

Delegated Decision Report

Application No:	26/0262	Statutory Period Expires:	2nd June 2026
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Site:	<i>Broadway Farm, Broadway, Caerleon, Newport NP18 1AY</i>		
Proposal:	<i>PARTIAL DISCHARGE OF CONDITIONS 2 (ARCHAEOLOGY), 3 (CONSTRUCTION TRAFFIC MANAGEMENT PLAN), 4 (CEMP), 5 (INAPPROPRIATE MATERIALS), 6 (PLANTING), 7 (BIODIVERSITY ENHANCEMENT) OF PLANNING PERMISSION 24/0635 FOR ENGINEERING WORKS INCLUDING UPGRADING AND REPAIRING A FLOOD PREVENTION BUND AND FARM TRACK (PART RETROSPECTIVE)</i>		
Applicant:	<i>M. Haines</i>		
Type:	Discharge Conditions	Ward:	Caerleon
Decision:	APPROVED		

1. BACKGROUND

1.1 None.

2. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0635	ENGINEERING WORKS INCLUDING UPGRADING AND REPAIRING A FLOOD PREVENTION BUND AND FARM TRACK (PART RETROSPECTIVE)	GRANTED WITH CONDITIONS	06/03/2025

3. CONSULTATION RESPONSES

3.1 Natural Resources Wales: We have no objection to the proposed development as submitted and provide the following advice.

Condition 4 – Construction Environmental Management Plan (CEMP)

We have reviewed the amended CEMP by Reading Agricultural Consultants (Rev 1.1, dated May 2026) and confirm we have no objection to the discharge of condition 4.

Conditions 2, 3, 5, 6 and 7

We have no comments to make on the partial discharge of conditions 2 (archaeology), 3 (construction traffic management plan), 5 (inappropriate materials), 6 (planting), 7 (biodiversity enhancement) of planning permission 24/0635 as these were not requested by us.

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

2 (ARCHAEOLOGY): No comment.

3 (CONSTRUCTION TRAFFIC MANAGEMENT PLAN): Recommend partial discharge.

4 (CEMP): Recommend partial discharge.

5 (INAPPROPRIATE MATERIALS): No comment

6 (PLANTING)& 7 (BIODIVERSITY ENHANCEMENT): No comment.

Highway Comments:

The CEMP/ TMP are considered acceptable, and we would recommend partial discharge so far as they can be approved. The condition remains to be adhered to.

3.3 Heneb: The Written Scheme of Investigation (WSI) which sets out the scope and methodology of the archaeological work was submitted with the application, therefore no more documents are required pre-commencement.

However, we are unable to recommend full discharge of condition 2 of 24/0635 until the final report on the watching brief is submitted to the LPA.

- 3.4 Cadw: This response is based on the advice provided by Cadw's Senior Inspector of Historic Monuments and Cadw's Senior Historic Environment Planning Officer.

Advice

Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monument listed in our assessment of the application below.

The national policy and Cadw's role in planning are set out in Annex A.

Assessment

Scheduled Monument

MM231 Caerleon Civil Settlement

This application is for the partial discharge of condition 2 (archaeology), 3 (construction traffic management plan), 4 (CEMP), 5 (inappropriate materials), 6 (planting), and 7 (biodiversity enhancement) of planning permission 24/0635 for engineering works including upgrading and repairing a flood prevention bund and farm track (part retrospective).

Part of the proposed development crosses scheduled monument MM231 Caerleon Civil Settlement and scheduled monument consent has been granted for this work. Cadw therefore have no objection to the partial discharge of these conditions but condition 2 archaeology should only be discharged following advice given by Heneb: The Trust for Welsh Archaeology in their role as archaeological advisors to Newport City Council.

The applicant should note that separate conditions are attached to the scheduled monument consent and that these will need to be met prior to any works commencing inside the boundary of the scheduled monument.

Cadw notes that the Conditions 6 (Planting Scheme) and 7 (Biodiversity Enhancement) application document contains a reference to the construction of a hibernaculum to be installed between the track and hedge-lined reën (para 5.11). The attached figure suggests that this requires the excavation of a hole measuring a minimum of 1000mm in diameter and 500mm in depth. It is uncertain whether the hibernaculum is to be located inside or outside of the scheduled area. If the hibernaculum is proposed to be located within the scheduled area, this did not feature in the scheduled monument consent application and is not authorised. The construction of such a feature would require the active scheduled monument consent to be varied before these works take place, and the addition of a new condition stipulating archaeological evaluation and recording. Heneb will advise and monitor if the hibernaculum is to be located outside of the scheduled area.

- 3.5 Landscape officer: No landscape comments. Please refer to input from the ecology officer given wildflower seeding in proximity to the River Usk SAC.
- 3.6 Heritage officer: No comment.
- 3.7 Ecology officer: in relation to discharge of Conditions 6 (Planting Scheme) and 7 (Biodiversity Enhancement) of application 24/0635, the document dated January 2026 by Reading Agricultural Consultants is adequate in my view. A seed mix is proposed which is appropriate to the location, and an artificial otter holt, if installed correctly should also provide a welcome enhancement. Other measures are proposed such as reptile hibernaculum. Ideally the locations of these features would have been set out on a plan, so we could be sure their placement is appropriate, but this need not affect determination of this application. No additional details are provided in the CEMP, but I note that NRW had no objection to the CEMP document.

4. ASSESSMENT

This application seeks to partially discharge conditions 3, 4, 5, 6 and 7 of the above planning permission. The conditions are detailed below:

- 4.1 *Condition 2. Archaeology: No further development shall take place until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with that out-lined in "Written scheme of Investigation for Archaeological Monitoring and Recording - Broadway Farm Caerleon" (Archaeological Perspectives Analysis Consultancy Report no. WSI: AMR/BC3/24).
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Policy CE6 of the NLDP.*
- 4.2 Heneb are the Council's archaeological advisors and have confirmed no objections are offered to the partial discharge of the condition.
- 4.3 *Condition 3. Construction Traffic Management. No further works or development shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Council.
The method statement shall include, but not be limited to:*
- *Construction traffic routes, including provision for access to the site*
 - *Entrance/exit from the site for visitors/contractors/deliveries*
 - *Location of directional signage within the site*
 - *Siting of temporary containers*
 - *Parking for contractors, site operatives and visitors*
 - *Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction*
 - *Temporary roads/areas of hard standing*
 - *Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements*
 - *Storage of materials and large/heavy vehicles/machinery on site*
 - *Measures to control noise and dust*
 - *Details of street sweeping/street cleansing / wheelwash facilities*
 - *Details for the recycling/disposing of waste resulting from demolition and construction works*
 - *Hours of working*
 - *Phasing of works including start/finish dates*
- For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway.
The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council.
Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers in accordance with Policies GP2 and GP4 of the NLDP.*
- 4.4 The condition was imposed at the request of the Council's Highways officers, who subsequently confirm no objection is offered to the partial discharge of the condition.
- 4.5 *Condition 4. Construction Environmental Management Plan: Prior to the commencement of any further works a method statement shall be prepared and submitted to the Council in writing describing how inappropriate materials will be identified, how they will be separated from the construction materials already onsite, where they will be stockpiled and how they will be removed from the site and where they will be removed to and how all of these processes will be recorded. The Method Statement shall also include the same measures in regard to any other construction materials that may be imported onto the site to complete*

the scheme. Following the completion of the importation of construction materials into the site in accordance with Condition 03 (CTMP) all inappropriate materials shall be removed from the site within 3 months of the end date of material importation entirely in accordance with the agreed methodology. A report detailing the type, quantity, dates of removal and destination of removed inappropriate materials fully in accordance with the record keeping identified in the Method Statement shall be submitted to the Council within 6 months of the completion of importation of construction materials.

Reason: to protect the interests of the River Usk SAC and SSSI in the interests of protected species and wider bio-diversity. Policies GP5 & GP7.

- 4.6 This condition was imposed at the request of NRW, who have reviewed the discharge of condition submission and confirm no objection is offered to the partial discharge of the condition.
- 4.7 Condition 5. *Inappropriate Materials: Prior to the commencement of any further works a method statement shall be prepared and submitted to the Council in writing describing how inappropriate materials will be identified, how they will be separated from the construction materials already onsite, where they will be stockpiled and how they will be removed from the site and where they will be removed to and how all of these processes will be recorded. The Method Statement shall also include the same measures in regard to any other construction materials that may be imported onto the site to complete the scheme. Following the completion of the importation of construction materials into the site in accordance with Condition 03 (CTMP) all inappropriate materials shall be removed from the site within 3 months of the end date of material importation entirely in accordance with the agreed methodology. A report detailing the type, quantity, dates of removal and destination of removed inappropriate materials fully in accordance with the record keeping identified in the Method Statement shall be submitted to the Council within 6 months of the completion of importation of construction materials.*
Reason: to protect the interests of the River Usk SAC and SSSI in the interests of protected species and wider bio-diversity. Policies GP5 & GP7.
- 4.8 NRW raised concerns with regard to the potential use of inappropriate materials and the Council therefore included the above condition. The applicant advises that excavated materials will be monitored closely and mechanical segregation is the primary means of removing inappropriate materials such as stones or building rubble. Manual sorting (hand picking) would be employed for materials like smaller pieces of wood, glass and plastic, where safe and practical. If initial excavation reveals large volumes of inappropriate material it is recommended that a riddle/screening bucket should be used once the deposited material is loosened. It is proposed that oversized stone/concrete/brick would be crushed on the site to a size less than 200mm and either used as a surface layer for the existing track or incorporated in the restyled bund. As a consequence, it is not anticipated that there would be any off-movements of such material.
- 4.9 No objections have arisen from any consultees in response to this information.
- 4.10 Condition 6. *Planting Scheme: Prior to the commencement of any further development, full details of seeding to the bund and track as hereby approved shall be submitted to and approved by the Local Planning Authority. The details shall include a timetable for the seeding to be carried out. Seeding which fails to establish is to be reseeded in the same growing season and adequately maintained to provide good grass cover. Successful establishment of grass cover is to be confirmed by a short report submitted towards the end of the first (April to September) growing season after the seeding takes place, with photo evidence provided at intervals along the track and representative photos of the bund. The report is also to highlight any issues, locations/extent of reseeded required, and the timetable for reseeded.*
Reason: In the interests of visual amenity in accordance with Policies SP5, SP8 and GP6 of the NLDP.
- 4.11 The applicant has submitted details of seeding together with a timetable as required by the

condition. The Council's Landscape officer has advised that no objections are offered.

- 4.12 Condition 7. *Biodiversity Enhancement: Prior to any further works being completed, a biodiversity enhancement scheme shall be submitted to and agreed in writing by Local Planning Authority. Thereafter the biodiversity enhancements shall be implemented in accordance with an implementation timetable to be submitted with the scheme of enhancement. Thereafter the bio-diversity enhancements shall be retained as agreed. Reason: In the interest of protected species, in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).*

- 4.13 With regard to biodiversity enhancement the submission states:

"In this instance, it is proposed that the bunds are sown with species-rich swards, tailored to the environment that they are located in. The plants sown on the bund will be saline-tolerant. The proposed seed mix is provided in the planting scheme covered under Condition 6.

Grassed areas protected from saline water by the bund able will be able to grow a wider range of plants. Currently the grassed areas include clover (red and white); buttercup; timothy; and perennial ryegrass...

...It is proposed that an otter holt will be built on the undisturbed buffer zone between the river and the relocated bund, where there will be little disturbance. Ideally it will be near to already established scrub bushes which can provide shade and cover. The holt would be built from driftwood and brushwood collected following high tides. There would be spaces between large logs near the holt entrance and the whole structure would be covered with vegetation retrieved following the relocation of the deposited material to create the bund – similar to Figure 2.



... A hibernaculum will be installed alongside the track (between the track and hedge-lined reën) to benefit reptiles. This will be formed from retrieved driftwood from the site and an array of assorted stone loosely combined with soil with a turf covering (Figure 3)."

- 4.14 The information submitted to partially discharge the condition is considered acceptable.

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 submission includes the information required to partially discharge the condition and the application is approved.

11. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: RAC/10032/1, RAC10032 CEMP Rev 1.1, Conditions 6 (Planting Scheme) and 7 (Biodiversity Enhancement) Application, Condition 5 Inappropriate Materials, Construction Traffic Management Plan, Archaeology contract.

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 If the proposed hibernaculum is to be located within the scheduled monument area, then this did not feature in the scheduled monument consent application and is not authorised.

The construction of such a feature would require the active scheduled monument consent to be varied before these works take place, and the addition of a new condition stipulating archaeological evaluation and recording. Heneb will advise and monitor if the hibernaculum is to be located outside of the scheduled area.