

APPLICATION DETAILS

No: 26/0123 **Ward:** Lliswerry

Type: Full (Major)

Expiry Date: 23rd April 2026

Applicant: *Tai Hedyn Limited*

Site: *Land and Building forming part of the former Robert Price Transport Yard, Corporation Road, Newport, South Wales*

Proposal: ***PROPOSED RE-DEVELOPMENT OF THE FORMER TRANSPORT YARD CORPORATION ROAD NEWPORT, PHASE 2 COMPRISING OF 14 RESIDENTIAL UNITS WITH ACCESS ARRANGEMENTS, PARKING AND ASSOCIATED WORKS.***

Recommendation: **GRANTED & CONDITIONS WITH DELEGATED AUTHORITY TO REFUSE PERMISSION AFTER 12 WEEKS IF THE S106 AGREEMENT IS NOT SIGNED**

1. INTRODUCTION

- 1.1 The applicant is seeking full permission for a flatted block of 14no. one bedroom flats in a four-storey building located just before Corporation Road crosses Spyty Pill near the B&Q store on Corporation Road.
- 1.2 The site will be raised to mitigate flood risk and will also provide 14 car parking spaces and a bin store. It will be accessed by a ramp from the adjacent site to the immediate west which has been approved for residential use (18/0973) and will be reliant on the construction of that development to gain access onto Corporation Road.
- 1.3 Indicated finishes are red brick and grey cladding similar to those approved on the adjacent development site.

2. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
07/0947/F	FLOOD DEFENCE WORKS (THROUGH GENERAL LAND RAISING)	GC 20 September 2007
18/0973/O	OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT COMPRISING C2 RESIDENTIAL INSTITUTIONS AND C3 RESIDENTIAL AND DRIVE THRU COFFEE SHOP (A1/A3) ALONG WITH ASSOCIATED INFRASTRUCTURE AND FACILITIES ¹	GC 18 December 2019
19/1301/RM	RESERVED MATTERS APPLICATION (APPEARANCE, LAYOUT, SCALE & LANDSCAPING) FOR THE CONSTRUCTION OF 62NO. APARTMENTS (C3) AND 1NO. RESIDENTIAL CARE BUILDING CONTAINING 5NO. BEDROOMS (C2) PURSUANT TO OUTLINE PERMISSION	AC 01 June 2022

¹ Access to Corporation Road not reserved and approved in detail under this submission

	18/0973 FOR MIXED USE DEVELOPMENT COMPRISING C2 RESIDENTIAL INSTITUTIONS AND C3 RESIDENTIAL AND DRIVE THRU COFFEE SHOP (A1/A3) ALONG WITH ASSOCIATED INFRASTRUCTURE AND FACILITIES	
23/0629	NON MATERIAL AMENDMENT APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) IN RESPECT OF 19/1301 RESERVED MATTERS APPLICATION (APPEARANCE, LAYOUT, SCALE & LANDSCAPING) FOR THE CONSTRUCTION OF 62NO. APARTMENTS (C3) AND 1NO. RESIDENTIAL CARE BUILDING CONTAINING 5NO. BEDROOMS (C2) PURSUANT TO OUTLINE PERMISSION 18/0973 FOR MIXED USE DEVELOPMENT COMPRISING C2 RESIDENTIAL INSTITUTIONS AND C3 RESIDENTIAL AND DRIVE THRU COFFEE SHOP (A1/A3) ALONG WITH ASSOCIATED INFRASTRUCTURE AND FACILITIES. AMENDMENTS INCLUDE CHANGES TO PARKING LAYOUT AND ACCESS ARRANGEMENTS	AC 14 December 2023
24/0445/CD	PARTIAL DISCHARGE OF CONDITION 3 - CONTAMINATION (PARTS A, B AND C) OF 18/0973 OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT COMPRISING C2 RESIDENTIAL INSTITUTIONS AND C3 RESIDENTIAL AND DRIVE THRU COFFEE SHOP (A1/A3) ALONG WITH ASSOCIATED INFRASTRUCTURE AND FACILITIES	A 07 November 2024
24/0446/CD	PARTIAL DISCHARGE OF CONDITION 5 (CEMP) OF 18/0973 OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT COMPRISING C2 RESIDENTIAL INSTITUTIONS AND C3 RESIDENTIAL AND DRIVE THRU COFFEE SHOP (A1/A3) ALONG WITH ASSOCIATED INFRASTRUCTURE AND FACILITIES	A 14 November 2024
25/0784	LAWFUL DEVELOPMENT CERTIFICATE (EXISTING) FOR THE COMMENCEMENT OF WORKS IN RELATION TO OUTLINE PERMISSION 18/0973 AND RESERVED MATTERS 19/1301	G 14 May 2026

3. POLICY CONTEXT

3.1 The following policies of the adopted Newport Local Development Plan 2011-2026 (NLDP) are relevant to this decision:

- SP1 – Sustainability
- SP3 – Flood Risk
- SP8 – Special Landscape Areas
- SP9 – Conservation of the Natural, Historic & Built Environment
- SP10 – House Building Requirement
- SP13 – Planning Obligations
- SP18 – Urban Regeneration
- GP1 – Climate Change
- GP2 – General Amenity
- GP4 – Highways & Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design

GP7 – Environmental Protection
CE1 - Routeways, Corridors & Gateways
CE2 – Waterfront Development
CE3 – Environmental Spaces & Corridors
CE9 – Coastal Zone
H2 – Housing Standards
H3 – Housing Mix & Density
H4 – Affordable Housing
T4 – Parking
T7 – Public Rights of Way
CF2 – Outdoor Play Space Requirements
CF4 – Riverfront Access
W3 – Waste Management in Developments

The following adopted Supplementary Planning Guidance is relevant to this proposal:

- Sustainable Travel
- Planning Obligations
- Affordable housing
- New Dwellings
- Waste Storage & Collection
- Wildlife & Development
- Parking Standards

4. CONSULTATIONS

- 4.1 Health & Safety Executive: No interest.
- 4.2 Dwr Cymru / Welsh Water: Advise of easement crossing the site, confirm sewerage capacity is present and request conditions to prevent surface water entering foul drains.
- 4.3 Cyfoeth Naturiol Cymru / Natural Resources Wales: Raises concerns over non-compliance with national flood policy and notes need for conditions to protect nature conservation designations near the site (the River Usk SAC / SSSI). CNC/NRW note that the site is post-industrial and contaminated and that remediation will be required.
- 4.4 Wales & West Utilities: note equipment in the area and safe working practices.
- 4.5 National Grid Electricity Distribution: note equipment in the area and safe working practices.
- 4.6 Glide Fibre: Note presence of equipment in the area.
- 4.7 Gwasanaeth Tan & Achub De Cymru / South Wales Fire & Rescue: Generic comments.

5. INTERNAL COUNCIL ADVICE

- 5.1 NCC Highways: No objection but conditions required to secure parking and cycle parking and a Construction Environmental Management Plan including details of deliveries and contractor parking and a scheme of ULEV charging.

- 5.2 NCC Landscaping: raises concerns over the adequacy of planting around the scheme with significant hard surfacing on the site and notes some of the proposed planting in the sewer easement is elaborate and will require substantial maintenance.
- 5.3 NCC Housing Strategy: The proposals for Phase 2 (this Phase) are welcomed and would positively contribute towards meeting Newport's identified housing need. The Local Housing Market Assessment demonstrates a continued requirement for additional homes across the city, particularly for smaller one bed units suitable for single households.
- 5.4 NCC Active Travel: No objection.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

A Site Notice was displayed near the site on 04.03.2026 and an advert was placed in the South Wales Argus on 14.03.2026. 51no. addresses were consulted and no representations have been received.

7. ASSESSMENT

Key Issues

- 7.1 The key issues relevant to the determination of this appeal are:
- Flooding
 - Design / Appearance
 - Green Infrastructure
 - Amenity for occupiers / neighbours
 - Conservation Interests of the River Usk / Appropriate Assessment
 - Ground Contamination
 - Relationship with the approved neighbouring scheme and access to Corporation Road
 - Noise
- Minor issues are:
- Car Parking & Cycle Parking
 - Waste collection
 - Net Benefit for Bio-diversity
 - National Marine Plan & Special landscape Area
 - Charging facilities for ULEVs

Flooding

- 7.2 The site is Flood Zone 3 for tidal flooding with Flood Map showing part of the site as defended to the 200 year standard and some as undefended, that is likely to flood more often than once every 200 years.
- 7.3 The application is accompanied by a Flood Consequences Assessment which confirms that the flats themselves will be dry in the 1 in 200 year event and the extreme 1 in 1000 year event allowing for climate change. This will be achieved by raising ground floor levels to 9.8m above Ordnance Datum (AOD). This takes them effectively out of the floodplain.

- 7.4 However not all parts of the site will be equally raised with levels dropping into the western (adjacent) development site and into Corporation Road itself at 7.8m above AOD, that is 2m lower than the set ground floor level. This means that parts of the car parking area and the proposed bin store will flood as follows:

	1 in 200 + CC flood depth (m)	1 in 1000 + CC flood depth (m)
Building	Dry	Dry
Car Park	Up to 0.34	Up to 0.65
Access Ramp	Up to 1.18	Up to 1.49
Bin Store	Up to 1.64	Up to 1.95

- 7.5 Technical Advice Note 15 (undated) advises that the entire development site should be flood free for the 1 in 200 year event and should only flood within tolerable levels during the extreme event over the lifetime of the development. This development meets neither of those criteria with parts of the site flooding in the 1 in 200 year event and others flooding beyond 0.6m in the extreme event. The proposal is not compliant with National Flood Policy and this has prompted adverse comment from CNC/NRW.
- 7.6 In terms of access and egress the submitted FCA advises that these will flood beyond tolerable levels in both the 1 in 200 and 1 in 1000 year events within the lifetime of the development (i.e. some time before 2126). Although depths will exceed the tolerable levels it is not possible to assess hazard since velocities have not been provided. However it is reasonable to assume that these routes will be inoperable during flood events within the lifetime of the development with depths near the site being between 0.6m and over 1.2m depending on the severity of the event. Again national policy requires evacuation routes to be operable under extreme conditions and it is very probable that they would not be for this site.
- 7.7 CNC/NRW do not outright object to the proposal but bring to note policy compliance failures with this scheme. Key amongst those is that parts of the carpark would flood and flood beyond tolerable levels in the extreme event, the bin store (part of the building) would flood and that access and egress would be unavailable during flood events occurring within the lifetime of the development.
- 7.8 Part of the application site lies within undefended floodplain, see the extract from submitted Drawing 2119 S07 BLA MP FDO 05 – Flood Defence Overlay. However the area affected is very small and contains no critical scheme elements in effect being a small area of proposed planting. Officers conclude that this is not harmful to the scheme overall and in any event were the applicant to remove this section from the submission by redrawing the red line it would have no overall impact on the scheme as proposed. As such undefended floodplain issues are irrelevant to the determination of this application.

relocated well ahead of a tidal flood event should the owners choose to do so. In terms of the bin store this would be inaccessible in a flood event but subject appropriate resilience being built in could be restored to use relatively rapidly. In any event the flats would be uninhabitable pending the restoration of utilities which itself would not be immediate. In the light of this, officers conclude that the risk posed by flooding is acceptable when balanced against the clear regeneration benefits of the scheme which will bring a vacant site back into productive use and provide 14 units of additional accommodation which is much needed within the city. National flood policy and local Policies SP3, GP1 and GP7 are not complied with since the site (but not the habitable parts of the building) will flood during the 1 in 200-year event and flood beyond tolerable levels in the extreme event (but not the habitable parts of the building). However that failure is not seen as fatal to the scheme for the reasons explained above.

Design / Appearance / Streetscene

- 7.11 The block is 4 storeys high with materials being red brick and grey cladding, which is similar to the blocks on the western site agreed under 19/1301/RM, consequently the two adjacent sites will read together appropriately, but control over the details of materials will be required.
- 7.12 The building would be prominent in Corporation Road and from Public Right of Way 395/3/1 which runs along the banks of Spytty Pill adjacent to the site. This has been delivered as a 3m combined cycleway / footway and is a recognised national Active Travel route (NP-HUB-C004). It is a much used recreational route running northwards as far as the Town Bridge and it sees significant foot and cycle traffic. As such the site is very prominent and good design that addresses the river frontage and Corporation Road, both from the north and especially the south is essential here and supported by Policy. The elevational treatment is multi sided with the eastern, north and south elevations all showing a good design quality, that is facing Corporation Road and the river. The western elevation is weaker but this is inward facing towards the approved parking areas under 19/1301. This elevation lacks some of the detail of the other elevations but it is not as sensitive and is not considered sufficiently poor to be objectionable as a result.
- 7.13 The necessity for land raising to prevent flooding of the habitable parts of the building means there is a substantial drop from the development floor level into Corporation Road. To address this the applicant proposes a stepped arrangement with 2no. retaining walls and planted areas. The effect of this is to move the building frontage away from the road whilst leaving space for modest landscaping and softening the overall impact on the footway with both walls being around 1m high. This is seen as an acceptable arrangement with the Road subject to control over materials for the walls, planting and the maintenance of planting.
- 7.14 The Pill elevation fronts an important recreational route but there is a substantial stand-off from this due to the presence of a sewer easement on the site meaning there is relatively gentle drop-off from the raised site element to the cycle path. This means that there should not be any unacceptable impact on users of this important recreation route.
- 7.15 The transition to the approved levels of the western scheme are not made clear in this submission but the approved units have a ground floor level similar to this proposed unit and for the same reasons (to mitigate flood risk) with approved parking levels being lower. However there clearly would be a height difference between parking levels on this site and the western site since an up ramp is proposed. However a condition can

secure details and implementation of that transition so visual and general amenity are protected.

- 7.16 The applicant has provided a boundary treatment plan but this is not comprehensive and it is not clear how residents will be protected from level changes between this site and the car parking area on the adjacent site. Approval 19/1301 shows approved parking levels at between 7.8 and 8.26m adjacent to this site with car park levels on this site being somewhere around the 9.4m mark (sections) i.e. there must be a retaining wall or an embankment separating the two sites. However without the detailed sections it is not clear how these arrangements will be dealt with. A condition will require those sectional details but the submitted boundary plan shows no boundary treatment between the sites despite the level changes. Without additional details it is not possible to know if a boundary treatment is required or not to prevent falls. As such it is not appropriate to condition the submitted boundary plan and additional details are needed under condition.
- 7.17 Subject to conditions controlling the materials of the building; the location, height and finish of retaining walls and details of how height transitions will be achieved across the site the proposal is acceptable in design terms and in terms of its impacts on adjacent land uses. Policies GP6 (Design), GP2 (Amenity), CE1 (Routeways) and CE2 (Waterfront Development) are complied with.

Green Infrastructure

- 7.18 The Landscape Officer notes the limited green infrastructure proposed for the site. However the site is currently post-industrial and offers very little in the way of planting beyond invasive scrub. The scheme will secure additional tree planting (9 in number). Given the limited contribution of the existing scrub and the proposed replacement planting the scheme is acceptable in terms of planting, tree planting and green infrastructure. Policy GP5 parts vi & vii are complied with.
- 7.19 The proposed greenspace on the site is limited and will not offer any realistic communal use to residents. However what is proposed will offer limited softening to the scheme and some level of visual amenity likely higher than the scrubby appearance of the site currently. Implementation and management of planting can be secured under condition and subject to this the planting proposed is seen as appropriate in context and can be agreed. Policies GP5vi (Planting) and GP2 ii (Visual Amenity) are complied with.

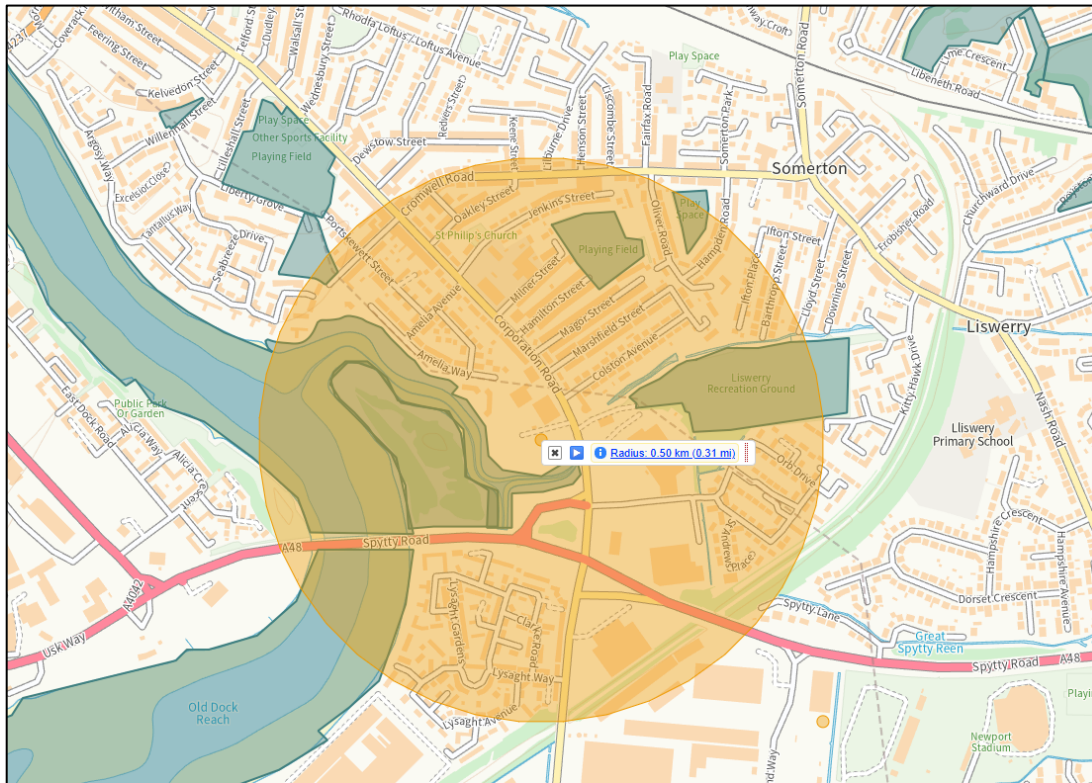
Amenity for occupiers / neighbours

- 7.20 The proposed flats are single bedroom common access flats. The New Dwellings SPG requires these to have a floor area of 46sqm. These are proposed as a floor area of 50 / 51sqm and they are policy compliant. Each flat is shown as having a balcony over 2.25 sqm in size which meets the requirements of the SPG and some, especially the 'roof-top' balconies are much larger than this.
- 7.21 In terms of outdoor communal space, the proposal offers realistically none. Anticipated occupancy of these flats would be 21 persons (1.5 people * 14 units). Under the New Dwellings SPG this would require 15sqm per occupant, that is 315sqm of space, roughly 18m by 18m. The adjacent scheme also has limited on-site green space and this scheme could not realistically piggyback off that scheme in terms of communal space, assuming that that scheme comes forward. The Lliswerry Ward has a small deficit of informal play space (2.39Ha; Appendix 1 of the Playspace SPG), although it should be remembered that this 'communal space' requirement is analogous to private

garden for houses and is a separate space category to informal play or recreation space as identified in the Playspace SPG. However it is appropriate to consider what offsite green space might be available to residents should communal garden be unavailable to residents as would be the case here.

- 7.22 Several areas of 'accessible natural greenspace' as identified by the Council are available to residents within 500m of the site including Monkey Island and Lliswerry recreation ground which are in within 200m of the site. These are seen as acceptable green spaces and mitigate the harm of failing to provide the onsite space. Additionally the riverfront walks on both sides of the Usk also provide high quality amenity space to residents and are close to the site. As such the policy failure on communal onsite space is not seen as fatal on this occasion.
- 7.23 In terms of the Playspace SPG, this seeks to ensure that sufficient offsite recreation space is available to future residents in the form of equipped play (children's play areas), formal recreation space (sports pitches) and informal space (parkland). The Playspace SPG advises that Lliswerry has deficits in Informal and Equipped Play. However these are one-bedroom flats and will not exert any demand for Equipped Play. They will exert demand for informal space but as noted above there are usable areas within acceptable distances of the site and the SPG allows for S106 funding to be used to upgrade existing facilities to offset the increased user demand. In this case that would be a sum of £5558 to be used to maintain / improve facilities at Monkey Island. Subject to the S106 funding being agreed and secured then suitable offsite recreational facilities can be provided for the scheme and its residents.
- 7.24 In terms of internal space, balcony provision and offsite recreation facilities the policy requirements are met. On site communal space is not provided but given the proximity of good quality offsite green space and the riverfront walks that is not seen as fatal to the proposal and Policy GP2 (Amenity) is complied with.

Accessible Natural Green Space within 500m of the site (iShare 17.04.2026)



Green bounded in dark green = Accessible Natural Green Space

Conservation Interests of the River Usk / Appropriate Assessment

- 7.25 Spytty Pill which is immediately south of the development site is part of the River Usk SAC / SSSI meaning it is of European and national significance because of its ecological interests. Under Regulation 63 of the *Conservation of Habitats and Species Regulations 2017* (as amended) then it is necessary for the Local Planning Authority (LPA) to undertake an Appropriate Assessment (AA) to assess if the proposed scheme will have significant effects on the integrity of a European site. Mitigatory measures such as scheme design and conditional control can be considered as part of the AA.

Appropriate Assessment

- 7.26 The River Usk has been designated because the following species are special features to the River Usk:
- Allis Shad;
 - Twaite Shad;
 - Bullhead;
 - River Lamprey;
 - Brook Lamprey;
 - Sea Lamprey;
 - Atlantic Salmon;
 - Otter;
 - Water Crowfoot.

7.27 The conservation objectives of the SAC are attached as an Appendix. The Usk is considered one of the best examples of a near natural river system in Wales and England. The range of plants and animals reflects a transition from nutrient poor to naturally rich. It was notified to protect a wide range of habitats and features. It also acts as an important wildlife corridor, an essential migration route and a key breeding area for nationally and internationally important species, including otter.

7.28 In previous consultation responses on development sites adjacent to the river CNC/NRW identified the following as key areas of concern:

Otter Features:

7.29 Particular threats to the otter features of the River Usk posed by the development were identified as being:

- The design and location of the development,
- Site clearance and construction methods,
- Site Operation, and
- The effectiveness of mitigation proposals to address the above issues.

7.30 The proposed scheme is a residential development of a flatted block. The block will be set back from the top of the riverbank by the distance of the intervening riverfront walk and a further offset required to avoid development within a sewer easement. This is a distance of approximately 14m between the nearest facade and the edge of the scrub along the side of the Pill. The riverfront path provides a developed corridor along the edge of the Pill so this is an area where intrusion by people and dogs can already be expected. The indicative layout of the site shows areas of parking and circulation for residents adjacent to the riverfront walk however this carparking area is small (15 spaces) and in combination with the normal residential use of the building is not likely to have any greater or compounding impact than existing activity along the riverfront walk subject to conditions to control / minimise light spill towards the riverbank.

7.31 The site has been cleared of buildings but was formerly in industrial use and is very likely to be contaminated. Flood prevention works have raised the level of the site but not uniformly and ground contamination remains a risk to future occupiers and to nearby controlled waters (the River Usk / Spyty Pill). The risks posed to the river would arise from:

- the mobilisation of sediment which could wash into the river,
- direct run-off from the site or the percolation of contaminated ground waters (derived from the ground contamination on the site) into the river,
- the facilitation of the movement of contaminated waters vertically through the soil profile by excavations or foundation design (piling).

7.32 Proposed conditions seek the submission of a Construction Environmental Management Plan (CEMP) which will require details of the working methods to be employed on the site. Specific clauses refer to control of run-off which should ensure that waters which are polluted by either contamination or sediment do not enter the river. Another requirement of the CEMP relates to specific measure to be taken in the sensitive river front area to limit or prevent direct disturbance to the riverbank environment.

7.33 Further conditions relate to the storage of fuels and hydrocarbons so that they are stored in such a manner that reduces the risk of contamination to ground and surface waters. Conditions that would be put in place apply controls over any piling /

foundation design reducing the risk of the mobilisation of contaminated waters through the soil profile.

- 7.34 De-contamination of the site will also be required under condition. At the current time the extent of contamination is not known and there is no proposed decontamination methodology before the Council. However the condition is comprehensive requiring an assessment of the current ground conditions, the formulation of a decontamination strategy and subsequent decontamination and decontamination verification. Unforeseen contamination is also addressed in the condition. Subject to the application of a comprehensive condition risks to controlled waters and human health can be satisfactorily addressed.
- 7.34 Overall it is considered that the proposed conditional controls acceptably control the risk posed to water quality and therefore the wider conservation interests of the River Usk during the construction phase of the development.
- 7.36 Particular risk to otters arises from construction activity during the hours of darkness when they tend to move up and down the river corridor. The CEMP can control hours of operation and secure details of site lighting so that it does not impact on the riverbank and site enclosure so that otters may not enter the construction area at night.
- 7.37 Subject to these controls, primarily the CEMP construction impacts on otters can be successfully mitigated.
- 7.38 Risks from site operation to the otter interest arise from:
- direct disturbance by people and dogs
 - disturbance by lighting
 - hydrocarbon contamination from motor vehicles
- 7.39 Proposed conditions will place controls over external lighting which will ensure that the sensitive riverbank environment remains unlit and that the chances of disturbance to otters is reduced. Proposed Conditions will require that surface water drainage from areas where hydro-carbons may be spilled from motor vehicles is cleansed of hydrocarbons. This will reduce the risks of contaminated run-off reaching the river.
- 7.40 This site is separated from the sensitive scrub habitat along the riverbank by an existing riverfront path that is hard paved and flat. The path is popular and is frequently used by people and their pet dogs. It is not anticipated that the development proposal would create any significantly greater impact on the river and its otter interest than the current situation subject to the application of the conditional controls outlined above.

Fish Features

- 7.41 Risk to fish features of the River Usk would arise primarily from:
- contaminated run-off from the site entering the river (sediment load and chemical content)
 - direct effects upon the river from construction and operation of the site; noise, vibration & lighting.
- 7.42 Particular Risks will accrue at the following stages:
- The design and location of the development
 - Site clearance and Construction
 - Site Operation, and
 - The effectiveness of mitigation proposals

- 7.43 It is not considered that the design and location of the development will have any adverse effect upon fish features of the river.
- 7.44 Site clearance and operation has the potential to release contaminants or sediment but the proposed CEMP condition in association with the proposed decontamination verification / contingency condition would control these risks satisfactorily.
- 7.45 Other risks arise from noise and vibration during construction activities mainly piling, which can interfere with the migration patterns of fish. Conditional controls over the timing of such works (not during high tide during the relevant months of the year) or control over how the piling is carried out (not percussive) can address these risks effectively.
- 7.46 Site operation could adversely affect water quality. Proposed conditions requires run-off from areas where 'oil-drop' may be present to be cleansed of hydrocarbons. Other conditions require general control over foul and surface water drainage.
- 7.47 These conditions are considered adequate to prevent adverse impacts on the conservation interests of the river during the operational phase of the development.

Water quality / Hydrology and Drainage

- 7.48 Risks to water quality would arise from:
- Run-off contaminated with sediment or chemicals leached from polluted ground entering the river,
 - Mobilisation of contaminated waters vertically through the soil profile,
 - Groundwater movement of contaminated waters through the soil to the river.
- 7.49 Particular Risks will accrue at the following stages:
- The design and location of the development
 - Site clearance and Construction
 - Site Operation, and
 - The effectiveness of mitigation proposals
- 7.50 The design and location of the proposal is not considered to pose any inherent risk to water quality over and above that posed by the existing contaminated site. Any decontamination programme could deliver significant benefits to the interests of the river by addressing the on-going contamination risk from this post-industrial site. The provision of hard surfaces and the adequate treatment of run-off from these surfaces will reduce infiltration and potential risks to ground waters.
- 7.51 The proposed CEMP condition will protect the river during the construction phase as will conditions relating to piling details / foundation design which will reduce risks to the conservation interests of the River Usk. During the operational phase proposed conditions will deal with run-off requiring the removal of hydro-carbons as required and conditions requiring a generalised control over foul and surface water run-off from the site. The proposed conditions are considered adequate to prevent risk to the conservation interests and water quality of the river during the varying phases of the development.

Overall consideration

- 7.52 The concerns regarding the potential for impact on the River Usk SAC are impacts on the otter feature including via the design and location of development, site clearance and construction, disturbance during the operation phase and mitigation; impacts on fish features; contamination risks; impacts on water quality, hydrology and drainage.
- 7.53 Risks arise from the possible discharge of contaminated surface and groundwater water drainage with the potential resultant impacts on the fish and otter features of the SAC. There is the potential for significant effect on the migratory fish and otter features of the River Usk SAC. The specific concerns relate to: how surface water would be disposed of during construction and operation; how potential contamination of groundwater on the site will be addressed; and what measures will be in place to prevent potentially contaminated run-off entering the River Usk during both construction as a result of disturbance of ground contamination and operational phases of the development. It is therefore recommended that should planning permission be granted conditions are imposed to provide suitable protection.
- 7.54 The current and previous uses of the site raise the question of contamination. It is therefore recommended that conditions be imposed to ensure that any contamination on the site is effectively addressed.
- 7.55 In terms of foul drainage, Conditions require full details of provision so as to ensure there is sufficient capacity in the system thereby avoiding contamination of waters entering the River Usk SAC.
- 7.56 It is considered that with the imposition of suitable conditions to ensure that contamination of the River Usk SAC and SSSI is avoided and that remediation measures are implemented, there would be little likelihood of contaminated material entering the water system, and the proposal would not have a significant adverse effect on the River Usk SAC and certainly none greater than the risks currently posed by the un-remediated site.
- 7.57 Other risks to the river front, particularly the otter feature are addressed via the proposed layout of the site and conditional controls.
- 7.58 In terms of in combination effects of the development other developments have taken place along the Usk river frontage in the vicinity of the site. Redevelopment sites to the north of the application site, south of the Town Bridge (Newport Bridge) have been subject to appropriate assessment and the issues that have arisen on these sites reflect those on this site. Those sites were also subject to a suite of planning conditions to control risks to the bio-diversity interests of the River Usk at the time of their construction and going forward. The key risk that arises is from the adjacent undeveloped site to the immediate west. However that permission was also subject appropriate assessment and could only proceed in accordance with the relevant conditional regime (assuming that the approval is still capable of implementation). As such that site in combination with this site would not be capable of having significant effects on the River Usk SAC subject to the mitigation of identified risks via the conditional regime. CNC/NRW have reviewed the Appropriate Assessment and agree with its conclusions that no harm will accrue to the European Site (the River Usk SAC) subject to the application of conditional controls. Policies SP9 (Conservation of the Natural Environment) and GP5 (Natural Environment) are complied with.

Ground Contamination

- 7.59 The site was previously in industrial use and is known to be contaminated. CNC/NRW advise that the conditional regime applied under Outline permission 18/0973 is

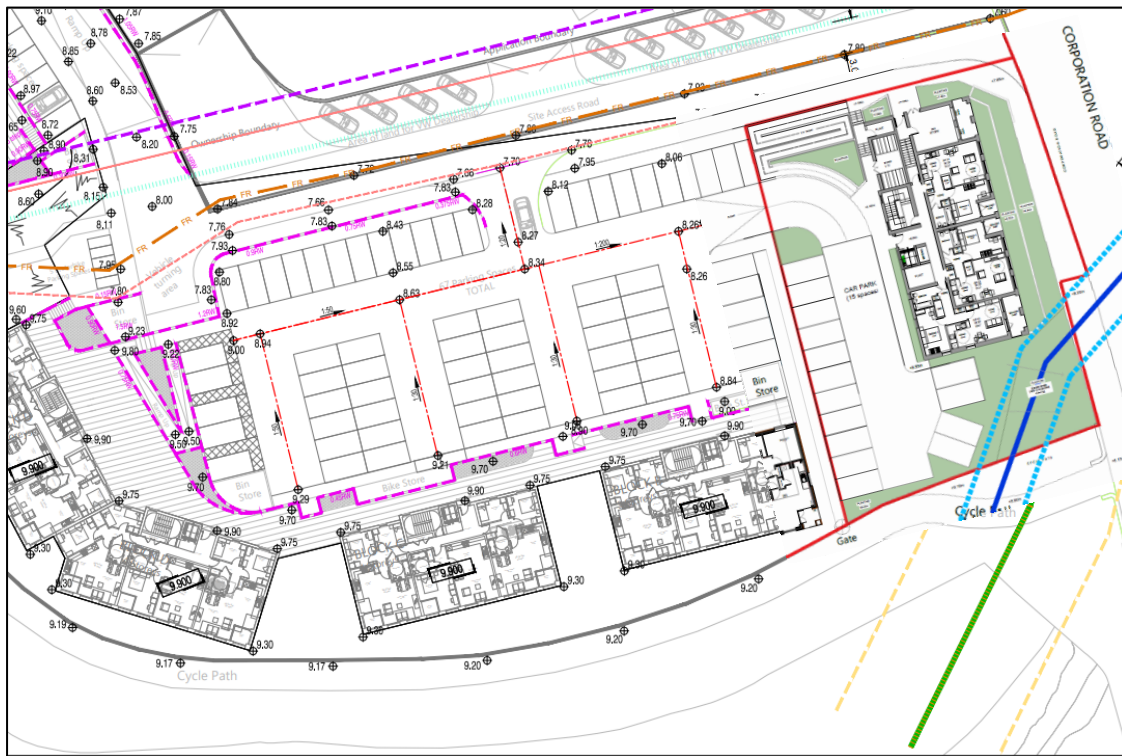
sufficient to protect this site. However this is a separate full application and no decontamination works have been completed on this site under the auspices of Permission 18/0973. However that said, subject the application of suitable decontamination conditions to this 'freestanding' site then there is no reason to think that contamination matters cannot be satisfactorily dealt with in the interest of human health and the wider environment.

- 7.60 Conditional Discharge 24/0445 related to the part of the wider site covered by this application and that approval agreed the approach to contamination remediation on the site of this application. As such the mechanism of decontamination has already been agreed under a previous approval. Following from this it is proposed to re-condition those agreed details whilst allowing scope to vary those details if required and in addition securing confirmation decontamination works have been successfully completed and the associated risks to human health and the environment mitigated. The unforeseen contamination element would also still be required and can be applied.

Relationship with the approved neighbouring scheme and access to Corporation Road

- 7.61 Approval 23/0629/NMA amended the parking arrangement agreed under approval 19/1301/RM to include the access ramp up to the site being considered under this submission. The NMA was to facilitate the residential development of the eastern end of the site instead of that part of the site being developed as a drive through coffee shop as initially intended and approved.
- 7.62 Consequently this scheme has been designed with an understanding of how it will link to the adjacent development site with the two sites integrating and being in the same ownership (Tai Hedyn, formerly Newport City Homes and Melin Homes). Access from the carparking from this scheme will be via the western site and then along a new access road delivered under the western scheme to Corporation Road just south of the Sinclair Garage complex. This access point has already been agreed in detail under previous permission (18/0973).
- 7.63 The key risk here is that this site should be brought forward and the site to the west not be developed leading this site to be marooned and have no vehicular or pedestrian access to Corporation Road. In this case the risk is mitigated by both sites being owned by the same entity but not eliminated entirely since one site might be sold away or not developed due to financial or other issues. However a Grampian style condition could be applied that would restrict construction until such a time as the offsite access had been provided. Such conditions have been held to be reasonable and enforceable so long as there is a reasonable prospect of the required action being performed within the time limit imposed by the permission. This has been interpreted as a low bar test which would certainly be met here given the common ownership of both sites. As such subject to condition appropriate vehicular and pedestrian access can be achieved to the site and Policy GP4i (Access) is complied with.

Layout Drawing from this application and NMA 23/0629 (integrated)



Road Noise

- 7.64 The applicant has provided a Noise Assessment Report (August 2025) which shows the site to be affected by road noise to such an extent that higher glazing specifications are required to ensure that internal noise levels meet the required WHO standards. It is clear that these standards will not be met with open windows with the report advising that acoustic trickle vents will be adequate to secure sufficient ventilation with windows closed and windows only be opened for 'purge' ventilation as necessary. External noise levels in reality cannot be mitigated and residents will either accept these noise levels when they use balconies or alternatively they will not use the balconies. However the additional amenity the balconies provide is considered highly beneficial notwithstanding the unmitigated noise issues and this approach has been adopted on other redevelopment projects in the city including the flats to the immediate north of the George Street Bridge.
- 7.65 Subject to suitable conditions to secure provision of glazing of the correct specification and a condition to secure a cooling and ventilation strategy that allows sufficient cooling with closed windows then internal noise issues can be adequately dealt with and Policies GP2 (Amenity) and GP7 (Environmental Protection) complied with.

Car Parking & Cycle Parking

- 7.66 The scheme will provide 14 one bedroom flats served by 15 car parking spaces. This is compliant with 'Parking' SPG in terms of the flatted units themselves (1 space per flat) and provides one additional space for visitors. The Parking SPG specifies 1 visitor space for every 5 dwellings in new build flats, meaning a demand for 3 visitor spaces. This is not met and could not be conveniently met onsite by on-road parking since there are in essence no feeder roads to park on. However this is a minor failure in Policy terms and not sufficiently harmful to warrant refusal of permission for the scheme overall. The parking SPG advises that for a carpark of this size one disabled

space should be provided and that 5% of spaces should be for motorcycles i.e. one in this case. Disabled bays are 3.6m wide rather than the standard 2.4 and it appears likely that one of the spaces can be adapted to meet this standard and this can be secured under condition. There is not clearly scope to provide an additional space for a motorcycle space within the carpark but again this is felt to be a non-fatal departure from the requirement given that residents will have access to an individual car space which could accommodate a motorcycle instead of a car if needs be.

- 7.67 The scheme identifies an indoor storage room for 12 bicycles at ground floor level. This is potentially lockable and provides dry storage close to the main entrance in an area where footfall can be expected. The Sustainable Travel SPG requires 1 cycle space per 2 bedrooms for residents and 1 space per 20 bedrooms for visitors. In this case 8 cycle spaces which is met by the proposal. A condition will be applied to secure the provision and retention of these spaces.

Waste collection & Recycling

- 7.68 The proposal includes a ground floor bin store with an internal area of 19.5sqm in a practical rectangular shape. The door is shown at 1.4m wide and there appears to be sufficient storage space for receptacles, circulation space to move those receptacles and the store is readily accessible from the kerb. The Waste Manager has made no comment on the proposed arrangements which given the lack of objection by the relevant service area are acceptable. Policy W3 (Waste Management) is complied with.

Net benefit for Bio-diversity

- 7.69 The applicant has not provided a scheme of net benefit for bio-diversity but this can be secured under condition and subject to this Policy GP5 (bio-diversity) is complied with.

Welsh National Marine Plan & Special Landscape Area

- 7.70 The site is closely adjacent to Spytty Pill which is a tidal water and also part of the River Usk Special Landscape Area (SLA). In SLA terms the design and landscaping of the building are considered sufficient to protect the qualities of the riverfront meaning that Policies SP8 (Special Landscape Areas), GP6 (Design) and CE1 / CE2 (Corridors / Waterfront Development) are complied with.
- 7.71 In terms of the Marine Plan Policy SOC 03 seeks the minimisation of the risk of marine pollution incidents. In this case the conditions that protect the River Usk SAC achieve that aim and the policy is met. In terms of seascapes (Policy SOC 07), this proposal would deliver in urban development in a section of the tidal river that is urbanised and previously developed. As such the proposal would to bring in any fundamental change in character and of itself has been found to be acceptable in design terms thereby complying with NLDP Policies GP6 (Design), CE1 (Corridors), CE2 (Waterfront Development) and CE3 (Environmental Spaces).
- 7.72 Policy SOC 8 (Coastal Flooding) and SOC 11 (Resilience to Climate Change) requires that developments are resilient to flooding over their lifetime and this has been addressed earlier in this report, with the development being found to be sufficiently resilient to flood events regardless of non-compliance with elements of national flood policy.
- 7.73 Multiple proposed conditions for this proposal are designed to protect the River Usk SAC from adverse impacts and these measures indirectly protect the River Severn

Marine SAC / SPA / Ramsar site and SSSI from adverse impacts meaning Policies ENV 02 (Marine Protected Areas), ENV 05 (Underwater Noise), ENV 06 (Water Quality) and ENV 07 (Fish Species & Habitats) are complied with. The Appropriate Assessment that forms part of this report also demonstrates that Policy GOC 01 (Cumulative Effects) is also complied with.

- 7.74 The relevant Policies of the National Marine Plan are complied with.

Charging facilities for ULEVs

- 7.75 Policy 12 (Regional Connectivity) of the Future Wales supports the roll out of suitable fuelling infrastructure to facilitate the adoption of ultra-low emission vehicles, particularly but not exclusively in rural areas. In terms of the adopted NLDP Policy SP1iii supports the use of more sustainable modes of transport which would include ULEVs. Future proofing the development can be achieved via a condition to provide passive provision for ULEV charging on site, passive provision being provision of ducting and / or wiring that will allow the easy installation of actual chargers in the future when demand is higher. Subject to such a condition then national and local policy can be acceptably complied with.

Section 106 Planning Obligation matters

- 7.76 In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Housing	To secure affordable housing offsite	Provision of 3no 1 bedroom affordable units on the adjacent site.	Agreed	n/a
Leisure	To maintain / improve informal leisure provision at 'Monkey Island'	£5,558	Agreed	n/a

The applicant has agreed to these Heads of Terms.

8. OTHER CONSIDERATIONS

8.1 *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.

8.2 ***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.

8.3 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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

8.6 ***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.

8.7 ***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.

9. **CONCLUSION**

9.1 The proposal is acceptable subject to conditions and a S106 agreement

10. **RECOMMENDATION**

GRANTED & CONDITIONS WITH DELEGATED AUTHORITY TO REFUSE PERMISSION AFTER 12 WEEKS IF THE S106 AGREEMENT IS NOT SIGNED

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

- Drawing L00 BLA - Site Location Plan
- Drawing S01 BLA MP GF 00 C – Block A, Ground Floor Plan
- Drawing S02 BLA MP 1F 01 C - Block A, First Floor Plan
- Drawing S03 BLA MP 2F 02 C - Block A, Second Floor Plan
- Drawing S04 BLA MP 3F 03 B - Block A, Third Floor Plan
- Drawing S05 BLA MP RF 03 B - Block A, Roof Plan
- Drawing S10 BLA MP ELE 00 B - Block A, Elevations (All Elevations)
- Drawing S13 BLA MP ELE 01 C - Block A, Elevation 01, East (East Elevation)
- Drawing S12 BLA MP SEC 02 B - Block A, Sections
- Drawing S15 BLA MP ELE 03 B - Block A, Elevation 01, East (North Elevation)
- Drawing S16 BLA MP ELE 04 B - Block A, Elevation 01, East (South Elevation)
- Drawing 25178.101 B - Detailed Soft Landscape Proposals
- Noise Assessment (August 2025)
- Ecology Summary Note (July 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 Decontamination: the site shall be decontaminated in accordance with the details agreed under conditional discharge 24/0445 or in accordance with any other decontamination strategy as may have been submitted to and agreed in writing by the LPA prior to any works that are not necessary for decontamination commencing on the site. Any alternative decontamination strategy shall include the following elements:

- a. An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
- b. If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175/2011), containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
- c. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

Regardless of which decontamination strategy is enacted no part of the development hereby permitted shall be occupied until:

- d. Following remediation a Completion/Verification Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
- e. Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable.

Suitable revision of the remediation strategy including the Verification Plan shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed. Policies GP2, GP5 & GP7.

03 Construction Environment Management Plan (CEMP): No works of development of any sort shall commence on the site until a CEMP has been submitted to and agreed in writing by the LPA. The agreed CEMP shall be complied with thereafter at all stages of the development. The CEMP shall include:

- Details of the management of construction site drainage so that turbid or contaminated waters do not enter the River Usk SAC.
- Details of screening & fencing of the site to reduce disturbance to the River Usk SAC and to prevent otters and other animals entering the site.
- The location of fuel tanks and measures to prevent fuel leaking to the River Usk SAC including characteristics of the tanks, earth bunding and the location of fillers, fuelling nozzles and sight glasses to minimise the risk and impact of fuel leaks.
- The location of site offices, welfare facilities and material / waste stores and their maximum heights.
- The location of stores of soils / spoil and their maximum height.
- The location of any crane pad and its oversail area.
- The location of contractor parking and laydown areas and confirmation these will be kept available for parking and deliveries.
- Details of construction site lighting and its hours of use; demonstrating no unacceptable impact on the River Usk SAC.
- Delivery hours and management to prevent obstruction of the highway and wider harm to amenity.
- Hours of site operation, demonstrating no unacceptable impacts on the River Usk SAC. Note condition 21 below.
- Pollution Prevention Contingency measures with particular regard to preventing impacts on the River Usk SAC.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

Reason: to protect the conservation interests of the River Usk, wider public amenity & highways interests. Policies SP1, SP9, GP2, GP4 & GP5.

Pre – construction conditions

04 There shall be no construction of the parking spaces hereby approved until such a time as a scheme of passive provision (minimally ducting) for the charging of ULEV vehicles has been submitted to and approved in writing by the LPA. Thereafter the approved scheme shall be fully implemented as agreed before the first use of any of the parking approved on the site.

Reason: to ensure that ULEVs can be charged on the site in the interests of residential amenity, air quality and overall sustainability. Policies SP1, GP2 and GP7.

05 Site Levels: Prior to the construction of the flatted block the site shall be raised in accordance with levels and cross sections that have been submitted to and agreed in writing by the LPA. The cross sections shall clearly show the relationship with neighbouring sites including the public realm and shall identify the heights and positions of any retaining walls or changes in levels and shall also clearly show the existing levels that pertain on the site. The submitted information shall also show finalised contours or spot heights and the slab heights of the varying parts of the building.

Reason: to mitigate flood risk and to control site levels in the interests of wider amenity and good design. Policies SP1, SP3, GP1, GP4, GP6 & GP7.

06 External Lighting: Prior to the first use of any permanent external lighting on the site its details including its illuminance and the areas illuminated (Lux Contour Plan / Isolux Plan) shall be submitted to the LPA. Following the LPA's written agreement the lighting shall be installed as agreed and no other external lighting shall be installed.

Reason: to prevent harmful illumination of the ecologically sensitive riverbank environment in the interests of nature conservation and the River Usk SAC and general amenity. Policies SP9, GP2 and GP5.

07 Foundation Design: Prior to construction of any penetrative foundation design, details of that design shall be provided in writing to the LPA. The details shall show that there is no risk of the mobilisation of contaminated materials or contaminated ground water through the soil profile as a result of the foundation design chosen. Following the LPA's written agreement the approved foundation design shall be implemented and no other.

Reason: to prevent the mobilisation of contaminants in the made ground on the site in the interests of protecting the River Usk SAC, the wider environment and human health. Policies SP9, GP5 and GP7.

08 Materials: Full details of external materials to be used, including surfacing and retaining walls, shall be provided in writing to the LPA prior to construction. Following the written agreement of the LPA the development shall proceed using the approved materials.

Reason: to ensure the completed development is finished in high quality and visually appropriate materials, in the interests of visual amenity and good design in a prominent site. Policies SP1, SP8, GP2, GP6

09 Cooling & Ventilation Strategy: No flat shall be constructed above 9.8m AOD until such a time as a cooling and ventilation strategy has been submitted to and agreed in writing by the LPA. The strategy shall demonstrate that the flats can be adequately cooled and ventilated with closed windows or that internal noise standards can be met with open windows. Any agreed measure shall be implemented prior to first occupation of the flat it serves and retained thereafter.

Reason: submitted information shows that internal noise standards can only be met with closed windows and it has not been shown that adequate cooling and ventilation can be achieved with closed windows. Inadequate cooling and ventilation would be unacceptable to residential amenity. Policy GP2.

10 Net benefit for Bio-diversity: Prior to the construction of the flatted block a programme of measures to secure net benefit for bio-diversity on the site including a timetable for their implementation shall be submitted to the LPA in writing. Following the LPA's written agreement the programme shall be completed as agreed and retained thereafter.

Reason: to secure net benefit for bio-diversity in accordance with national policy. Policies SP1 and GP5.

11 Runoff treatment: No surface waters generated on the site shall be allowed to drain to adjacent water bodies either directly or indirectly until it has been shown that they are free from hydrocarbons. This shall be shown by a written proof submitted to the LPA prior to construction of roads or parking areas which shall include any mechanism necessary to remove hydrocarbons from surface waters. Following the LPA's written agreement to the disposal of surface waters as outlined any mechanism shown to be necessary to remove hydrocarbons shall be installed prior to first occupation of the site and shall be retained thereafter.

Reason: to prevent pollution of surface waters in the interests of the general environment and of the River Usk SAC in particular. Policies SP1, GP5 and GP7.

12 No boundary treatments shall be constructed until such a time as details of those boundaries including materials, height, location and finish have been submitted to the LPA in writing. Following the LPA's written agreement the boundaries shall be installed as agreed prior to the first occupation of the flats and shall be retained thereafter. No other boundaries shall be installed.

Reason: in the interest of good design, public safety and crime reduction and to achieve acceptable separation of the public and private realm. Policies GP2, GP6, CE1, CE2 and CE3.

Pre –occupation conditions

13 Access provision: No flat shall be occupied until such a time as vehicular and pedestrian access to Corporation Road has been completed minimally to base course level in accordance with an extant planning permission.

Reason: to ensure the site can be safely accessed and in the interest of residential amenity. Policies GP2, GP4, T4 and T5.

14 Car Parking Provision: No flat shall be occupied until such a time as the approved parking and access road has been fully constructed and laid out as approved. The parking shall be retained as approved thereafter.

Reason: to ensure there is sufficient off-road parking on the site in the interests of residential amenity and to prevent nuisance parking in neighbouring streets and on the public highway. Policies GP4 & T4.

15 Balcony provision: there shall be no occupation of the approved flats until such a time as the approved balconies have been provided.

Reason: to ensure private outdoor amenity space is available to residents. Policy GP2.

16 Bin store / bike store: the approved bin and bike stores shall be provided before occupation of the approved flats and shall be retained and kept available for the use of residents thereafter. The bike store shall have means to securely lock bikes up.

Reason: to encourage active travel in the interests of sustainability, to reduce crime and to ensure waste and recycling can be appropriately stored and collected. Policies SP1, GP2 and GP4.

17 Noise Mitigation: No flat shall be occupied until such a time as glazing sufficient to achieve a minimally 40dB reduction in façade noise levels has been installed on the eastern elevation and glazing sufficient to produce a minimally 37dB reduction in façade noise levels has been installed on all other elevations.

Reason: so that internal noise levels are within relevant standards in the interests of residential amenity. Policies GP2 & GP7. Noise Assessment #5.14-5.16

General conditions

18 Infiltration of Surface Waters: no infiltration of surface waters shall be allowed on the site other than in specific areas where the LPA has agreed to that and where it has been demonstrated that such infiltration will not have an adverse impact on ground waters and upon the River Usk SAC.

Reason: to protect groundwaters and to protect the special interests of the River Usk SAC. Policies SP9, GP5 & GP7.

19 Planting and Landscape Management: the approved planting shall be provided in the first full planting season (October to March inclusive) following the occupation of the flats. The planting shall be maintained for a period of 5 years and any plants that die or fail to thrive shall be removed and replaced by similar stock during that 5 year period. Thereafter the planting shall be retained.

Reason: in the interests of visual amenity in a prominent location, bio-diversity and the provision of Green Infrastructure. Policies SP1, GP2, GP5, CE1 and CE2.

20 Percussive Piling: there shall be no percussive piling on the site between March and June inclusive. Any piling during those months shall be non-percussive and shall only take place during the falling tide, that is one hour after high tide to one hour before low tide.

Reason: to protect the conservation interests of the River Usk SAC, namely Shad migration. Policies SP1 & GP5.

21 Scrub Clearance: Scrub clearance shall be carried in accordance with Paragraph 3.3 of the approved Ecology Summary Note.

Reason: to protect any nesting birds or herptiles on the site. Policies SP1 & GP5.

22 Working Hours: there shall be no working within 30m of the mean hightide mark between one hour before sunset and one hour after sunrise.

Reason: to prevent disturbance to otter in the River Usk SAC. Policies SP1 and GP5.

NOTE TO APPLICANT

01 This decision relates to the following unconditioned plans & documents:

- Tree Inspection at site off Corporation Road; 15.08.2025
- Transport Statement (August 2025)
- SAB COMPLIANCE REPORT (November 2023)
- Flood Consequences Assessment (Version 4) (November 2025); JYV-JBAU-XX-XX-RP-Z-0001-S3-P04
- Planning Statement (November 2025)
- Covering Letter; 27.11.2025
- Pre Application Consultation Report (November 2025)
- Drawing 2119 S07 BLA_MP_FDO_05 - BLOCK A, FLOOD DEFENCE OVERLAY
- Drawing 19239.201 D - Hard Landscape Proposals (adjacent site)
- Drawing 19239.101 I - Landscape Proposals (adjacent site)
- Drawing 2119 S13 BLA_MP_ELE_01 B - Block A, Elevation 01, East (CGI rendering)
- Drawing S06 BLA MP BP 04 - Block A, Boundary Plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies;
SP1 – Sustainability

SP3 – Flood Risk
SP8 – Special Landscape Areas
SP9 – Conservation of the Natural, Historic & Built Environment
SP10 – House Building Requirement
SP13 – Planning Obligations
SP18 – Urban Regeneration
GP1 – Climate Change
GP2 – General Amenity
GP4 – Highways & Accessibility
GP5 – Natural Environment
GP6 – Quality of Design
GP7 – Environmental Protection
CE1 - Routeways, Corridors & Gateways
CE2 – Waterfront Development
CE3 – Environmental Spaces & Corridors
CE9 – Coastal Zone
H2 – Housing Standards
H3 – Housing Mix & Density
H4 – Affordable Housing
T4 – Parking
T7 – Public Rights of Way
CF2 – Outdoor Play Space Requirements
CF4 – Riverfront Access
W3 – Waste Management in Developments
were relevant to the determination of this application.

03 As of 1st October 2012 any connection to the public sewerage network (foul or surface water sewerage) for the first time will require an adoption agreement with Dwr Cymru Welsh Water. For further advice contact Dwr Cymru Welsh Water on 01443 331155.

04 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.

05 The applicant should consider the appropriateness of installing flood resilience measures within the bin store since this will not be raised outside of the floodplain.

06 The Welsh National Marine Plan (November 2019) has been considered as part of this decision.

APPENDIX A – CONSERVATION OBJECTIVES OF THE RIVER USK SPECIAL AREA OF CONSERVATION (SAC)

4. CONSERVATION OBJECTIVES

Background to Conservation Objectives:

- a. Outline of the legal context and purpose of conservation objectives.

Conservation objectives are required by the 1992 'Habitats' Directive (92/43/EEC). The aim of the Habitats Directives is the maintenance, or where appropriate the restoration of the

'favourable conservation status' of habitats and species features for which SACs and SPAs are designated (see Box 1).

In the broadest terms, 'favourable conservation status' means a feature is in satisfactory condition and all the things needed to keep it that way are in place for the foreseeable future. CCW considers that the concept of favourable conservation status provides a practical and legally robust basis for conservation objectives for Natura 2000 and Ramsar sites.

Achieving these objectives requires appropriate management and the control of factors that may cause deterioration of habitats or significant disturbance to species.

As well as the overall function of communication, Conservation objectives have a number of specific roles:

Conservation planning and management.

The conservation objectives guide management of sites, to maintain or restore the habitats and species in favourable condition.

Assessing plans and projects.

Article 6(3) of the 'Habitats' Directive requires appropriate assessment of proposed plans and projects against a site's conservation objectives. Subject to certain exceptions, plans or projects may not proceed unless it is established that they will not adversely affect the integrity of sites. This role for testing plans and projects also applies to the review of existing decisions and consents.

Monitoring and reporting.

The conservation objectives provide the basis for assessing the condition of a feature and the status of factors that affect it. CCW uses 'performance indicators' within the conservation objectives, as the basis for monitoring and reporting. Performance indicators are selected to provide useful information about the condition of a feature and the factors that affect it.

The conservation objectives in this document reflect CCW's current information and understanding of the site and its features and their importance in an international context. The conservation objectives are subject to review by CCW in light of new knowledge.

b. Format of the conservation objectives

There is one conservation objective for each feature listed in part 3. Each conservation objective is a composite statement representing a site-specific description of what is considered to be the favourable conservation status of the feature. These statements apply to a whole feature as it occurs within the whole plan area, although section 3.2 sets out their relevance to individual management units.

Each conservation objective consists of the following two elements:

1. Vision for the feature
2. Performance indicators

As a result of the general practice developed and agreed within the UK Conservation Agencies, conservation objectives include performance indicators, the selection of which should be informed by JNCC guidance on Common Standards Monitoring¹.

There is a critical need for clarity over the role of performance indicators within the conservation objectives. A conservation objective, because it includes the vision for the feature, has meaning and substance independently of the performance indicators, and is more than the sum of the performance indicators. The performance indicators are simply what make the conservation objectives measurable, and are thus part of, not a substitute for, the conservation objectives. Any feature attribute identified in the performance indicators should be represented in the vision for the feature, but not all elements of the vision for the feature will necessarily have corresponding performance indicators.

As well as describing the aspirations for the condition of the feature, the Vision section of each conservation objective contains a statement that the factors necessary to maintain those desired conditions are under control. Subject to technical, practical and resource constraints, factors which have an important influence on the condition of the feature are identified in the performance indicators.

The ecological status of the water course is a major determinant of FCS for all features. The required conservation objective for the water course is defined below.

4.1 Conservation Objective for the water course

The capacity of the habitats in the SAC to support each feature at near-natural population levels, as determined by predominantly unmodified ecological and hydromorphological processes and characteristics, should be maintained as far as possible, or restored where necessary.

The ecological status of the water environment should be sufficient to maintain a stable or increasing population of each feature. This will include elements of water quantity and quality, physical habitat and community composition and structure. It is anticipated that these limits will concur with the relevant standards used by the Review of Consents process given in Annexes 1-3.

Flow regime, water quality and physical habitat should be maintained in, or restored as far as possible to, a near-natural state, in order to support the coherence of ecosystem structure and function across the whole area of the SAC.

All known breeding, spawning and nursery sites of species features should be maintained as suitable habitat as far as possible, except where natural processes cause them to change.

Flows, water quality, substrate quality and quantity at fish spawning sites and nursery areas will not be depleted by abstraction, discharges, engineering or gravel extraction activities or other impacts to the extent that these sites are damaged or destroyed.

The river planform and profile should be predominantly unmodified. Physical modifications having an adverse effect on the integrity of the SAC, including, but not limited to, revetments on active alluvial river banks using stone, concrete or waste materials, unsustainable extraction of gravel, addition or release of excessive quantities of fine sediment, will be avoided.

River habitat SSSI features should be in favourable condition. In the case of the Usk Tributaries SSSI, the SAC habitat is not underpinned by a river habitat SSSI feature. In this case, the target is to maintain the characteristic physical features of the river channel, banks and riparian zone.

Artificial factors impacting on the capability of each species feature to occupy the full extent of its natural range should be modified where necessary to allow passage, e.g. weirs, bridge sills, acoustic barriers.

Natural factors such as waterfalls, which may limit the natural range of a species feature or dispersal between naturally isolated populations, should not be modified.

Flows during the normal migration periods of each migratory fish species feature will not be depleted by abstraction to the extent that passage upstream to spawning sites is hindered.

1 Web link: <http://www.jncc.gov.uk/page-2199>

Flow objectives for assessment points in the Usk Catchment Abstraction Management Strategy will be agreed between EA and CCW as necessary. It is anticipated that these limits will concur with the standards used by the Review of Consents process given in Annex 1 of this document.

Levels of nutrients, in particular phosphate, will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC, and measures taken to maintain nutrients below these levels. It is anticipated that these limits will concur with the standards used by the Review of Consents process given in Annex 2 of this document.

Levels of water quality parameters that are known to affect the distribution and abundance of SAC features will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC, and measures taken to maintain pollution below these levels. It is anticipated that these limits will concur with the standards used by the Review of Consents process given in Annex 3 of this document.

Potential sources of pollution not addressed in the Review of Consents, such as contaminated land, will be considered in assessing plans and projects.

Levels of suspended solids will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC. Measures including, but not limited to, the control of suspended sediment generated by agriculture, forestry and engineering works, will be taken to maintain suspended solids below these levels.

4.2 Conservation Objective for Features 1-5:

- Sea lamprey *Petromyzon marinus* (EU Species Code: 1095);
- Brook lamprey *Lampetra planeri* (EU Species Code: 1096);
- River lamprey *Lampetra fluviatilis* (EU Species Code: 1099);
- Twaite shad *Alosa fallax* (EU Species Code: 1103);
- Allis shad *Alosa alosa* (EU Species Code: 1102);
- Atlantic salmon *Salmo salar* (EU Species Code: 1106);
- Bullhead *Cottus gobio* (EU Species Code: 1163)

Vision for features 1-5

The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied:

FCS component	Supporting information/current knowledge
The conservation objective for the water course as defined in 4.1 above must be met. The population of the feature in the SAC is stable or increasing over the long term.	Refer to sections 5.1 to 5.5 for current assessments of feature populations. Entrainment in water abstractions directly impacts on population dynamics through reduced recruitment and survival rates. Fish stocking can adversely affect population dynamics through competition, predation, and alteration of population genetics and introduction of disease.
The natural range of the feature in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. The natural range is taken to mean those reaches where predominantly suitable habitat for each life stage exists over the long term. Suitable habitat is defined in terms of near-natural hydrological and geomorphological processes and forms e.g. suitable flows to allow upstream migration, depth of water and substrate type at spawning sites, and ecosystem structure and functions e.g. food supply (as described in sections 2.2 and 5). Suitable habitat need not be present throughout the SAC but where present must be secured for the foreseeable future. Natural factors such as waterfalls may limit the natural range of individual species. Existing artificial influences on natural range that cause an adverse effect on site integrity, such as physical barriers to migration, will be assessed in view of 4.2.4 There is, and will probably continue to be, a sufficiently large habitat to maintain the feature's population in the SAC on a long-term basis.	Some reaches of the Usk SAC are more suitable for some features than others e.g. the Senni has important populations of brook/river lamprey and salmon but is not used by shad due to its small size and distance from the estuary. These differences influence the management priorities for individual reaches and are used to define the site units described in section 3.2. Further details of feature habitat suitability are given in section 5. In general, management for one feature is likely to be sympathetic for the other features present in the river, provided that the components of favourable conservation status for the water course given in Section 4.1 are secured. The characteristic channel morphology provides the diversity of water depths, current velocities and substrate types necessary to fulfil the habitat requirements of the features. The close proximity of different habitats facilitates movement of fish to new preferred habitats with age. The presence of hard bank revetments in a number of active alluvial reaches e.g. through Brecon and upstream of Abergavenny, adversely affects the processes that maintain suitable habitat for the SAC features. Hydrological processes in the Usk are currently affected by large abstractions, especially at Prioress Mill and Brecon Weir. However, there are many smaller abstractions not considered to cause a problem at present.

	Shad and salmon migration can be affected by acoustic barriers and by high sediment loads, which can originate from a number of sources including construction works. Allis and Twaite shad are affected by range contraction due to artificial barriers to migration in the Usk. It is likely that this loss of habitat affects their maintenance in the SAC on a long-term basis.
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Performance indicators for features 1-5 The performance indicators are part of the conservation objective, not a substitute for it. Assessment of plans and projects must be based on the entire conservation objective, not just the performance indicators.			
Sea lamprey <i>Petromyzon marinus</i> : <i>Performance indicators for feature condition</i>			
Attribute	Specified Limits	Comments	Relevant Unit[s]
(a) Distribution within catchment	Suitable habitat adjacent to or downstream of known spawning sites should contain <i>Petromyzon ammocoetes</i> .	This attribute provides evidence of successful spawning and distribution trends. Spawning sites known to have been used within the previous 10 years and historical sites considered still to have suitable habitat, are shown in Annex 4. Spawning locations may move within and between sites due to natural processes or new sites may be discovered overtime. Silt beds downstream of all sites identified in Annex 4 will be sampled for presence or absence of ammocoetes. Where apparently suitable habitat at any site is unoccupied feature condition will be considered unfavourable .	1-5
(b) Ammocoete density	Ammocoetes should be present in at least four sampling sites each not less than 5km apart.	This standard CSM attribute establishes a minimum occupied spawning range, within any sampling period, of 15km. In the Usk, spawning sites within units 2 to 5 will be	2 - 5

		assessed against this attribute.	
	Overall catchment mean >0.1m ⁻² (Harvey & Cowx 2003) ¹	Although this attribute is not used in CSM for sea lamprey, baseline monitoring in the Usk gave an overall catchment mean of 2.27 ammocoetes m ⁻² in suitable habitat ² , therefore 0.1 m ⁻² is a conservative threshold value for unfavourable condition.	
Brook lamprey <i>Lampetra planeri</i> and River lamprey <i>Lampetra fluviatilis</i> : <i>Performance indicators for feature condition</i>			
Attribute	Specified Limits	Comments	Relevant Unit[s]
(a) Age/size structure of ammocoete population	Samples < 50 ammocoetes ~ 2 size classes Samples > 50 ammocoetes ~ at least 3 size classes	This gives an indication of recruitment to the population over the several years receding the survey. Failure of one or more years recruitment may be due to either short or long term impacts or natural factors such as natural flow variability, therefore would trigger further investigation of the cause rather than leading automatically to an unfavourable condition assessment.	2-10
(b) Distribution of ammocoetes within catchment	Present at not less than 2/3 of sites surveyed within natural range	The combined natural range of these two species in terms of ammocoete distribution includes all units above the tidal limit i.e. all except unit 1. Presence at less than 2/3 of sample sites will lead to an unfavourable condition assessment.	2-10
	No reduction in distribution of ammocoetes	Reduction in distribution will be defined as absence of ammocoetes from all samples within a single unit or sub-unit/tributary, and will lead to an unfavourable condition assessment.	

(c) Ammocoete density	Optimal habitat: $>10\text{m}^{-2}$ Overall catchment mean: $>5\text{m}^{-2}$	Optimal habitat comprises beds of stable fine sediment or sand $>15\text{cm}$ deep, low water velocity and the presence of organic detritus, as well as, in the Usk, shallower sediment, often patchy and interspersed among coarser substrate.	2-10
Twaite shad <i>Alosa fallax</i> and Allis shad <i>Alosa alosa</i> : <i>Performance indicators for feature condition</i>			
Attribute	Specified Limits	Comments	Relevant Unit[s]
(a) Spawning distribution	No decline in spawning distribution	Spawning distribution is assessed by kick sampling for eggs and/or observations of spawning adults. A representative sample of sites within units 2 to 5 will be monitored at 3 yearly intervals. Absence from any site in 2 consecutive surveys will result in an unfavourable condition assessment.	1-5
<i>Performance indicators for factors affecting the feature</i>			
(a) Flow	Targets are set in Relation to river/reach type(s)	Targets equate to those levels agreed and used in the Review of Consents (see Annex 1). Shad are particularly sensitive to flow. The ideal regime is one of relatively high flows in March-May, to stimulate migration and allow maximum penetration of adults upstream, followed by rather low flows in June-September, which ensures that the juveniles are not washed prematurely into saline waters and grow rapidly under warmer conditions. The release of freshets to encourage salmonid migration should therefore be discouraged on shad rivers during this period.	1-5
Atlantic salmon <i>Salmo salar</i> : <i>Performance indicators for feature condition</i>			
(a) Adult run size	Conservation Limit	CSM guidance states: Total run size at least matching an agreed reference level,	All

	complied with at least four years in five (see 5.4)	including a seasonal pattern of migration characteristic of the river and maintenance of the multi-seawinter component. As there is no fish counter in the Usk, adult run size is calculated using rod catch data. Further details can be found in the EA Usk Salmon Action Plan.	
(b) Juvenile densities	Expected densities for each sample site using HABSCORE	CSM guidance states: These should not differ significantly from those expected for the river type/reach under conditions of high physical and chemical quality. Assessed using electro fishing data.	6-10
<i>Performance indicators for factors affecting the feature:</i> Water quality			
(a) Biological quality	Biological GQA class A	This is the class required in the CSM guidance for Atlantic salmon, the most sensitive feature.	6-10
(b) Chemical quality	RE1	It has been agreed through the Review of Consents process that RE1 will be used throughout the SAC [see Annex 3].	All
<i>Performance indicators for factors affecting the feature:</i> Hydromorphology			
(a) Flow	Targets are set in relation to river/reach type(s)	Targets equate to those levels agreed and used in the Review of Consents [see Annex 1].	All
Bullhead <i>Cottus gobio</i> : <i>Performance indicators for feature condition</i>			
a) Adult densities	No less than 0.2 m ⁻² in sampled reaches	CSM guidance states that densities should be no less than 0.2 m ⁻² in upland rivers (source altitude >100m) and 0.5 m ⁻² in lowland rivers (source altitude ≤ 100m). A significant reduction in densities may also lead to an unfavourable condition assessment.	2-10

(b) Distribution	Bullheads should be present in all suitable reaches. As a minimum, no decline in distribution from current	Suitable reaches will be mapped using fluvial audit information validated using the results of population monitoring. Absence of bullheads from any of these reaches, or from any previously occupied reach, revealed by ongoing monitoring will result in an unfavourable condition assessment.	2-10
(c) Reproduction/age structure	Young-of-year fish should occur at densities at least equal to adults	This gives an indication of successful recruitment and a healthy population structure. Failure of this attribute on its own would not lead to an unfavourable condition assessment.	2-10

4.3 Conservation Objective for Feature 6:

- European otter *Lutra lutra* (EU Species Code: 1355)

Vision for feature 6

The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied:

FCS component	Supporting information/current knowledge
The population of otters in the SAC is stable or increasing over the long term and reflects the natural carrying capacity of the habitat within the SAC, as determined by natural levels of prey abundance and associated territorial behaviour. The natural range of otters in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. The natural range is taken to mean those reaches that are potentially suitable to form part of a breeding territory and/or provide routes between breeding territories. The whole area of the Usk SAC is considered to form potentially suitable breeding habitat for otters. The size of breeding territories may vary depending on prey abundance. The population size should not be limited by the availability of suitable undisturbed breeding sites. Where these are insufficient they should be created through habitat enhancement and where necessary the provision of artificial holts. No otter breeding site should be subject to a level of disturbance that could have an adverse effect on breeding success.	Refer to section 5.9 for current assessment of feature population. Survey information shows that otters are widely distributed in the Usk catchment. While the breeding population in the Usk is not currently considered to be limited by the availability of suitable breeding sites, there is some uncertainty over the number of breeding territories which the SAC is capable of supporting given near-natural levels of prey abundance. The decline in eel populations may be having an adverse effect on the population of otters in the Usk. Restrictions on the movement of otters around the SAC, and between adjoining sites are currently a particular concern in the reach through Newport as a result of a continued decrease in undisturbed suitable riparian habitat.

Where necessary, potentially harmful levels of disturbance must be managed.			
The safe movement and dispersal of individuals around the SAC is facilitated by the provision, where necessary, of suitable riparian habitat, and underpasses, ledges, fencing etc. at road bridges and other artificial barriers.			
Performance indicators for feature 6 The performance indicators are part of the conservation objective, not a substitute for it. Assessment of plans and projects must be based on the entire conservation objective, not just the performance indicators.			
Attribute	Specified Limits	Comments	Relevant Unit(s)
Performance indicators for feature condition			
(a) Distribution	Otter signs present at 90% of Otter Survey of Wales sites	Ref: CCW Environmental Monitoring Report No. 19 (2005) ³	All
(b) Breeding activity	2 reports of cub/family sightings at least 1 year in 6	Ref: CCW Environmental Monitoring Report No. 19 (2005) ³	All
(c) Actual and potential breeding sites	No decline in number and quality of mapped breeding sites in subcatchments (see Ref)	Ref: CCW Environmental Monitoring Report No. 19 (2005) ³ In the Usk catchment, 77 actual or potential breeding sites have been identified, distributed throughout the catchment on the main river and tributaries.	All