

Delegated Decision Report

Application No:	25/0453	Statutory Period Expires:	1st August 2025
------------------------	----------------	----------------------------------	------------------------

Site:	<i>Glan Llyn Development Site Queensway Llanwern Newport South Wales</i>		
Proposal:	<i>INSTALLATION OF A TEMPORARY WEIR AT DRAIN 2</i>		
Applicant:	<i>Revantage Real Estate</i>		
Type:	Full	Ward:	Llanwern
Decision:	Granted & Conditions		

1. BACKGROUND

- 1.1 The applicant is seeking full planning permission to install a weir in Julians Reen on the Glan Llyn Regeneration Site. The reen was constructed under RM approval 10/1298 and has been non-materially varied. See Planning History below. The weir is required to raise water levels in a section of that reen so that there is sufficient water present for chemical analysis of the water prior to discharge to the River Severn via the Tata pumped drainage system which currently drains the entirety of the retained steelworks and Glan Llyn. That drainage system is subject to a CNC/NRW discharge consent and the on-going sampling is to aid Tata in demonstrating that the discharge is within the limitations set out in the permit. The current drainage arrangement via the Tata system is anticipated to end at some point in the future when Glan Llyn's drainage will be diverted to the Monks Ditch under a separate permit. As such the need for the weir is likely to be time limited since it supports the current arrangement. The applicant has not asked for a temporary permission but describes the development as temporary. No duration is asked for but two years is suggested by the agent as a minimum.

2. SITE LOCATION AND CONTEXT

- 2.1 See above.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 A weir will be created from cement filled bags. The structure will be approximately 16.5m long and 1.2m wide. Its height will be 4.5m AOD. The current reen invert level is 3.1m AOD meaning up to 1.4 m depth of water can be penned if required but this could be lowered by adjusting the penstock to the south where the reen is culverted under the Queensway. The applicant advises the intention is to retain a consistent 300mm depth of water in the reen section that is to be penned. In effect the proposed weir will work in combination with the existing penstock to control the water level in the reen. Water levels in the site are already subject to some level of control via rate of discharge to the Tata system and existing penning systems but the proposed arrangement will give greater control on this reen section of about 360m in length.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision & Date
06/0471/O	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 NEW WATER BODIES AND DRAINAGE CHANNELS; IMPROVEMENTS/WORKS TO THE HIGHWAYS NETWORK AND OTHER ANCILLARY WORKS AND ACTIVITIES	GC 01 April 2010
10/1298/RM	RESERVED MATTERS RELATING TO THE INFRASTRUCTURE AND LANDSCAPING SERVING, BUT NOT INCLUDING THE PROPOSED RESIDENTIAL DEVELOPMENT SITE OF PHASE 1 OF PLANNING PERMISSION 06/0471 FOR REDEVELOPMENT OF SITE TO CREATE A MIXED USE URBAN EXTENSION, INCLUDING DETAILS REQUIRED UNDER CONDITIONS 6 (DETAILS OF RECREATION AREAS), 7 (LANDSCAPING SCHEME), 14 (EMERGENCY ACCESS / PEDESTRIAN FOOTWAY AND CYCLEWAY), 15 (EMERGENCY ACCESS PROPOSALS), 22 (STREETLIGHTING) AND 24 (LEVELS) OF THE SAME PERMISSION	AC 20 May 2011
18/0469/NMA	NON-MATERIAL AMENDMENT TO RESERVED MATTERS APPROVAL 10/1298 (PURSUANT TO OUTLINE PERMISSION 06/0471 FOR THE MIXED USE REGENERATION OF THE FORMER LLANWERN STEELWORKS) FOR INFRASTRUCTURE AND LANDSCAPING IN THE WESTERN SUB-AREA OF THE GLAN LLYN REGENERATION SITE TO OMIT PROPOSED WEIRS FROM JULIANS REEN	AC 12 July 2018

5. PLANNING POLICY

5.1 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1 – Sustainability

SP3 – Flood risk

SP9 – Conservation of the Natural, Historic & Built Environment
GP1 – Climate Change
GP5 – Natural Environment
GP7 – Environmental Protection & Public Health

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Wildlife & Development (August 2015)

6. CONSULTATION RESPONSES

- 6.1 Cyfoeth Naturiol Cymru / Natural Resources Wales (CNC/NRW): advises that a CEMP is conditioned and notes that a Land Drainage Consent for these works has already been issued.
- 6.2 Dwr Cymru / Welsh Water (DCWW): notes the presence of a watermain crossing the site.
- 6.3 National Grid Electricity Distribution: advise of equipment in the area and safe working practices.
- 6.4 Indigo Pipelines: advise of equipment in the area and safe working practices.
- 6.5 Scottish & Southern Electricity: advise of equipment in the area and safe working practices.
- 6.6 Wales & West Utilities: no interest.
- 6.7 Air Products: advise of major hazard pipeline to the south of the site, adjacent to Queensway.
- 6.8 Health & Safety Executive (HSE): no interest.
- 6.9 Heneb: no objection.
- 6.10 NCC Scientific Officer: notes risk to water quality and defers to CNC/NRW on this matter.
- 6.11 NCC Landscaping: notes potential impact on established landscaping within the reen.
- 6.12 NCC Highways: no objection.
- 6.13 NCC Ecology: notes ecological information provided and does not criticise it but advises there has been no consideration of otter interest.
- 6.14 NCC Trees: no objection.

7. PUBLIC REPRESENTATIONS

5no. neighbour and Ward member notification letters were sent on 12 June 2025. No comments were received.

8. ASSESSMENT

Key Issues

- 8.1 The key issues are:
- Impact on hydrology
 - Impact on ecology
 - Impact on water quality
 - Impact on visual amenity

Hydrology

- 8.2 The changes in hydrology are limited given the low height of the weir and due to the fact that this is an existing drainage channel. There is no reason to think that the increased depth of water in the channel will cause any adverse impacts on local hydrology or cause any increased flood risk in the vicinity. Land drainage consent has already been given for these works as confirmed by NRW. Policy GP7 (Environmental Protection) is complied with.

Ecology

- 8.3 The applicant has provided an 'Ecology Information & Green Infrastructure Statement' (July 2025) with the submission. The Ecology Officer did not quibble with the content of this document in terms of its consideration of water vole which are known to be present on the site but did note that consideration of otters which are potentially on the site had not been included. In response the applicant has now addressed the otter issue and surveys show otters and signs of otter are not present within the application site. As such there is no reason to object to the application on ecological grounds subject to compliance with the submitted 'Precautionary Method of Working' which advises on working techniques to minimise risks to ecological issues. Policy GP5 (Natural Environment) is complied with.

Water Quality

- 8.4 Risks to water quality arise from the activities required to install the weir, mainly vegetation clearance and construction work. However CNC/NRW advise that they have no concerns subject to the application of a CEMP condition. Provided such a condition is applied then the development accords with Policies SP4 (Water Resources), GP5 (Natural Environment) and GP7 (Environmental Protection).

Conclusion

- 8.5 The proposal is acceptable subject to conditions. There are no obvious planning reasons to limit the life of the weir since no on-going harm can be identified from its retention that would necessitate its removal. As such there is no requirement to limit the time it is in place. However in the future it might be removed under permitted development rights¹ subject to the prior approval of the LPA as to controls over methodology and site restoration and wider considerations such as European Protected Species, potentially water voles and otters in this case. As such given the protections under the General Permitted Development Order there seems no need to add a demolition methodology / CEMP condition in this case since the conditional controls in the Order already cover off these issues.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

¹ Schedule 2, Part 31 of the General Permitted Development Order 1995 (as amended)

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 development is policy compliant subject to conditions.

11. DECISION

Granted & Conditions

01 The development shall be implemented in accordance with the following plans and documents:

- Drawing 18669-RLL-24-XX-DR-O-0651 P05 - Drain 2 Temporary Weir Proposal
- Drawing 18669-RLL-24-XX-DR-O-0660 P02 - Drain 2 penning section, location plan.
- PRECAUTIONARY METHOD OF WORKING; PROPOSED WEIR (May 2025)

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

Pre- commencement conditions

02 No work shall commence on the development hereby approved until such time as a Construction Environment Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out fully in accordance with the agreed CEMP.

Reason: to protect water quality, bio-diversity interests and residential amenity. Policies SP3, GP2, GP5 and GP7.

NOTE TO APPLICANT

01 This decision relates to the following unconditioned documents:

- Drawing 18669-RLL-25-XX-DR-O-0690 P02 - Drain 2 Existing Site Plan
- PROPOSED WEIR ECOLOGY INFORMATION & GREEN INFRASTRUCTURE STATEMENT

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP9, GP1, GP2, GP5 & GP7 were relevant to the determination of this application.

03 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.