The CEMP was not requested by Highways, and the only issue is HGV routing. This hasn't been specified, however there are few options and no ideal option. On that basis Highways do not object to the partial discharge of the condition.

- 3.3 Environmental Health: A robust Odour and ammonia screening assessment has been submitted as evidence for condition 2, which used the SCAIL model which was agreed upon by us. The assessment comparative shows that the impacts of the new infrastructure compared to the current temporal one will have a reduction of levels in both the odour and ammonia emissions. The report also suggests the developer to consider planting a shelter belt this is viewed upon favourably. Having reviewed the CEMP report and considering the end use of the development, we agree that enough information has been submitted to enable us to discharge condition 3. We however, state that the approved scheme shall be maintained throughout the lifetime of the development as currently stated as a covered manure store. Environmental Protection therefore have no objection in the discharge of the above conditions.

4. **ASSESSMENT**

An odour management plan document has been provided and has been considered by the Council's Environmental Health officers who confirm it to be acceptable and no objections are offered. The condition was requested by the Environmental Health Officer having regard to the location of development and nearby residential premises. The report is in an acceptable format and the content includes acceptable parameters.

- 4.1 The Council's Highways officer and NRW have reviewed the CEMP document submitted with the application and raises no objections. The CEMP condition was requested by NRW as it previously advised it was necessary in accordance with Paragraph 6.4.14 of *Planning Policy Wales* which 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; development should be refused where there are adverse impacts on the features for which a site has been designated. NRW considered that the CEMP condition would mitigate any potential harm and it offers no objection to the information provided in this case.

5. **OTHER CONSIDERATIONS**

5.1 ***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.

5.2 ***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.

- 5.3 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.

- 5.4 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.

**5.5 *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.

**5.6 *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.

**5. CONCLUSION**

- 5.1 The information provided to partially discharge the conditions is acceptable and the application is approved insofar as it relates condition 3 and insofar as it relates to the odour aspects only of condition 2.

**6. DECISION**

APPROVED

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Odour and ammonia screening assessment 12/5/26, Construction Environmental Management Plan (CEMP) Revision 1, Proposed layout, elevations and site location plan 1075(01)22, site location plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

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 NRW wish to provide the developer with the relevant contact details for the NRW Incident Communications Centre (ICC), which is 03000 653 000. This number can be used to report any environmental incidents, and the developer may wish to include this information within the submitted documentation for any future reference.

05 The applicant is advised that with regard to condition 02 this approval relates to odour aspects only of the condition and waste management is yet to be discharged.