

Delegated Decision Report

Application No:	25/0875	Statutory Period Expires:	28th February 2026
Site:	<i>Eastern Dry Dock, Marshalls Mono Ltd Corporation Road Newport NP19 4RE</i>		
Proposal:	<i>S73 APPLICATION TO VARY CONDITIONS 1 (PLANS), 6 (BIO DIVERSITY ENHANCEMENT) AND 10 (FCA) 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:	Renewals and Variation of Conditions	Ward:	Llanwern
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 Planning permission was given under reference 22/0952 for demolition of existing building and structures and the erection of a new HGV gatehouse, alterations to the existing site access and associated works.

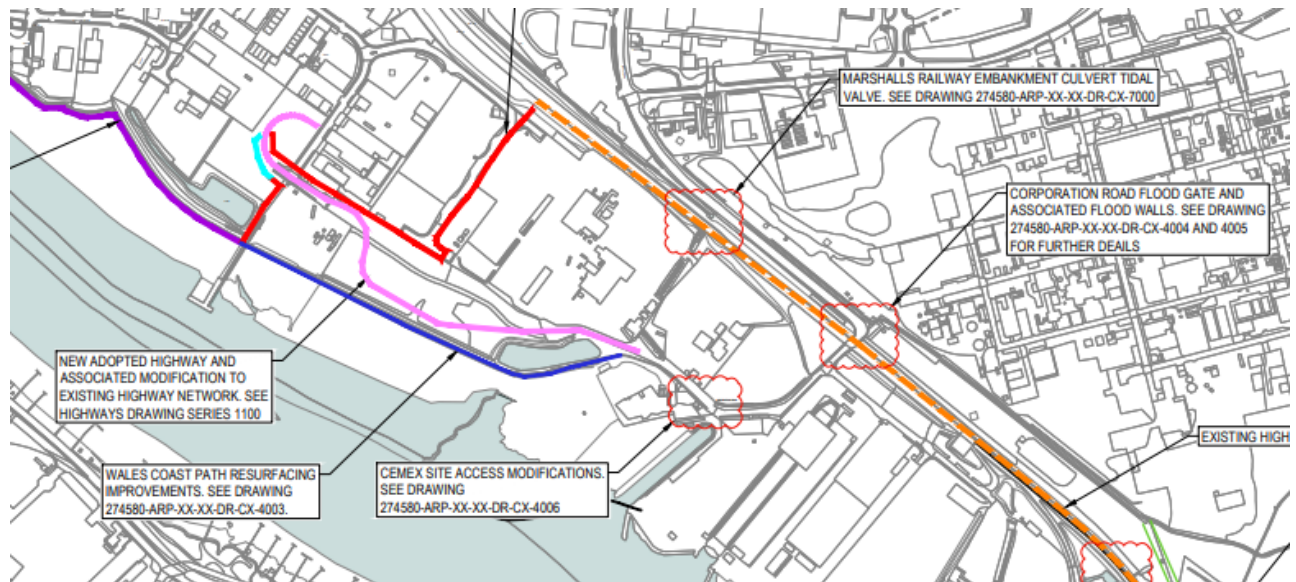
2. SITE LOCATION AND CONTEXT

- 2.1 As a busy industrial site, Marshalls run a fleet of HGVs that enter and leave the site over the course of a day. The long established entrance comprised a barrier and intercom system with aggregate HGVs using a dedicated separate road and accessway more direct to the aggregate store. This enabled a degree of vehicle stacking along the entrance road to the site whilst vehicles wait to be allowed entry. The poorly surfaced roadway to Marshalls was not a through road and whilst it serves several businesses in this area, Marshalls was at its northern most point. See below.



- 2.2 In 2021 permission was given to Natural Resources Wales (NRW) for a flood defence bund along this section of the River Usk. This bund directly impacts the Marshalls site with a requirement for NRW to compulsory purchase land to enable the development of the bund. This CPO had the effect of reducing the operational area for Marshalls and directly affected the previous operation of the access, effectively taking away the separate HGV aggregate

access and stacking area altogether. As the bund also included an all movement road to enable those on this site and neighbouring industrial sites to exit the area along the bund to the north when the new flood gate is closed at the railway underpass, the current poorly surfaced roadway that currently ends at the Marshall's site no longer has the ability to act as a stack for waiting HGVs. Also, HGVs to Marshalls will now approach the site and be required to cross the oncoming lane to enter the site. All of this is a new requirement or challenge for the site operators and arises directly from the new flood defence bund. It is noted that Marshalls raised these concerns at the planning application stage for the NRW bund and have raised them with NRW directly. Potential complications of the road associated with the bund and its future adoption were reported by officers as part of the NRW application.



Overview of NRW proposals approved under application 21/0718

- 2.3 The extant permission for this site was designed to address the access issues to the industrial site arising from the above in the most suitable operational manner available.
- 2.4 The site and area is of an industrial character and appearance. The River Usk SAC/ SSSI is located 0.1km from the site and a small area of Marshalls SINC is located within the site, with a number of other statutory and non-statutory sites within 2km. The site is dominated by hard standing, actively worked bare ground and a small area of scrub and drainage ditch.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The approved development includes the removal of some existing buildings on site that act as administrative space and development of a new all purpose accessway into the site that allows two-way movement with some degree of stacking capacity. The works are concentrated on an area of hardsurface currently used for external product storage and will occur alongside and parallel to the current roadway that will now form part of the all purpose road as part of the bund works. The proposal comprises a 2 lane access and adjoining 2 lane egress route with a central gatehouse. Existing means of enclosure will be reconfigured as part of the works but currently comprise standard palisade fencing.
- 3.2 This section 73 submission is to vary condition 1 (approved plans), condition 6 (biodiversity enhancement) and condition 10 (flood consequences assessment). The Applicant has undertaken a process of design review which has resulted in several amendments to the scheme design, landscaping, and gatehouse building design that necessitates changes to the plans. These amendments comprise the following:
 - Reduction in size of the gatehouse and this becomes a modular building with elevated floor level via piers and external stepped access
 - Amendment to the internal road layout, including the incorporation of a mini roundabout
 - New fence line and gates
 - Amendments to the landscaping scheme

- 3.3 For condition 6, as currently written, it states:
A scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority prior to construction activities commencing. This shall include a timetable for the delivery of the enhancements and a management scheme for a period of 5 years following the completion of the enhancement works. The biodiversity enhancement measures shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

This application is accompanied by a Soft Landscaping and Maintenance Plan including Biodiversity Enhancements. This includes timescales for the delivery, and management of the enhancement measures which includes the installation of bat boxes and bird boxes. The biodiversity enhancement measures are also indicated on the Proposed Landscape Plan.

Therefore, it is proposed to vary the condition wording as follows:

The biodiversity enhancement measures outlined within the Soft Landscaping and Maintenance Plan including Biodiversity Enhancements (ref. V5 02/10/25) shall be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

- 3.4 For condition 10, as currently written, it states:
The development hereby approved shall be undertaken and completed in accordance with the approved document entitled "Proposed Site Improvements, HGV Gatehouse, Marshalls, Corporation Road, Newport Flood Consequences Assessment" Revision D5 7/3/23 by Tetra Tech Ltd.

The document has been updated to reflect the latest proposals, and therefore, it is proposed to vary the condition wording as follows:

The development hereby approved shall be undertaken and completed in accordance with the approved document entitled "Proposed Site Improvements, HGV Gatehouse, Marshalls, Corporation Road, Newport Flood Consequences Assessment" Revision 6 06/08/2025 by Tetra Tech Ltd.

- 3.5 No change to implementation period is sought and therefore the standard condition relating to commencement as appears on the full decision will be replicated.

4. RELEVANT SITE HISTORY

11/0530	DEMOLITION OF DUTCH BARN AND TEGULA PLANT AND ERECTION OF PRODUCTION UNIT WITH OFFICES, AMENITIES BLOCK, TICKET OFFICE/GATE HOUSE AND ADDITIONAL COVERED AGGREGATE STORAGE BAYS	Granted with conditions 6 th June 2012
21/0718	CONSTRUCTION OF THE STEPHENSON FLOOD DEFENCE SCHEME, INCORPORATING THE CONSTRUCTION OF 6NO. FLOOD WALLS (CONCRETE AND SHEET PILE) REFURBISHED EMBANKMENTS AND PATHS INCLUDING THE WALES COASTAL PATH, A HIGHWAY FLOOD GATE, A NEW 0.7KM ROAD, LOCALISED GROUND RAISING AND CULVERT ENHANCEMENTS TO REDUCE THE CHANCE OF TIDAL FLOOD RISK FROM THE RIVER USK AND LANDSCAPING WORKS ALONG THE ROUTE AND AT CORONATION PARK, NEWPORT AFFECTING PUBLIC RIGHTS OF WAY 386/5/1, 401/4/1 AND 386/4/1	Granted with conditions 3 rd November 2021

21/0431	EIA SCREENING OPINION FOR THE PROPOSED CONSTRUCTION OF A CONCRETE PRODUCTS MANUFACTURING FACILITY INCLUDING REPLACEMENT OFFICES AND AMENITIES, A BUNKER HOUSE, EXTENSION TO THE AGGREGATE STORAGE BAYS, NEW GATE HOUSE AND ASSOCIATED WORKS	Environmental Statement not required 19 th May 2021
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 th July 2023.
25/0795	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	Approved 8 th January 2026

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1, SP3, SP9, GP1, GP2, GP4, GP5, GP7, CE8 and T8 are relevant.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

Archaeology and Archaeologically Sensitive Areas (2025)

Wildlife and Development (2025)

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales:

Previous advice:

We have concerns with the application as submitted. Your authority should consider the following flood risk advice in determining the application. We also advise that based on the information submitted to date, a condition regarding protected sites (CEMP) should be attached to any planning permission granted. Without the inclusion of this condition, we would object to this planning application.

Flood Risk

The planning application proposes industrial development. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note 15: development and flood risk (TAN15). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3 (Sea). The site also falls within the Recorded Flood Extents, Newport December 1981.

Summary of our previous advice

We refer to our previous advice dated 26 October 2022 (reference: CAS-200517-M8C1), 16th February 2023 (reference: CAS-205844-S1C7), 30th May 2023 (reference: CAS_218090-H1K0) and 06 July (reference: CAS-220143-K0W0) where we raised concerns in regard to flood risk. The FCA stated that the maximum predicted flood depths at the site could reach up to 1.92m in the 0.5% plus climate change event. The gatehouse building was proposed to set the finished floor level (FFL) to 9.34m Above Ordnance Datum (AOD) with undercroft space below which would be able to flood during the extreme events. We do not encourage the use for silts and voids. The FCA aimed to provide additional freeboard above the 0.5% (1 in 200 year) plus climate change flood level. The FCA confirmed that 300mm demountable barriers at the access and egress points of the building were to be used to help mitigate against uncertainty or reduce the impact of wave action. It was noted that all other potential ingress points to the building (air bricks etc.) were proposed to be set at least 300mm above the 9.34m AOD flood level to ensure that the freeboard is consistent across the entire perimeter of the building. Given the nature of the barrier (reliance on being installed effectively), we raised concerns from a technical flood perspective as it has not been demonstrated that the building would be flood free in the 0.5% plus climate change event.

Updated Summary

We note that a revised FCA (prepared by Tetra Tech, reference: 784-A069428-4, dated November 2022) has been submitted in regard to SAB. We therefore advise that our previous concerns remain relevant, and we refer you to our previous response letters for more detailed advice. We understand that an existing Flood Evacuation Management Plan (FEMP) is in place for the site and this will be updated to reflect the new development and would be actioned in the event of a Flood Warning being issued by NRW. The updated FEMP will include contact details of the relevant staff at NRW managing the closure of the flood gate to ensure that there are no people trapped within the Marshals site as a result of the closure of the flood gate. As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Protected Sites

The development site is approximately 145m from the River Usk, which is designated as a Special Areas of Conservation (SAC) and a Site of Special Scientific Interest (SSSI). In order to ensure the protection of controlled watercourses and the River Usk SAC and SSSI, we recommend that a suitably worded condition is included to ensure the submission and approval of a Construction Environmental Management Plan (CEMP) for the development. The CEMP should include:

- 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.

- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details. We also note that insufficient information has been provided on the drainage strategy for the site.

The developer should provide further information on site drainage for both foul and clean run-off which must also include information on discharge points. Further information on the use of a system such as an interceptor to prevent the release of vehicle fluids, such as hydrocarbons, into surface water must also be included.

Further Advice

We note from the Landscaping plans that there is a tree planting and hedge planting proposed for the site. We welcome the species shown on the 'Proposed Landscape plan' dated 8/12/2022 and the 'Soft Landscape 5-year Management Plan including Biodiversity enhancements' dated 2/10/2025 which are native to the area. The plants introduced to the site should also be of UK provenance and grown in British nurseries. These will be better able to support biodiversity on site. Plants grown in British nurseries remove the risks of importing diseases that our plants have no resistance to and spreading pests that have no natural predators in the UK. This is of particular importance near designated sites and because of the Wales wide habitat connectivity planning work being undertaken through Resilient Ecological Networks (RENs) via NRW and partners.

Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to Guidance for Pollution Prevention (GPP) 5: Works and maintenance in or near water, and GPP 6: Working on construction and demolition sites, which are available on the NetRegs website.

6.2 Local Highways Authority:
No objection.

6.3 NCC Landscape Officer:
Revised soft landscape proposals have been submitted, produced by 2B Landscape Consultancy Ltd:

- Planting Plan
- Planting & Maintenance Notes
- Typical Pond Section

The scheme is deliverable and adequately detailed. I have no objection or further comments.

6.4 NCC PROW Officer:

The following points have to be considered prior to build:

1. All PROW's (as shown on the Definitive Map) are legally required to remain completely unobstructed and be clear and available for safe public use at all times (including during construction works – unless a temporary closure/diversion order is applied for and granted beforehand);
2. The PROW users must not be endangered or disadvantaged in any way by the proposals (during construction and following completion);
3. The fabric of the PROW's must not be adversely affected in any way;
4. PROW users must be protected from any vehicles/plant associated with the works. All potential conflict should be risk assessed and managed accordingly.
5. If a PROW needs to be closed to accommodate any work then this must be applied for with a 2 month lead time. The PROW can be closed for 6 months with a possible extension of a further 6 months. An alternative route/diversion would be preferred during the closure and is to be agreed with the PROW Officer.
6. If a permanent diversion were required as part of the build then this would need to be applied for and agreed with the PROW Officer. This would not be guaranteed as is open to

public consultation and dependant on any objections. A timeline for this process is not available as dependant on the above it may need to be referred to Welsh Government for an independent assessment and decision.

6.5 NCC SAB Officer:

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

6.6 Welsh Water:

No objection.

6.7 Heneb:

We previously commented on application 22/0952, most recently in our letter dated 13th February 2023, when we recommended a condition (condition 2) be attached to any consent. However, the current proposal does not deal with any archaeological constraints or conditions. Therefore we have no further comment to make at this time.

6.8 NCC Ecology Officer:

I note that the planting schedules and seed mixes have been amended to almost exclusively native plant species, therefore I have no objection to this s73 application. The bat and bird boxes are adequate enhancements together with the planting proposed.

6.9 NCC Environmental Health Officer: no response received to date.

6.10 Gwent Wildlife Trust: no response received to date.

6.11 Wales and West Utilities: no objection.

6.12 HSE: no objection.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters (x3) were sent on 22nd October 2025, Site Notice was put up on 31st October 2025 and no responses received.

Nash Community Council: No response received.

8. ASSESSMENT

8.1 The main issues in this case, identified at full application stage and having regard to the site context and nature of works, are considered to be as follows:

- Landscape and biodiversity
- Highway safety
- Flood risk

Secondary matters of archaeology, noise and ground contamination were raised

8.2 Two of the above issues are key points as part of the section 73 but we know that in highway terms the proposed changes do not alter previous assessment and no objection has been raised by the Highway Officer.

8.3 Landscape and biodiversity

The works are for industrial development on an existing industrial site in an industrial area so are acceptable in principle and already consented and benefitting from an extant permission. It complies with policy SP1 of the LDP. The area of the works is already in industrial use and predominantly hard surfaced. In terms of designated biodiversity sites, the River Usk SAC/ SSSI is located 0.1km from the site and a small area of Marshalls SINC is located within the site, with a number of other statutory and non-statutory sites within 2km. The area of Marshalls SINC within the site is included within the industrial working area but is in active use and as per previous officer assessment, does not qualify as a SINC. It is questionable whether policy CE8 is therefore applicable in the case. The site is dominated by hard standing, actively worked bare ground and a small area of scrub and drainage ditch. The site has limited potential to support protected species due to the highly artificial and managed nature of the habitats. This is confirmed in the submitted ecological

appraisal and the officer site visit found this to be an accurate assessment. Whilst no response has been received from the Council's Ecologist, NRW raise no objection on protected species issues but advise that in order to ensure the protection of controlled watercourses and the River Usk SAC and SSSI, a suitably worded condition should be included to ensure the submission and approval of a Construction Environmental Management Plan (CEMP) for the development. A CEMP condition as per NRW's advice was included on the full consent and a separate discharge of condition submission (25/0795) has been approved during the period of this application. This approval includes agreement of a CEMP document.

8.4 Recommendations in the Ecological Appraisal provided with the full application were also subject to condition to secure these recommendations in accordance with the submitted Appraisal. Biodiversity compensation and enhancement was achieved through a landscape scheme and this is subject to revision and additional detail as part of this section 73 submission.

8.5 In relation to landscape, the project requires SUDS and therefore the approval of the Sustainable Urban Drainage Approved Body (SAB). The latter has confirmed that a SAB application has been received and is being considered but offers no further comment. A "Soft Landscape 5 years Management Plan Including Biodiversity Enhancements" document has been submitted (v5 2/10/25) along with a trio of detailing planting and maintenance related drawings. The Landscape Officer is satisfied with the information provided. The soft landscape proposals and associated SUDS works will provide enhancement over the existing situation, i.e. net gain, and additional ecological enhancement works are proposed in the form of bat and bird boxes. The application complies with policy SP9 and policy GP5 of the LDP.

8.6 Partial discharge of various conditions on the primary permission have recently been approved and this includes condition 4 that required a method statement for scrub clearance to protect nesting birds and other animals including Protected Species (bats and otters). The Council's Ecologist responded positively to the information supplied under reference 25/0795. Similarly, the Ecologist raised no objection to the Construction Environmental Management Plan secured by condition 3 of the primary permission which was imposed 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. These approved documents can be referenced in directive conditions applied to this decision.

8.7 No objection is raised to this section 73 application by the Ecologist.

8.8 Flood risk

A key constraint to development is the site's location with flood zone 3 (tidal) and an area with more than 0.5% (1 in 200) chance of flooding from the sea in a given year, including the effects of climate change. Technical Advice Note 15 is therefore relevant and has updated since the determination of the full application. A Drainage Statement is included with the FCA document but these are only required by TAN15 where no SAB submission has been made. In this case, we have received confirmation that a SAB is running simultaneously with the section 73 submission and the SAB has not commented on these details. Policy SP3 of the Adopted Local Development Plan states that development will only be permitted in flood risk areas in accordance with national guidance. A Flood Consequences Assessment has been provided for consideration and updated several times with revision 6 (6/8/25) submitted to incorporate the latest layout and drainage scheme. The site is still previously developed land and the proposal is still less vulnerable development.

8.9 TAN 15 states:

Planning applications in zone 3 require the strongest justification. No new highly vulnerable development on greenfield land should be permitted in zone 3 regardless of the conclusion of any Flood Consequences Assessments and NRW will not consider these conclusions. Welsh Ministers must be notified of any such proposal a planning authority intends to

approve.

10.23 Other proposals will only be appropriate if they are essential to the Development Plan Strategy to regenerate an existing settlement or achieve key economic or environmental objectives. Any redevelopment proposal must be consistent with the acceptability considerations in section 11. In addition, proposals which include residential development must ensure that such uses do not occur at ground floor level. Proposals that address national security or energy security needs, mitigate the impacts of climate change, that are necessary to protect and promote public health may also, by exception, be appropriate provided that their locational need is clear and the potential consequences from flooding have been considered and found to be acceptable.

- 8.10 In this case, the development relates to previously developed land within the urban settlement boundary and on an existing operational industrial site. The works are a consequence of changes required pursuant to a separate flood defence development by NRW. The development is essential to the continued effective operation of an existing industrial site alongside the NRW development and consequently is justified. Whether a development should proceed or not will depend upon whether the consequences of flooding can be safely managed, including its effects on flood risk elsewhere. In this case, the development has an extant permission, the assessment of which included flood risk evaluation under the superseded TAN15 document and the following conclusions drawn, and which remain applicable:

When assessing whether the risks and consequences of flooding can be satisfactorily managed, the proposals do not satisfy all of the tests within TAN 15. However, due to the nature of the flood risk, which is tidal, there would likely be 2-3 days advance meteorological warning of such a catastrophic flood event occurring. The site owners and operators are very familiar with flood warnings and already have flood evacuation management plans in place. The proposal takes all reasonable steps to elevate the new gatehouse building to limit the impact of a flood event and enable speedy return to service on site post flood. This is beneficial as the existing gatehouse building is at greater risk. The proposal does not increase risk of flooding elsewhere as the development takes place on existing operational land and hard surface and the gatehouse building will not interfere with flood flow paths by incorporating a void under the FFL through which flood waters can flow and accumulate. Whilst voids are not favoured, particularly in residential settings as could give rise to maintenance issues with accumulation of debris and associated vermin control for example, in this case the building is not to be occupied. However, a management plan for the void should form a condition of consent. NRW continues to raise concern about the FFL of the gatehouse matching the predicted floor level and not accounting for the impact of wave action which could lead to flooding in the building and whilst the manual installation of flood barriers to protect the building and other factors included in the updated FCA are noted by NRW, these cannot be relied upon to be effective.

The proposal has significant economic development merit as will enable continued operation of this industrial site and prevent potential conflict with the road proposed as part of the separate flood defence works. This must be afforded substantial weight in the decision making process. Decision making has been delayed for many months whilst the various constraints and issues have been discussed, further information supplied and considered and the need for the works is becoming more urgent as the NRW flood defence works progress and the aggregate delivery access is already closed for these works thereby impacting the efficiency of deliveries to the operational industrial site. The proposal is better, in flood risk terms, than the existing situation, it is of low vulnerability and steps have been taken to manage and mitigate risk. Therefore, on balance, given these benefits and other material factors, the proposed development is considered acceptable in terms of flood risk in accordance with policy SP3 and policy GP1 and TAN 15.

- 8.11 The above assessment is still applicable. Furthermore, the affected gatehouse is now smaller in floor area than the approved scheme (see below) and the NRW flood defence works are constructed. i.e.

Current proposal (with gatehouse shown as building in centre):



Approved scheme:



The proposed development is still considered acceptable in terms of flood risk in accordance with policy SP3 and policy GP1 and TAN 15 (2025).

- 8.12 Condition 7 of the full permission required additional maintenance details of the flood void proposed under the gate house building. This detail has been submitted and approved under reference 25/0795 and, as per the above CEMP and scrub clearance conditions, can become a directive condition on this decision, referencing the recently approved document(s) and LPA reference of the conditional discharge decision.
- 8.13 Other relevant considerations such as archaeology, noise and ground contamination, noted as secondary issues in the full application, were subject to conditions on the full application but several of these have also recently been partially discharged. This includes the CEMP already referred to (condition 3 of planning permission 22/0952) but also a written scheme of historic environment mitigation (condition 2) and ground investigation and reporting (condition 5). All of these conditions will be varied as part of this decision and having regard to the details recently approved.
- 8.14 The variation of conditions 6 and 10 is supported and reflects the updated plan layout, progress of separate SAB application and updated policy expectations in relation to green infrastructure, flood risk management and biodiversity enhancement. No application to extend the period of commencement of development is made (or any claim that the works have commenced already) and therefore the standard 5 years for implementation of the permission will be from the original determination date of the full application. A condition clarifying this is included.

9. OTHER CONSIDERATIONS

9.1 ***Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 ***Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. **CONCLUSION**

10.1 The merits of the scheme remain and the proposed variation of conditions 01 (plans), 6 (biodiversity enhancement) and 10 (FCA) are acceptable.

11. **DECISION**

GRANTED WITH CONDITIONS

01 The development must begin not later than the expiration of FIVE YEARS from 13th July 2023.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990

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

Marshalls Eastern Dry Dock, Newport HGV Gatehouse ECOLOGICAL APPRAISAL May

2023 by Tetra Tech Ltd;
 Proposed Site Improvements, HGV Gatehouse, Marshalls, Corporation Road, Newport
 Flood Consequences Assessment" Revision 6 06/08/2025 by Tetra Tech Ltd
 Marshalls Mono Ltd Eastern Dry Dock, Newport – Proposed Gatehouse Facility Geo-
 Environmental Desk Study November 2019 WYG
 Newport Works – Proposed Wet Press Plant Development: Archaeological Desk-Based
 Assessment by Tetra Tech V2 February 2023
 221681-AHR-GH-XX-DR-A-SK-001p06
 Planting Plan by 2B Landscape Consultancy Ltd dwg 001
 Typical Section North Pond dwg 003
 Planting and Maintenance Notes dwg 002
 Proposed New Road and Surfacing Layout dwg 552P03
 Newport Gatehouse Proposed New road Drainage dwg 551P01
 Site Plan dwg 558P01
 Flood Consequences Assessment" Revision 6.0 6/8/25 by Tetra Tech Ltd
 Soft Landscape 5 year Management Plan including Biodiversity Enhancements V5 by
 Marshalls 02/10/25
 Fencing Plan dwg558P01
 Gatehouse plans 1-4; east, west, south and north
 Gatehouse floor plan by Concept accommodation Ltd
 Proposed Demolition of Existing Buildings dwg 557P01
 Proposed New Road Marking Layout dwg 555P01
 HGV Swept Path Analysis dwg 553P01
 Proposed New Road Levels dwg 550P01
 Proposed Fence Types and Specifications dwg 002P1

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

- 03 The development shall be undertaken in accordance with the Written Scheme of Investigation Observation by Border Archaeology (August 2025) approved in writing by the Local Planning Authority pursuant to LPA reference 25/0795.
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.
- 04 The development shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) Version 2025 V6 by Marshalls (16/12/25) approved in writing by the Local Planning Authority pursuant to LPA reference 25/0795.
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.
- 05 All clearance of scrub vegetation or trees shall be undertaken in accordance with the method statement entitled "Planning Condition Discharge Proposal" (30/6/25) approved in writing by the Local Planning Authority pursuant to LPA reference 25/0795.
Reason to protect nesting birds and other animals including European Protected Species (bats and otters). Policy GP5.
- 06 The development shall be undertaken in accordance with the documents entitled:
 - Marshalls Mono Ltd Eastern Dry Dock, Newport – Proposed Gatehouse Facility Geo-Environmental Desk Study November 2019 WYG; and
 - Newport Silo Base Geo Environmental Appraisal by Couch Consulting Engineers September 2024 report reference GRO-23226-5338 (approved in writing by the Local Planning Authority pursuant to LPA reference 25/0795).

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.

- 07 The biodiversity enhancement measures outlined within the Soft Landscaping and Maintenance Plan including Biodiversity Enhancements (ref. V5 02/10/25) shall be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: in the interests of bio-diversity and to secure ecological net-benefit. Policy GP5.

- 08 Maintenance of the flood void underneath the finished floor level of the gatehouse hereby approved shall be undertaken in accordance with the document entitled "Planning Condition Discharge Proposal" (27/6/25) approved in writing by the Local Planning Authority pursuant to LPA reference 25/0795.

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.

- 09 Prior to the installation of any external lighting scheme, full details shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme/assessment must include the following details:

- Light into neighbouring residential windows generated from the lighting which shall not exceed 5 Ev (lux) (vertical illuminance in lux).
- Any floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
- The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 2.5%.

Any submitted scheme must include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties.

All external lighting shall be installed in accordance with the approved scheme and shall be retained as such thereafter.

Reason: In the interest of amenity and biodiversity. GP2, GP5 and SP9.

- 10 The development hereby approved shall be undertaken in accordance with the approved document entitled "Marshalls Eastern Dry Dock, Newport HGV Gatehouse ECOLOGICAL APPRAISAL" May 2023 by Tetra Tech Ltd.

Reason: in the interests of bio-diversity and to secure ecological net-benefit. Policy GP5.

- 11 The development hereby approved shall be undertaken and completed in accordance with the document entitled "Proposed Site Improvements, HGV Gatehouse, Marshalls, Corporation Road, Newport Flood Consequences Assessment" Revision 6 06/08/2025 by Tetra Tech Ltd.

Reason: To minimise the risk of flooding in accordance with Policy GP1.

- 12 The development shall be undertaken in accordance with the approved soft landscape plans and management plan hereby approved. The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the first beneficial use of the development hereby approved or completion of that development, whichever is the sooner. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with the agreed management plan. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purpose of this condition, a full planting season shall mean the period from October to April.

Reason: In the interests of amenity, biodiversity and landscape quality and in accordance with policies GP2, GP5 and SP9.

NOTE TO APPLICANT

01 This decision relates to plan Nos:
221681-AHR-GH-XX-DR-A-SK-008P04

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP1, SP3, GP2, GP4, GP5, GP7, SP9, CE8 and T8 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.

It is considered that the decision has been made in conformity with the Marine Policy Statement (2011) and in accordance with marine national planning policy contained within the Welsh National Marine Plan (2019) as demonstrated in the assessment of this proposal.