

Delegated Decision Report

Application No:	25/0795	Statutory Period Expires:	23rd January 2026
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Site:	<i>Eastern Dry Dock, Marshalls Mono Ltd Corporation Road Newport NP19 4RE</i>		
Proposal:	<i>PARTIAL DISCHARGE OF CONDITIONS 2 (WRITTEN SCHEME OF HISTORIC ENVIRONMENT MITIGATION), 3 (CEMP), 4 (VEGETATION CLEARANCE), 5 (CONTAMINATION) AND 7 (FLOOD VOID AREA) OF PLANNING PERMISSION 22/0952 DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND THE ERECTION OF A NEW HGV GATEHOUSE, ALTERATIONS TO THE EXISTING SITE ACCESS AND ASSOCIATED WORKS</i>		
Applicant:	<i>Marshalls Mono Ltd</i>		
Type:	Discharge Conditions	Ward:	Llanwern
Decision:	APPROVED		

1. BACKGROUND

1.1 None.

2. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
22/0952	DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND THE ERECTION OF A NEW HGV GATEHOUSE, ALTERATIONS TO THE EXISTING SITE ACCESS AND ASSOCIATED WORKS	GRANTED WITH CONDITIONS	13.07.2023

3. CONSULTATION RESPONSES

- 3.1 Natural Resources Wales: We have reviewed the amended Construction Environmental Management Plan (CEMP), version V6, prepared by Marshalls, dated 16 December 2025. We have no objection to the discharge of condition 3 (CEMP) of planning permission 22/0952.
- 3.2 Local Highways Authority: Highway recommendation:
No Comment or objection to discharges.
Highway Comments:
The only condition that relates to highway is the CEMP condition 3. The nature of the development and environs however is such that HGV movements are the norm and the development does not raise any concerns. On that basis there are no comments or objections to discharge of the conditions.
- 3.3 Heneb: We note the submission of a Written Scheme of Investigation for Archaeological Observation, which has been prepared by Border Archaeology (Report no. BA25118EDDN/WSI, dated August 2025) on behalf of the applicant in order to meet condition 2 attached to the above planning consent.
The scheme meets current professional archaeological standards and is therefore acceptable. However, we recommend that the applicants should not be fully discharged from their responsibility to ensure that the work is carried out until the completion of all of the archaeological work, which will be confirmed when the final report is submitted to you.
- 3.4 Ecology: I have no objection to partial discharge of condition 3, the CEMP condition, subject to implementation in full. Similarly I have no objection to partial discharge of Condition 4, the Vegetation Clearance condition.

3.5 Environmental Health: No objection.

3.6 SAB: We have received an application for the above scheme, which is currently being reviewed.

4. **ASSESSMENT**

4.1 This application seeks to partially discharge condition 2 (written scheme of historic environment mitigation), 3 (Construction Environmental management Plan), 4 (vegetation clearance), 5 (contamination) and 7 (flood void area) from the above permission.

4.2 Condition 2 states:

No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the approved written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

4.3 Heneb are the Council's archaeological advisors and have confirmed that the information to partially discharge the condition is acceptable.

4.4 Condition 3 states:

No works shall commence until details of a Construction Environmental Management Plan (CEMP) have been submitted to the Council. Following the Council's written agreement all works shall be undertaken in accordance with the agreed CEMP. The proposed CEMP shall include details of:

- *Dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;*
- *noise mitigation measures;*
- *details of temporary lighting including hours of operation;*
- *details of enclosure of working areas;*
- *a drainage strategy to operate setting out controls of contamination, including controls to surface water run-off (both clean and foul), water pumping, sediment washout, measures for the storage of fuels and the prevention of fuel spills and leaks, measures for the storage of other hazardous materials, details of interceptors, spill response plans and wider pollution control measures along with surface water discharge points;*
- *Details of the site compound including its location and layout including details of any semi-permanent plant such as concrete silos and any demountable buildings;*
- *Details of storage areas for materials, waste and temporary spoil heaps including the maximum height of storage;*
- *Details of persons responsible for the implementation of the CEMP including emergency contact details;*
- *Details of monitoring of CEMP related matters during the construction period (e.g. dust and noise monitoring);*
- *General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;*
- *The routes that HGVs will take to the site during the construction period and associated parking for construction vehicle traffic;*
- *A complaints procedure and community liaison point of contact; and*
- *Details of emergency contacts, for example Natural Resources Wales Pollution hotline: 0300 065 3000.*

Reason: To protect the amenities of nearby sensitive receptors and in the interests of ecology including European protected species and in the interest of safeguarding the features of the Severn Estuary European sites and SSSI and the River Usk SAC and SSSI. Policies GP2, GP5 & GP7.

4.5 The Council's Environmental Health and Highways officers and Natural Resources Wales have confirmed the information submitted to discharge the condition is acceptable.

4.6 Condition 4 states:

Prior to the removal of any scrub vegetation or trees a method statement shall be provided in relation to the clearance of vegetation in order to prevent or minimise the impact on nesting birds and other species. Following the Council's written agreement all trees and scrub shall be removed in strict accordance with the agreed method statement. Reason to protect nesting birds and other animals including European Protected Species (bats and otters). Policy GP5.

4.7 The Council's Ecology officer confirms the information provided to discharge the condition is acceptable.

4.8 Condition 5 states:

No development, (other than demolition) shall commence until:

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.

No part of the development hereby permitted shall be occupied until:

d) Following remediation a Completion/Verification Report, confirming the remediation has been 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 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. GP2 and GP5.

4.9 The Council's Environmental Health officers and NRW have been consulted and confirm no objection is offered to the partial discharge of the condition.

4.10 Condition 7 states:

Prior to construction of the gatehouse hereby approved, a management plan for the ongoing maintenance of the flood void area shall be submitted to and approved in writing by the Local Planning Authority. This Plan shall have regard to the need to avoid build up of debris and associated issues in the interests of maintaining void effectiveness and minimising risk of odour and other amenity effects. The flood void shall thereafter be managed in accordance with the approved details.

Reason: To avoid the accumulation of waste and debris in the void and associated risk of odour and environmental/amenity issues. Policy GP1 and GP2.

4.11 The applicant proposes the following measures to deal with the on-going maintenance of

the void:

Installation maintenance access hatches on each elevation to allow for visual or camera inspection into the void spaces.

Maintenance access hatches to be of adequate size to allow for vacuum / clearance equipment to be placed into the void to undertake clearance. Expected to be standard 600mm by 450mm cover and frame.

Annual inspection of void space to take place. Site maintenance team to plan in with maintenance contractor.

Clearance methodology will be designed / proposed to avoid need for persons to enter the void. Gulley sucker will be inserted into void and any debris cleared out.

- 4.12 The measures are considered to be acceptable and the condition can be partially discharged.

5. OTHER CONSIDERATIONS

51 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.

5.2 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.

5.3 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.

5.4 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.

5.5 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.

5.6 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.

6. CONCLUSION

6.1 The information provided to partially discharge the conditions is acceptable and the application is approved.

7. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: Geo-Environmental Desk Study November 2019, Written Scheme of Investigation for Archaeological Observation August 2025, Vegetation Clearance supporting information, Flood Void Management supporting information, Geo Environmental Appraisal September 2024, Written Scheme of Investigation for Archaeological Observation Version 2025 V6 16/12/2025, Cover letter 24/09/2025, 221681-AHR-GH-XX-DR-A-SK-001 Rev P06.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No Policies were relevant to the determination of this application.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.