

Delegated Decision Report

Application No:	26/0115	Statutory Period Expires:	10th April 2026
Site:	Llanwern Works Queensway Llanwern Newport South Wales		
Proposal:	PARTIAL DISCHARGE OF PART 2 OF CONDITION 28 OF PLANNING PERMISSION 06/0471 FOR REDEVELOPMENT OF SITE TO CREATE MIXED USE URBAN EXTENSION. RELATES TO PLOTS 106-107, 110-113, 190-201 AND 209-212 OF PHASE 4H. DISCHARGE RELATES TO CLEAN COVER ONLY.		
Applicant:	Bellway Homes Limited (Wales)		
Type:	Discharge Conditions	Ward:	Bishton & Langstone
Decision:	Approved		

1. BACKGROUND

- 1.1 The applicant is seeking to partially discharge Part 2 of Condition 28 of Outline permission 06/0471 in relation to Plots 106-107, 110-113, 190-201 and 209-212 of Phase 4H (Bellway) on the Glan Llyn Regeneration Site which were approved under 22/0224/RM. That condition reads as follows:

(28) (1) Prior to the commencement of each phase of development as defined by Condition 03 (that is any development excluding that required as part of the remediation strategy), unless an alternative timescale for the component parts of that phase and/or for specific remediation works has firstly been agreed in writing by the Local Planning Authority, a verification report demonstrating completion of works set out in the approved remediation strategy for that phase (or each part of the phase if an alternative timescale has been agreed by the Local Planning Authority for the component parts) shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan for that phase to demonstrate that the site remediation criteria (specifically permeability, soils, chemical validation and groundwater/pore water but excluding the drainage layer installation and/or installation of gas membranes and/or clean capping material, which shall be governed by part (2) of this condition) have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan and for the reporting of this to the Local Planning Authority.

*(2) Post completion of the remedial works as set out under part (1) of this condition, and prior to first occupation of the relevant phase, details of the drainage layer installation and installation of gas membranes and **clean capping material**, (insofar as applicable), shall be submitted to and approved, in writing, by the Local Planning Authority.*

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation and development of the site and in the interests of residential amenities and human health.

The discharge relates to clean capping material only and no other element of that condition is being discharged under this submission.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is Phase 4H on the Glan Llyn Regeneration site. The site was formerly part of the Llanwern Steelworks and has been remediated in relation to Part 1 of the above condition (24/0492).

3. DESCRIPTION OF DEVELOPMENT

3.1 See above.

4. RELEVANT SITE HISTORY

Ref. No.	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
21/1129/CD	PARTIAL DISCHARGE OF CONDITION 27 (CONTAMINATION) IN RESPECT OF PLANNING PERMISSION 06/0471 FOR THE REDEVELOPMENT OF THE SITE TO CREATE A MIXED-USE URBAN EXTENSION (PHASE 4H)	A 25 August 2022
22/0224/RM	RESERVED MATTERS APPLICATION FOR A RESIDENTIAL DEVELOPMENT (PHASE 4H) CONSISTING OF 212NO. DWELLINGS AND ASSOCIATED WORKS AND PARTIAL DISCHARGE OF CONDITIONS 06 (RECREATION AREAS), 07 (SOFT LANDSCAPING), 08 (MATERIALS), 09 (HARD LANDSCAPING), 10 (BOUNDARY TREATMENTS), 11 (OPEN SPACE MANAGEMENT STRATEGY), 12 (PARKING), 16 (ROADS, CYCLEWAYS AND FOOTWAYS), 19 (NOISE ASSESSMENT), 24 (FLOOD CONSEQUENCES ASSESSMENT), 33 (SURFACE WATER DRAINAGE), 34 (FOUL AND SURFACE WATER DRAINAGE), 39 (CARBON REDUCTION STRATEGY) AND 43 (FIRE FIGHTING ACCESS) PURSUANT TO OUTLINE PERMISSION 06/0471 FOR REDEVELOPMENT OF SITE TO CREATE A MIXED USE URBAN EXTENSION	AC 3 November 2022
22/0481/CD	PARTIAL DISCHARGE OF CONDITION 28 (DECONTAMINATION VERIFICATION) (PHASE 4H) OF PLANNING PERMISSION 06/0471 FOR THE REDEVELOPMENT OF THE SITE TO CREATE A MIXED USE URBAN EXTENSION	R 18 January 2024
24/0167	PARTIAL DISCHARGE OF CONDITION 28 (SITE VERIFICATION) (PHASE 4H ONLY) OF 06/0471 REDEVELOPMENT OF THE SITE TO CREATE A MIXED USE URBAN EXTENSION	R 18 April 2024
24/0942/CD	DISCHARGE OF CONDITION 28 (REMEDIATION VERIFICATION) OF 06/0471 REDEVELOPMENT OF THE SITE TO CREATE A MIXED USE URBAN EXTENSION (PHASE 4H ONLY)	A 09 January 2025
25/0056/NMA	NON-MATERIAL AMENDMENT APPLICATION TO VARY THE WORDING OF CONDITION 28 (VERIFICATION OF REMEDIATION) (TO SPLIT INTO PARTS 1 AND 2) OF 06/0471	24 February 2025

	FOR REDEVELOPMENT OF THE SITE TO CREATE A MIXED USE URBAN EXTENSION	
25/0174/CD	PARTIAL DISCHARGE OF CONDITION 28 (VERIFICATION REPORTS) (PART 2 ONLY) RELATING TO PLOTS 184-188 OF PHASE 4H OF PLANNING PERMISSION 06/0471 FOR MIXED RE-DEVELOPMENT OF SITE	A 08 May 2025

5. PLANNING POLICY

5.1 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

The following policies of the adopted Newport Local Development Plan 2011-2026 (NLDP) were relevant to the determination of this appeal.

GP7 – Environmental Protection & Public Health

6. CONSULTATION RESPONSES

6.1 Cyfoeth Naturiol Cymru / Natural Resources Wales: We have no objection to the partial discharge of Part 2 of Condition 28 for Plots 106-107, 110-113, 190-201 and 209-2012 of Phase 4H pertaining to the garden capping layer only.

6.2 NCC Scientific Officer – No response.

7. PUBLIC REPRESENTATIONS

7.1 No responses received.

8. ASSESSMENT

8.1 The applicant has provided information for the relevant Plots containing the source of the fill materials, its chemical properties and its depth of installation. There is no objection to the submitted information by any consultee and the installed clean cover is acceptable in its derivation, chemical composition and depth of installation. Policy GP7 (Environmental Protection) is complied with in relation to this element of the condition.

8.2 The applicant confirms that no other element of the 'Part 2' condition is being discharged. Conditional approval 21/1129 set out the decontamination strategy for this area of the site and confirmed the 'Part 2' elements that would be dealt with by the onward developer were to be:

- *Placement of a clean cover system in residential gardens and areas of public open space as part of the overall development; i.e. this submission*
- *Validation of the thickness and chemical composition of soils placed in gardens (as part of the clean cover system) in accordance with NHBC (or equivalent housing insurer) recommendations; i.e. this submission*
- *Provision of appropriate gas / vapour membranes in buildings and validation in accordance with BS: 8485:2015+A1:2019 and CIRIA C735, if necessary;*
- *Designing concrete in accordance with BRE Special Digest 1 will prevent significant risks from concrete degrading if in contact with aggressive ground; and*
- *Installation of appropriate chemical resistant water pipes (if required).*

8.3 The applicant advises that gas membranes were not necessary and have not been installed but has provided no evidence of this. The condition requires that evidence of the installation of gas membranes should be proved *so far as applicable*. The applicant claims that such membranes were not needed but has not demonstrated this, that is they have not proven the non-applicability part allowed for in the condition. However under this submission that is not at issue since the applicant has not asked the Council to consider that point. However it is the Council's view that the point remains capable of being addressed but has not been under

this submission and dialogue with the applicant has not moved this matter forward. As such this is a narrow consideration relating to capping material as requested by the applicant.

8.4 The applicant also advises that a no dig membrane has been installed beneath the clean cover and that is apparent in some of the photographs taken on Plot. Photographs also suggest that the depth of installed clean cover is sufficient (600mm).

8.5 The condition can be partially discharged in relation to depth and chemical composition of capping material on the specified plots.

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 submitted information is sufficient to discharge the clean capping material element of Part 2 of Condition 28 in relation to the relevant Plots.

11. DECISION

Approved

NOTE TO APPLICANT

01 This decision relates to the following plans & documents:

- Intégral Géotechnique letter (23.09.2025) - Plots 190 to 193, Validation of Clean Cover to Private Garden Areas
- Intégral Géotechnique letter (27.10.2025) - Plots 194-198, Validation of Clean Cover to Private Garden Areas
- Intégral Géotechnique letter (02.12.2025) - Plots 199-201 and 209-212, Validation of Clean Cover to Private Garden Areas
- Intégral Géotechnique letter (14.01.2026) - Plots 106-107 and 110-113, Validation of Clean Cover to Private Garden Areas
- Segment 002 of 14197 Plot 106 107 110 to 113 LQ Validation V-1 (LP) compressed
- Segment 002 of Plot 194 to 198 LQ Validation V1 (LP) V-1 compressed.
- Segment 002 of 14197 Plot 199 to 201 and 209 to 212 LQ Validation V1 (LP) compressed
- Drawing 21059 (05) 101-3 - Site Location Plan, Plots 106-107, 110-113, 190-201 & 209-212
- Covering Letter – Asbri – 12.02.2026
- Email from Pete Sulley: 16.04.2026

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policy GP7 was 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 This discharge relates to Plots 106-107, 110-113, 190-201 and 209-212 of Phase 4H in relation to Part 2 of Condition 28 of Permission 06/0471. This discharge relates to the clean capping material element only. Part 2 of Condition 28 is not fully discharged by this approval and further information is required to fully discharge the condition.

Extract from Drawing 21059 05 100 W – Site Development Layout (22/0224/RM)

