

Delegated Decision Report

Application No:	26/0587	Statutory Period Expires:	27th August 2026
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Site:	<i>Shed 6 40 East Way Road Alexandra Docks Newport South Wales</i>		
Proposal:	<i>PRIOR NOTIFICATION OF DEMOLITION OF 1NO. DOUBLE GABLED INDUSTRIAL BUILDING</i>		
Applicant:	<i>W Ryan</i>		
Type:	Demolition	Ward:	Pillgwenlly
Decision:	PRIOR APPROVAL IS NOT REQUIRED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site comprises of a single industrial building/warehouse and associated lean to located adjacent to South Dock, within the Port of Newport. The site is referred to as 'Shed 6', East Way Road, Newport.

2.2 The building is a large single storey brick and single steel clad structure with a pitched roof comprised of corrugated steel sheeting, measuring approximately 185 metres by 30 metres. The steel framed lean to is also a single skin construction measuring approximately 200 metres by 14 metres.

2.3 The site has the following designations/allocations;

- Within the Urban Boundary;
- Newport Docks allocated Employment Site (Policy EM2);
- Developed Coastal Zone;
- Flood Zone 3 (Sea);
- Parking Zone 6.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application is submitted seeking Prior Approval for demolition under Part 31 (Demolition of Buildings) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

3.2 The proposed development complies with the limitations and conditions of the aforementioned part of The Order and constitutes permitted development. Planning permission is therefore granted by The Order, subject to the Prior Approval of the Local Planning Authority as to whether details of the method of demolition and any proposed restoration of the site will be required.

3.3 The submission is supported by a Demolition Management Plan (DMP), Preliminary Roost Assessment (PRA) and Activity Surveys for Bats, Covering Letter and proof that notification for demolition has taken place. The works will include:

- Removal and off-site disposal of all asbestos from the site.
- Demolition of the warehouse and off-site disposal of materials.
- Removal and off-site disposal of miscellaneous items.
- Removal of any concrete, steel or similar items protruding above existing ground level.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

5.1 Town and Country Planning Act 1990

The Town and Country Planning (General Permitted Development) Order 1995

6. OTHER MATERIAL GUIDANCE/LEGISLATION

- 6.1 Development Management Manual
- 6.2 Planning Controls Over Demolition (Circular 31/95)
- 6.3 Letter to Chief Planning Officers – Planning Control Over Demolition 18 April 2011

7. CONSULTATION RESPONSES

- 7.1 Natural Resources Wales:

We advise that the following matters are relevant to this prior notification of demolition application.

Protected sites

We note that the proposed development site is in close proximity to the River Usk Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and protected sites of the Severn Estuary.

We have reviewed the following information submitted in support of the application:

- Demolition Management Plan 6 Shed, Port of Newport, prepared by ABP, dated June 2026.

We note that the report states in Section I that the contractor will develop a Demolition Environmental Management Plan (DEMP). The proposed DEMP should contain environmental control measures which adequately mitigate potential impact pathways associated with dust, noise, vibration, and pollution.

We would recommend that GPP5: Works and Maintenance in our near water should be followed when preparing the DEMP, found on [Netregs gpp-5-works-and-maintenance-inor-near-water.pdf](#).

European protected species

Bats

We have reviewed the following information submitted in support of the above application:

- Preliminary Roost Assessment (Pra) & Activity Surveys For Bats, Shed 6 – ABP

We note that the report has found that Shed 6 is a confirmed day roost for less than 5 common pipistrelle bats and that an EPS licence will be needed. From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document Natural Resources Wales Approach to Bats and Planning (2015).

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by NRW, having satisfied the three tests set out in the Regulations (please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to “demonstration of no detriment to the maintenance of the favourable conservation status of European protected species.”

As this is a lower risk case for bats, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. We recommend that you discuss the need to secure any avoidance or mitigation measures with your internal ecological advisor.

We advise that the works are carried out under licence. We refer you to the Chief Planning Officer’s letter, dated 1 March 2018, which advises planning authorities to attach an

informative regarding licence requirements to all consents and notices where European protected species are likely to be present on site.

Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Flood risk

The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 3 - Sea.

We confirm we have no concerns regarding flood risk with the proposed demolition.

- 7.2 Ecology: A Preliminary Roost Assessment and Bat Activity Survey Report dated July 2026 has been submitted with this Prior Notification, and I support the methodology and conclusions of that report.

Building 6 was identified as a bat roost, so in accordance with the NRW Approach to Bats and Planning Good Practice Guide 2015, this roost constitutes a 'Low Risk Case'. The standing advice is that we do not need to consult NRW on this application, with the proviso that the recommendations of the Bat Survey Report are implemented.

In this instance, my advice is that the Bat Survey Report, and in particular its recommendations as set in sections 7.3.1, 7.3.2 and 7.3.3, is suitable for this purpose. Therefore we should require that all of the mitigation and compensation measures set out in these sections are implemented.

In my view there are unlikely to be any other significant impacts on natural features at this site.

- 7.3 Highways: No response.
- 7.4 Environmental Health: No response.
- 7.5 Landscape: No response.
- 7.6 Drainage: No response.

8. PUBLIC REPRESENTATIONS

- 8.1 In accordance with the requirements of Part 31 of The Town and Country Planning (General Permitted Development) Order 1995 the proposal was advertised by the applicant via a site notice.
- 8.2 No representations have been received by the Local Planning Authority.

9. ASSESSMENT

- 9.1 The proposal for demolition of the building is permitted development as established by The Order, accordingly the principle of development is established and is therefore not for consideration.
- 9.2 As set out by The Circular (31/95), only in cases where demolition is likely to have a significant impact upon its surroundings should it be necessary to require formal submission for approval.
- 9.3 This submission is accompanied by a DMP which details how the demolition would be undertaken along with the contractor's approach to ensure that the potential risk to the environment is minimised. The site is adjacent to South Dock of Newport Docks, which is hydrologically linked with the River Usk Special Area of Conservation (SAC) and River Usk Site of Special Scientific Interest (SSSI). The DMP acknowledges this and advises that appropriate management measures will be implemented to ensure there is no potential for any effect on these areas. Mitigation has been set out in Section 4(G) of the DMP and is considered to be appropriate in relation to dust, noise, vibration and contamination

prevention. In their response, NRW recommend that GPP5: Works and Maintenance in or near water should be followed as part of the management plan. No response from Environmental Health has been received, but from a human health perspective no issues are anticipated given the location of the site.

- 9.4 A Preliminary Bat Roost Assessment and Activity Survey for the site has been undertaken and submitted for consideration and the Council's Ecologist has confirmed that the methodology and conclusions of the report are supported.
- 9.5 Building 6 was identified as a bat roost, and in accordance with the NRW Approach to Bats and Planning Good Practice Guide 2015, this roost constitutes a 'Low Risk Case'. The standing advice is that the LPA do not need to consult NRW on this application, with the proviso that the recommendations of the Bat Survey Report are implemented. NRW have been consulted in any case, as good practice, and advise that a Licence will be required as Shed 6 is a confirmed day roost for less than 5 common pipistrelle bats. However NRW have confirmed that they also consider the proposed development represents a lower risk for bats.
- 9.6 Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three tests set out in the Regulations (Please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). As this is a lower risk case for bats, the Council's Ecologist and NRW considers that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. The advice of the Ecologist is that the Bat Survey Report, and in particular its recommendations as set out in Section 7.3.1, 7.3.2 and 7.3.3 are suitable for this purpose. The mitigation and compensation measures set out in these section will need to be implemented.
- 9.7 The proposal has been considered against the derogation tests as set by the habitat regulations and the Local Planning Authority are satisfied that an EPS Licence would likely be granted by NRW. The derogation tests are:
1. There are no feasible alternative solutions that would be less damaging or avoid damage to the site.
 2. The proposal needs to be carried out for imperative reasons of overriding public interest.
 3. The necessary compensatory measures can be secured.
- 9.8 Taking the tests in turn, the applicant has advised that due to changing circumstances and operational requirements of the Port, this building is not longer suitable for functional reasons. This area of the quayside is required as being open space in order to meet the needs of the user. As such, they are in need of removal and it is considered that test 1 is therefore satisfied.
- 9.9 In terms of test 2, the application site occupies space on the Newport Docks, which is considered essential infrastructure for Newport, being a major contributor to the city's economy and is allocated for such a use in the Newport Local Development Plan 2011-2026 (adopted January 2015). It is considered that the ongoing maintenance and improvement of the docks area as a whole is in the public interest and has economic benefit. As such, test 2 is satisfied.
- 9.10 In terms of test 3, it is considered that necessary mitigation and compensatory measures can be secured and an EPS licence is likely to be granted by NRW given the demolition being considered a low risk case with regard to bats. It is considered that this test has been met.

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 In accordance with W/O Circular 31/95 Planning Controls Over Demolition, the Local Planning Authority considers that the proposal is not likely to have a significant impact upon its surroundings. The application is supported by sufficient information to demonstrate that any impact upon protected sites and species within the vicinity of the application site would be adequately protected. Where Prior Approval is not required, the development shall be carried out in accordance with the details submitted with the application.

11. **DECISION**

PRIOR APPROVAL IS NOT REQUIRED

01 The method of demolition and restoration of the land would have no adverse impact upon local amenity or protected sites or species.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Preliminary Roost Assessment - Bats and Activity Survey; Demolition Management Plan; Demolition Notice; Covering Letter

02 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.

03 Warning: An European Protected Species (EPS) Licence is required for this development.

This notice does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european>