

Delegated Decision Report

Application No:	25/1065	Statutory Period Expires:	27th February 2026
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Site:	<i>Land Forming Part Of Llanwern Steelworkers Queensway Llanwern Newport South Wales</i>		
Proposal:	<i>PARTIAL DISCHARGE OF CONDITION 35 (OIL INTERCEPTOR) RELATING TO PHASES 4B, 4C, 4E, 4G & 5D ONLY OF PLANNING PERMISSION 06/0471 FOR REDEVELOPMENT OF SITE TO CREATE A MIXED USE URBAN EXTENSION</i>		
Applicant:	<i>M Marsh</i>		
Type:	Discharge Conditions	Ward:	Llanwern
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application relates to Phases 4B, 4C, 4E, 4G and 5D of planning permission 06/0471 for the redevelopment of site to create a mixed-use urban extension. The wider site is known as Glan Llyn.

3. DESCRIPTION OF DEVELOPMENT

3.1 It is requested to partially discharge Condition 35 (Oil Interceptor) relating to the cited phases.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
06/0471	REDEVELOPMENT OF SITE TO CREATE A MIXED USE URBAN EXTENSION COMPRISING: A RANGE OF NEW HOMES (APARTMENTS, HOUSES AND SOME SHELTERED ACCOMMODATION FOR THE ELDERLY - USE CLASSES C2&C3); NEW OFFICES, WORKSHOPS, FACTORIES AND WAREHOUSES (USE CLASSES B1, B2&B8); COMMUNITY FACILITIES INCLUDING NEW SCHOOLS AND COMMUNITY CENTRES (USE CLASSES D1&D2); A LOCAL CENTRE INCORPORATING SHOPS, OFFICES AND COMMERCIAL LEISURE FACILITIES INCLUDING NEW BARS, CAFES AND LICENSED PREMISES (USE CLASSES A1, A2, A3&D2); A NETWORK OF OPEN SPACES INCLUDING PARKLAND, FOOTPATHS, SPORTS PITCHES AND AREAS FOR INFORMAL RECREATION; NEW ROADS, ACCESSES AND PATHS; HEALTHCARE AND FITNESS FACILITIES (USE CLASSES D1&D2); PROVISION FOR A NEW RAILWAY HALT/STATION; OTHER ANCILLARY USES AND ACTIVITIES; AND REQUIRING: SITE CLEARANCE, TREATMENT AND PREPARATION; THE INSTALLATION OF NEW SERVICES AND INFRASTRUCTURE; THE CREATION OF	GRANTED WITH CONDITIONS	01.04.2010

	NEW WATER BODIES AND DRAINAGE CHANNELS; IMPROVEMENTS/WORKS TO THE HIGHWAYS NETWORK AND OTHER ANCILLARY WORKS AND ACTIVITIES		
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	APPROVED & CONDITIONS	11.05.2017
17/0514	NON-MATERIAL AMENDMENT TO WORDING OF PLANNING CONDITION 35 (OIL INTERCEPTOR) OF PLANNING PERMISSION 06/0471	APPROVED & CONDITIONS	26.06.2017
20/1053	PARTIAL DISCHARGE OF CONDITIONS 17 (GREEN TRAVEL PLAN), 22 (STREET LIGHTING) AND 35 (OIL INTERCEPTORS) OF RESERVED MATTERS 19/1074 RELATING TO PHASE 3B AND 3D PURSUANT TO OUTLINE PLANNING PERMISSION 06/0471 FOR REDEVELOPMENT OF SITE TO CREATE A MIXED USE URBAN EXTENSION	APPROVED	03.06.2021

5. PLANNING POLICY

5.1 N/A

6. CONSULTATION RESPONSES

6.1 NATURAL RESOURCES WALES

No objection

We have no objection to the proposed development as submitted and provide the following advice. Condition 35 - Oil Interceptors We note the submitted information including the submitted technical note prepared by LJA dated 10/05/2021. We note this is a generic technical note which does not reference the above noted phases. The submitted information states that surface water is to be discharged to a number of reens, greenways and attenuation ponds/lakes on site. We also understand that a site wide surface water drainage scheme is proposed where surface water from the development is pumped into the Monks Ditch, a designated main river. Future discharge to the receiving watercourse, Monks ditch, is secured under a site wide surface water drainage scheme permitted under reference 16/1295. It is our view the risk to controlled waters is sufficiently controlled through this consent (specifically planning conditions 4 and 5). We have therefore not assessed the potential risk to controlled waters for this application. Therefore, as the current surface water proposals are continuing to be discharged via the Tata Steel system, we do not object to the discharge of condition 35 (oil interceptors) in full.

6.2 DWR CYMRU

No objection

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Dwr Cymru Welsh Water has no comment to make with regards to the proposed partial discharge of condition 35 of planning permission 06/0471

6.3 ENVIRONMENTAL HEALTH OFFICER

No objection

I confirm I have no objections to the partial discharge of condition 35 (Oil Interceptor) to phases 4B, 4C, 4E, 4G and 5D only, because this will ensure that hydro-carbons are removed from the surface water runoff before it enters into the receiving water body.

6.4 DRAINAGE MANAGER

No response received to date.

6.5 SAB

We have received a pre-application for this site but are still waiting for the full application to be submitted.

6.6 ECOLOGY OFFICER

No response received to date.

6.7 SENIOR SCIENTIFIC OFFICER

No response received to date.

7. PUBLIC REPRESENTATIONS

N/A

8. ASSESSMENT

8.1 Planning condition 35 for outline planning permission (06/0471) states that:

***"Prior to being discharged into any watercourse,** surface water sewer or soakaway system, all surface water drainage from road, parking areas and hardstandings shall be passed through an oil interceptor or another mechanism that removes hydro-carbons from surface water. The design and capacity of which shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The interceptor or other mechanism shall be installed as approved and shall be retained thereafter."*

8.2 For context, approval to amend the wording of the original condition 35 was granted in June 2017 by the submission of a Section 96a (Non-Material Amendment) application. The wording of condition 35 was formally amended via an NMA application (ref. 17/0514) which now enables hydro-carbons from surface water to be passed through an oil interceptor or 'another mechanism'. This amendment allowed for more flexibility for other sustainable, appropriate and available treatment trains for surface water drainage, such as the site's Reen network and ponds. It did not change the key timing in the condition (highlighted above) that effectively requires the water to be intercepted prior to being discharged into any watercourse. This fundamentally conflicts with the details of this submission.

8.3 In 2017, reserved matters approval for the provision of a new drainage ditch (reen) along the northern edge of the application site was approved with conditions. In effect the scheme switched the surface water drainage of the Glan Llyn site from the private Tata Steel surface water drainage system (which pumps direct to the Severn via steel pipelines) and into the Monks Ditch which drains by gravity to the Severn at Goldcliff. CNC/ NRW were a key consultee on this application and confirmed that a conditional regime preventing any discharge of surface waters from Glan Llyn into the Monks Ditch until it has been demonstrated that the water reaches the necessary environmental standards was acceptable. The condition applied to the reen system already provided within the western sub-area and the new reen for which permission was sought under application ref.16/1295. A second condition was also applied, relating to any future new reens provided as the site is brought forward.

8.4 The system approved under ref.16/1295 saw drainage on Glan Llyn flow north to a new East / West Ditch to the north of the site to then be pumped into the Monks Ditch. The application specified that a similar arrangement would be set up on the east side of the Monks ditch which is canalised through the former steelworks site in a concrete 'trough'. As other parts of the Glan Llyn site are remediated and brought forward for development, these areas will also see their drainage switch from the Tata private drainage system to the Monks Ditch system. A condition was added which specified that before any new reens to

be provided on the site in the future are allowed to connect to the Monks Ditch system it will need to be shown that the waters within those reens is of a high enough quality to be allowed to drain to the Monks Ditch system.

- 8.5 CNC/NRW were content that the conditional regime implemented under 16/1295 will protect the water quality in the Monks Ditch and will protect the integrity of the SSSIs in the Gwent Levels to the south of the Glan Llyn site.
- 8.6 Condition 35 for Phase 2B was previously discharged under application ref.20/1053 following a demonstration that the required level of treatment within the reen and pond system was met without the need for oil interceptors. Under this application, CNC / NRW initially raised concerns that reens /swales / blueways on their own were not sufficient to filter out hydrocarbons on their own and advised the submission of further information. Following the submission of a revised Technical Note by the applicant which confirmed that *“On completion of the whole development, the attenuated and treated surface water runoff will eventually be pumped into the receiving watercourse, namely the Monks Ditch, at the attenuated greenfield rate. However, during the current site construction phase the treated and attenuated surface water runoff enters the neighbouring Tata surface water management system and is pumped into the Severn Estuary”* and that future discharge to the receiving watercourse, Monks ditch, is secured under a site wide surface water drainage scheme permitted under reference 16/1295. Controlled waters are sufficiently controlled through this consent (specifically planning conditions 4 and 5). On this basis, CNC / NRW did not raise an objection to the partial discharge of Condition 35 under application ref.20/1053.
- 8.7 CNC / NRW have taken the same approach in their consideration of this application and have not offered an objection to the proposed approach.
- 8.8 The information submitted in the Technical Note states that a sufficient level of treatment is provided by the Glan Llyn drainage strategy to ensure that water quality entering the receiving waterbody has been cleaned of hydrocarbons in line with the CIRIA SuDS. However, this is predicated on treatment occurring post-discharge to the watercourse and therefore not in accordance with the condition. It states that the biodegradation of hydrocarbons will occur within the reens as the accumulated silt alternately wets and dries, especially in summer when water quality will be more of a risk.
- 8.9 The information supplied does not meet the terms of the condition.

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 The details provided are not compatible with the requirements specified in Condition 35 of 06/0471. The details cannot partially discharge the condition and this submission is refused.

11. DECISION

REFUSED

01 Condition 35 clearly requires all surface water drainage from road, parking areas and hardstandings be passed through an oil interceptor or another mechanism that removes hydro-carbons from surface water prior to discharge to any watercourse. The details supplied are not compatible with this and are therefore refused.

NOTE TO APPLICANT

01 This decision relates to plan Nos: PJA Oil Interceptor Technical Note, 8111-008P001 - Boundary 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 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.