

Newport City Council  
Civic Centre  
Newport  
NP20 4UR

Dyddiad/Date: 16 April 2025

Annwyl Syr/Madam/Dear Sir/Madam,

**BWRIAD/PROPOSAL: USE OF LAND AS AN OPEN STORAGE AND DISTRIBUTION FACILITY, WITH ANCILLARY STAFF WELFARE/SECURITY/OFFICE SPACE, ALONG WITH THE LAYING OF ROADS/MARSHALLING AREAS, THE ERECTION OF NEW FENCING AND LIGHTING AND ASSOCIATED GROUND, DRAINAGE, ENGINEERING AND LANDSCAPING WORKS**

**LLEOLIAD/LOCATION: LLANWERN WORKS, QUEENSWAY, LLANWERN, NEWPORT, SOUTH WALES, NP19 4QZ**

Thank you for re-consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 28 March 2025. We note additional information was uploaded to your Authority's portal on 1 April 2025.

**We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding foul drainage and protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.**

**We also advise that based on the information submitted to date, conditions regarding protected sites and land contamination and controlled waters should be attached to any planning permission granted, and the documents identified should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and documents we would object to this planning application. Further details are provided below.**

### **Foul Drainage**

The Foul Drainage Briefing Note by Turley (January 2025) advises Dŵr Cymru Welsh Water have confirmed there is no public sewerage system in the immediate locality of the site. The revised Proposed Site Layout Plan, Revision K, by Des Cairns (12/03/25) shows a new cesspool/underground tank is to be installed for foul drainage. Section 2.1 of the revised Construction Environmental Management Plan (CEMP), Rev04, by RSK (February 2025), states '*Connection of foul drainage to the existing Tata system. Effluent gathered at an ejector pit will be pumped to a Pump House on the northern edge of Queensway and then*

*pumped across the road to the reed bed treatment system at No. 2 Reed Beds.’ Section 3.4 of the CEMP states ‘A cesspool pit is proposed to store foul drainage and will be located a minimum of 15m from any on site buildings (location and specifications are detailed on within Appendix A). The tank will be watertight, with a sealed access cover and will be emptied weekly in line with standards (BS 12566).’*

If foul drainage is proposed to Tata Steel's existing private sewer system, we refer you to our position and advice on foul drainage in our letter reference CAS-274111-K5W2 (03 March 2025).

If foul drainage is proposed to a new cesspool/underground tank, we have concerns regarding this, given the sensitive nature of the site as described in the Protected Sites section below. Cesspools/underground tanks are not a sustainable, long term solution, and pose risks to the environment from leaks and overflows due to poor maintenance, irregular emptying, lack of suitable vehicular access for emptying, and through inadequate capacity.

New developments proposing to use private drainage should follow the hierarchy within the Welsh Government Circular 008/2018 (July 2018). The Circular advises only where having considered the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. Then a package sewage treatment plant (PTP) should be considered. The use of cesspools/cesspits is discouraged. We refer you to paragraphs 2.3-2.8 in the Circular, which set out the approach to be followed.

We advise the most appropriate option is the installation of a Package Treatment Plant (PTP). Therefore, we advise you seek revised foul drainage proposals from the applicant. The Circular advises full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, to justify the use of private sewerage. Therefore, the applicant will need to submit adequate information to demonstrate the proposal would not pose an unacceptable risk to the water environment, and the disposal of foul effluent from the PTP would be effective at this location.

Guidance on private sewage treatment systems can be found at the following links:

- [Natural Resources Wales / Septic tanks and private sewage systems](#)
- [A guide for users of packaged wastewater treatment plants.pdf](#)
- [List of Certified Small Wastewater Treatment Systems Up to 50PT](#)
- [List of Accredited Service Technicians](#)
- [Guide to the installation of packaged wastewater treatment plants.pdf](#)

#### Further Advice

Applicants wishing to operate a private sewerage system will need *either* to apply to us for an environmental permit *or* register with us for an exemption from the permit requirement. Private sewerage systems that meet certain criteria may be registered as exempt.

A step by step guide to registering an exemption can be found on our [website](#).

If the private sewerage system is not eligible for an exemption, the Applicant will need to apply for an environmental permit, further details can be found [here](#). Should a permit be required further information may be needed as part of that application process. The Applicant is therefore advised to contact us for pre-application advice at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted

and the permit requirements. Further details on how to access our pre-application advice service can be found [here](#).

It is important to note that a grant of planning permission does not guarantee that a permit will be granted. A proposal may be deemed unacceptable either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible. Applicants are encouraged to ensure they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

Please note, lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an environmental permit for private treatment facilities in such circumstances.

Where private sewage treatment/disposal facilities are used, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs [website](#), which provides further information.

### **Protected Sites**

The application site is located within the Caldicot and Wentlooge Levels Internal Drainage District (IDD), and within 250 metres (m) of the Gwent Levels – Whitson Site of Special Scientific Interest (SSSI). The SSSI is notified for its range of aquatic plants and invertebrates associated with the reens and ditches of the drainage system. In summary, the special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. Any development which has an adverse impact on any of these factors will have an adverse impact on the wildlife for which the area was notified.

We have concerns insufficient information has been submitted to demonstrate how likely damage to the SSSI will be avoided. Planning permission should only be granted if information is provided which demonstrates the proposed development will not unacceptably damage the features by reason of which the SSSI is of special interest.

Paragraph 6.4.26 of Planning Policy Wales states proposals must be carefully assessed to ensure effects on those nature conservation interests which the designation is intended to protect are clearly understood; development should be refused where there are adverse impacts on the features for which a site has been designated.

We consider the proposed development is likely to damage the features by reason of which the SSSI is of special interest via surface water drainage. However, the applicant has not provided sufficient information to demonstrate how the proposed development will avoid damaging the special interest features of the SSSI. We advise you seek further information from the applicant as outlined in the Surface Water Drainage section below.

In the absence of this information, we cannot rule out adverse impacts on the special interest features of the SSSI from the scheme.

We therefore recommend planning permission should only be granted if information is provided which demonstrates the proposed development will not damage features for which the SSSI is of special interest.

Should you be minded to grant permission for the above planning application in the absence of this information, we ask you notify us under the provisions contained in Section 28I of the Wildlife and Countryside Act 1981 (as amended).

### Surface Water Drainage

It is proposed to drain surface water from the site to Tata Steel's existing surface water management network. This network is within the IDD. Parts of this network are within the SSSI, and it discharges into the Severn Estuary EMS. We welcome the additional information provided about the drainage system and surface water management network.

We note the Oil Separator Details by Greg Seeley Consulting Ltd. (28.01.2025). We advise you seek a Method Statement from the applicant for this piece of equipment for its operation and maintenance during the lifetime of the site, and what to do in the event of its failure or an incident. We advise the treatment of contaminated water, as is suggested in the Details, will require appropriate treatment facilities. We refer the applicant to Guidance for Pollution Prevention 3: [Use and design of oil separators in surface water drainage systems | NetRegs](#).

To avoid obstructing our IDD annual maintenance activities, we advise you attach the following condition to any planning permission granted:

Condition: No development, including site clearance, shall be conducted within 7m buffer zone for drainage ditches and 12.5m buffer zone for main watercourses, to be identified on the ground prior to the start of any works. The buffer zone must be free from the following:

- Storage of spoil;
- Stored materials;
- Plant;
- Machinery;
- Artificial lighting associated with the development;
- Trafficking of vehicles or plant;
- Recreational routes (e.g. footpaths, cycle routes and bridleways);
- Structures or development;
- Any other built development including domestic gardens or formal landscaping.

The buffer zone shall be applied throughout construction and operation.

Justification: To ensure the implementation of buffer zones to exclude certain activities for the protection of watercourses during development and operation.

### Pollution Prevention During Construction

We welcome the amended CEMP, which satisfied our previous concerns in relation to pollution prevention during construction.

Document: We advise the Construction Environmental Management Plan (CEMP), Rev04, by RSK (February 2025) should be included in the approved plans and documents condition on the decision notice.

### Ecology

We welcome the inclusion of management measures for Shril Carder Bee in the Landscape Environmental Management Plan, Rev02, by RSK (15/01/2025).

Document: We advise the Landscape Environmental Management Plan (LEMP), Rev02, by RSK (15/01/2025) should be included in the approved plans and documents condition on the decision notice.

We note Table 1. Roles and Responsibilities matrix of the LEMP is to be completed prior to construction. We advise these details should be made available prior to works commencing at the site.

### **Land Contamination and Controlled Waters**

We have reviewed the additional Phase I Site Investigation report by Geotechnology Ltd. (January 2025). Given the historic contamination associated with the site and its proximity to sensitive receptors, based on the information provided, we advise the following conditions be attached to any planning permission granted:

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development shall be conducted until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be conducted as approved.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to the water environment and to ensure that the development can be conducted without unacceptable risks. A site investigation may not uncover all instances of contamination, and this condition ensures that contamination encountered during the development phase is dealt with appropriately.

The email from Mykena Mortimer-Davies to your Authority (12 March 2025) satisfies our previous concerns regarding surface water infiltration. The surface water infiltration condition we advised in our letter reference CAS-274111-K5W2 is no longer necessary.

### **Flood Risk**

The planning application proposes less vulnerable development. Our Flood Risk Map confirms the site to be partially within Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and is within Flood Zone 2 and 3 Sea.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of a Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level. We have reviewed the submitted FCA, version 2, by JBA Consulting (January 2025).

We note the final proposed ground levels have changed. The email from Mykena Mortimer-Davies to your Authority confirms the final ground levels are expected to be c.6.5 metres (m) above ordnance datum (AOD) or higher (with an allowance for tying into existing local ground levels, e.g. at the existing access point). The email confirms JBA have not undertaken any

new modelling after the change in final ground levels. The existing model is unamended. We are satisfied with the justification for this in the email and the revised FCA. We would not expect additional modelling to be undertaken to support this application and the ground level changes. We are satisfied with the hydraulic modelling used to determine the flood risk to the proposed development site.

The FCA has used a 75-year lifetime of development. This is the correct lifetime of development for non-residential development. The FCA shows:

- The site is predicted to be flood free during a 0.5% (1 in 200 year) plus climate change (to 2098) annual probability tidal flood event. This is compliant with A1.14 of TAN 15;
- The proposed built development is predicted to be flood free during a 0.1% (1 in 1000) year plus climate change (to 2098) annual probability tidal flood event. This is compliant with A1.15 of TAN 15;
- Some flooding is predicted to encroach into the site boundary, particularly along the western and northern boundaries, during a 0.1% (1 in 1000) year plus climate change (to 2098) annual probability tidal flood event. The FCA confirms no built development is proposed in these areas;
- The A4810, which provides primary access to the site, is predicted to be flood free during a 0.5% (1 in 200 year) plus climate change (to 2098) annual probability tidal flood event;
- The A4810 is predicted to experience some shallow flooding during a 0.1% (1 in 1000) year plus climate change (to 2098) annual probability tidal flood event. The FCA considers access and egress for the site would still be achievable;
- All criteria (relevant to this proposal) under A1.12 of TAN 15 has been covered within the FCA.

The FCA proposes the management of residual flood risk by recommending occupiers of the site sign up to our Flood Warning service and recommending an evacuation route.

We note that based on the above, most of the site including all built elements are predicted to be flood free during the 0.5% (1 in 200 year) and 0.1% (1 in 1000) year flood events. We note some flooding is predicted along the northern and western boundary during the 0.1% (1 in 1000) year event however, it has been confirmed that there is no built development in this area. We therefore have no further comment to make.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures, and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not conduct these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

### **European Protected Species**

The Preliminary Ecological Appraisal Report by RSK (04/12/2024) has identified European protected species (EPS) were not using the application site and no further surveys are recommended. We therefore have no comments to make in relation to EPS on the application as submitted.

## 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.

## Advice for the Developer

The Environmental Permitting Regulations (2016) will require you to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within eight metres of any designated “main river”. Further advice and guidance is available on our website: [Natural Resources Wales / Check if you need a flood risk activity permit \(FRAP\)](#).

The proposed controlled discharge of 3.07 l/s/ha is within the greenfield run-off rate of 3.5 l/s/ha and is therefore acceptable. We advise no run-off is permitted to enter the IDD without Land Drainage Consent under the terms of the Land Drainage Act 1991 and the Flood and Water Management Act 2010. Further guidance is available on our website: [Natural Resources Wales / Apply for land drainage consent](#).

We advise any treatment of contaminated water as is suggested in the Oil Separator Details will also require a discharge permit. Further guidance is available on our website: [Natural Resources Wales / Discharges to surface water and groundwater](#)

We recommend developers should:

- Follow the risk management framework provided in [Land contamination risk management \(LCRM\)](#);
- Refer to '[Development of land affected by contamination: A guide for developers](#)' (WLGA, 2023) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health;
- Refer to our [groundwater protection](#) advice on [www.gov.uk](http://www.gov.uk).

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

Yn gywir / Yours faithfully,

### **Sarah Lund**

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning  
Cyfoeth Naturiol Cymru/Natural Resources Wales

E-bost/E-mail: [southeastplanning@cyfoethnaturiolcymru.gov.uk](mailto:southeastplanning@cyfoethnaturiolcymru.gov.uk)

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.