

Ein cyf/Our ref: CAS-279105-P9S5
Eich cyf/Your ref: 25/0289

Newport City Council
Civic Centre
Newport
NP20 4UR

Dyddiad/Date: 29 May 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: PARTIAL DISCHARGE OF CONDITION 4 (WATER QUALITY MONITORING) (IN RELATION TO THE BUSINESS PARK AREA ONLY) OF 16/1295 DISCHARGE OF CONDITION 01 (RESERVED MATTERS) AND PARTIAL DISCHARGE OF CONDITION 07 (LANDSCAPE MANAGEMENT PLAN) FOR NEW SURFACE WATER DITCH ASSOCIATED WITH PLANNING PERMISSION 06/0471 FOR REDEVELOPMENT OF SITE TO CREATE A MIXED USE URBAN EXTENSION

LLEOLIAD/LOCATION: LAND EAST OF PHASE 5 GLAN LLYN DEVELOPMENT SITE MONKS DITCH DRIVE ST MODWEN PARK NEWPORT SOUTH WALES

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 16 April 2025.

We have concerns with the application as submitted. We do not recommend your Authority discharges condition 4 for the following reasons.

We have reviewed the information as submitted and note our comments apply solely to the commercial element of the Glan Llyn Site (Indurent). The information as submitted references a current permit application which has been duly made for the discharge of ree water from the commercial Indurent side into Monks Ditch, provided a series of compliance limits for the identified parameters are achieved (outlined in Schedule 3 – this is included in their 'Surface Water Quality Summary' April 2025). The planning and permitting regimes are separate and are typically considered independently from one another; in this instance, this means that monitoring requirements for a permit application are often different from those required under planning.

From a planning perspective, we note the condition states "The details of that monitoring exercise shall be submitted to and agreed in writing by the LPA prior to being implemented". As confirmed by NCC, a water quality monitoring exercise has not been submitted or approved prior to the implementation of the exercise. The purpose of having a monitoring plan agreed up front and prior to the start of the monitoring is to ensure that all the requirements under planning are fulfilled through the monitoring exercise to ensure the

objectives are met and the condition can be discharged. Without this plan, there is no reference against which the monitoring has been undertaken.

The applicant, as outlined in the cover letter, has interpreted this as, "The condition requires details of a monitoring exercise together with the results of the exercise to be submitted and agreed in writing by the LPA prior to any water being discharged into Monks Ditch".

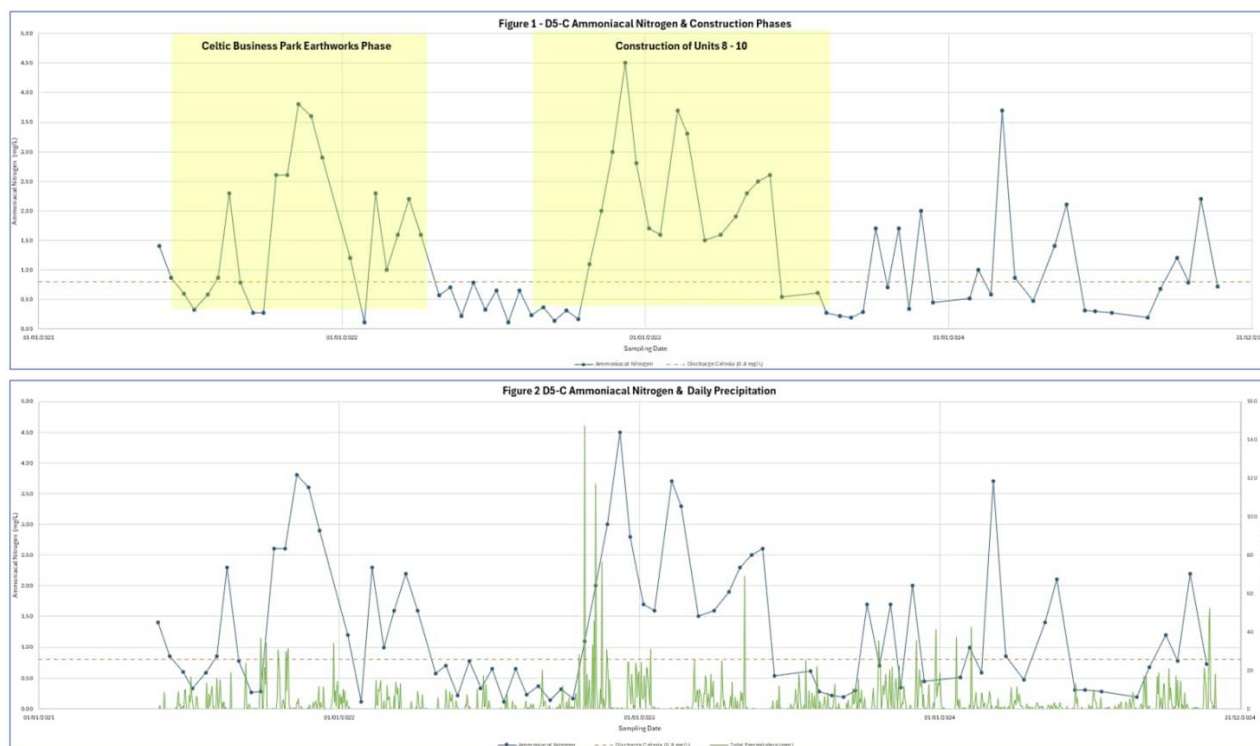
We note from the 'Surface Water Quality Summary' that the monitoring reported "has been undertaken to support the approval of a permit to discharge water and planning condition discharge". From this, we have assumed that the monitoring undertaken in support of the permit application has been used for the discharge of Condition 4 under planning. Therefore, we understand no specific monitoring for the discharge of the current planning condition has been undertaken.

Notwithstanding the above, we have reviewed the information that has been presented to ascertain whether the monitoring undertaken would be sufficient to recommend a discharge of the condition. This could enable the applicant to retrospectively pull a plan together to reflect the work undertaken to date.

The Condition refers to "a water quality monitoring exercise within the reens that are to drain to the ditch"; this does not necessarily include groundwater monitoring which NRW have predominantly been assessing.

Condition 4 states "Upon completion of the water quality monitoring exercise the results shall be submitted to the Council for its approval. Following the Council's written agreement that water quality is satisfactory, water from the approved ditch may be discharged to the Monk's Ditch". The definition of 'satisfactory' here is not provided, and is therefore subjective. Whilst the permit is a separate regime, we have considered in this case that 'satisfactory' be the equivalent of achieving the permit compliance limit. The only Contaminant of Concern assessed through planning that is included as a parameter on the permit is ammoniacal nitrogen; a permit compliance limit of 0.8 mg/l has been set (Schedule 3 of the permit 'Emissions and Monitoring').

As part of the permit application, monitoring from D5-C (a mid-point reen location) was undertaken fortnightly between May 2021 and December 2024. The results for ammoniacal nitrogen, for example, have been included in Figure1 and Figure2 of the 'Surface Water Quality Summary', and have been presented below for reference. The data shows that circa 50% of the time, the compliance limit of 0.8 mg/l is breached; this is evident during the earthworks phase, construction of Unit 8-10 phase and the subsequent 18 months.



Our interpretation is that the data does not indicate conditions have considerably improved over time. Although we recognise this may have been exacerbated during the earthworks / construction, we note post completion of the construction of Units 8-10, 10 out of 26 samples continue to breach the compliance criteria.

The narrative apports these concentrations to natural sources, as a result of vegetation die back and subsequent release of ammoniacal nitrogen into the watercourse. However, it has previously been evidenced from geo-environmental data that ammoniacal nitrogen is a key Contaminants of Concern within soils and groundwater and is ubiquitous across the site – this was anthropogenically introduced during the site's historical usage as a steelworks. It is therefore likely that the persistent concentrations of ammoniacal nitrogen within the reen system is as a result, in part at least, of impacted groundwater entering the reens.

The remediation of the soil and groundwater is undertaken under the planning regime. The commercial side of the site is split into different units. The planning conditions relating to contaminated land management and verification (Condition 27 and Condition 28 respectively) which we understand have not been discharged for all units on the commercial site, and we therefore do not have confirmation that remediation works have been undertaken and validated to a sufficient standard. This in turn means we are unable to confirm that the contaminant source has been effectively managed to ensure risks to controlled waters are sufficiently mitigated. As such, there remains the potential that contaminated groundwater continues to enter the reen system and contribute to the contaminant concentrations recorded during monitoring.

The summary does make reference to the requirement for treatment; it is unclear whether this is sufficient to manage fluxes of contamination emanating from the Made Ground or if this is solely to manage the considered inputs from vegetation (noting that an annual vegetations management strategy is proposed in the permit to reduce ammoniacal nitrogen concentrations). If contaminant flux via groundwater has not been effectively managed via

remediation (as confirmed through DoC 27 and 28), then persistent concentrations within the reën network may continue.

The permit does not require on-going monitoring of the reën system (this is determine as 'N/A' under the monitoring frequency in Schedule 3 of the permit); this would only be undertaken through compliance monitoring completed by NRW.

Under planning, the remediation works have been undertaken unit by unit in the commercial area, with a requirement for conditions to be discharged for each individual unit. Our understanding is that Condition 4 was included to ensure that the desired cumulative beneficial effects of the remediation is evident within the reën system upon completion of the remediation, i.e. the remediation across all units was completed sufficiently and monitoring confirms that the reën water has reached satisfactory quality to enable direct discharge into Monk's Ditch.

Therefore, our concern is that given the remediation works across the entirety of the commercial phase have not been confirmed as completed to a satisfactory standard (which would be evidence through the discharge of condition 27 and condition 28) and that the reën water quality data is showing continued exceedances of the compliance limit.

We therefore are unable to recommend with discharge of condition and advise that water quality monitoring within the reëns should continue until the remediation works across the commercial areas have been sufficiently validated (and signed off through discharge of Condition 27 and 28) and water quality monitoring within the reëns is compliant.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

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.

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

Yn gywir / Yours faithfully,

Lindy Marshall

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.

