

APPLICATION DETAILS

No: 25/0069 Ward: Pillgwenlly

Type: Full (Major)

Expiry Date: 16th May 2025

Applicant: B DuJardin

Site: South Dock East Way Road Alexandra Docks Newport South Wales

Proposal: CONSTRUCTION AND OPERATION OF A MILL INCLUDING STORAGE OF RAW MATERIALS, TO PRODUCE 'GREEN' CEMENT FROM RECYCLED, NON-HAZARDOUS, WASTE MATERIALS, STORAGE OF THE PRODUCT AND ONWARD DISTRIBUTION

Recommendation: GRANTED SUBJECT TO CONDITIONS

- 1.1 This application is being reported to Planning Committee for consideration as it meets the definition of major development as defined by The Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- 1.1.2 The proposed development has been screened under Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is concluded that the development is unlikely to have a significant environmental effect and is not EIA development.
- 1.2 Site Context
 - 1.2.1 The application site comprises of an irregularly shaped parcel of land to the south of Alexandra Dock within the limits of the Port of Newport as defined by the proposals map that accompanies the Newport City Local Development Plan (LDP). The site has a generally flat topography and is separated by the internal road and rail network that serves the wider port operations.
 - 1.2.2 The site is located within the defined settlement boundary and within Developed Coastal Zone (DCZ). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 (Sea). The development site is adjacent to the River Usk Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). The river Usk drains into the Severn estuary Marine SAC, SSSI, Ramsar and Special Protection Area (SPA) directly to the south of the development site.
 - 1.2.3 The site is currently arranged as hardstanding but vacant of any buildings, the site is previously developed/brownfield land in accordance with the definition contained within Planning Policy Wales (PPW) 12. Access is gained via the internal private highway within The Port with East Way Road linking to the A48.
- 1.3 Description of Development
 - 1.3.1 This application seeks consent for the construction and operation of a Vertical Roller Mill and ancillary development for the production of a 'green' cement substitute with subsequent distribution of the final product by road / rail. The cement substitute has a lower carbon footprint than cement and allows for the recycling of a waste product from industrial processes. The raw materials for the cement production include byproducts and Granulated Blast Furnace Slag. The GBFS has been discarded and, therefore, falls within the definition of 'waste'. They sit within the non-hazardous category specified by European Waste Category 10 02 01 or 10 02 02.
 - 1.3.2 The Mill has a utilitarian design that has been influenced by the utility of the operation. The operator has other plants within Europe and the design and operation of the mill has been influenced by operational needs and best practice elsewhere. The site arrangement comprises of an area of open storage and a smaller maintenance warehouse adjacent to the docks to the north of East Way Road, larger warehouse buildings, mill, silos, office/lab and parking area to the south of East Way Road. While the design of the buildings/wider site has been informed by its intended utility the final details relating to external finish have not been provided at this stage.

- 1.3.3 The development is proposed to run 24 hours and would result in the creation of 20 skilled jobs operating on a 3 shifts per 24 hours. The raw materials will be delivered by ship as part of the ongoing operation of The Port and exported by road/rail.

2. RELEVANT SITE HISTORY

Application Number	Proposal Description	Decision
24/0198	EIA SCREENING OPINION FOR THE IMPORTATION OF CEMENT AND CEMENT SUBSTITUTES AT SOUTH DOCK AND CONSTRUCTION AND OPERATION OF MILL FOR PROCESSING, MANUFACTURE OF CEMENT AND CEMENT SUBSTITUTES AND ONWARD DISTRIBUTION	ES Not Required 26.04.2024
23/1149	LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED USE OF LAND FOR METALS SHIPPING	Refused 22.02.2024
18/0771	SCOPING OPINION FOR PROPOSED PORT RELOCATION PROPOSAL. DEVELOPMENT PRIMARILY CONSISTING OF: RELOCATION OF VARIOUS BUILDINGS IN NORTHERN END OF DOCK TO LAND AT SOUTH DOCK, NEW ABP CENTRAL WORKSHOPS, STORES AND MEDICAL CENTRE, NEW CARGO STORAGE AREAS, RECONFIGURATION OF EXISTING PREMISES IN DOCKS, NEW QUAY WORKS CONSISTING OF 303M OF NEW QUAY ON NORTH SIDE OF SOUTH DOCK, DREDGING AND DISPOSAL OF MATERIAL, REPURPOSING OF 250M OF EXISTING QUAY IN SOUTH SIDE OF SOUTH DOCK, CONSTRUCTION OF NEW SWING BRIDGE, PROVISION OF UTILITY INFRASTRUCTURE AND ACCESS ROADS	Scope 20.09.2018

3. POLICY CONTEXT

3.1 Future Wales: The National Plan 2040

Policy 1 – Where Wales will grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
Policy 8 – Flooding
Policy 9 – Resilient Ecological Networks and Green Infrastructure
Policy 10 – International Connectivity
Policy 11 – National Connectivity
Policy 12 – Regional Connectivity
Policy 33 - National Growth Area - Cardiff, Newport and the Valleys
Policy 36 - South East Metro

3.2 Planning Policy Wales 12

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

3.3 Technical Advice Notes

Technical Advice Note (TAN) 5: nature conservation and planning
Technical Advice Note (TAN) 11: noise
Technical Advice Note (TAN) 12: design
Technical Advice Note (TAN) 14: coastal planning
Technical Advice Note (TAN) 15: development, flooding and coastal erosion
Technical Advice Note (TAN) 18: transport
Technical Advice Note (TAN) 23: economic development

3.4 Newport City Council Local Development Plan (2011-2026)

3.4.1 Objectives:

Objective 1 – Sustainable Use of Land
Objective 2 – Climate Change
Objective 3 – Economic Growth
Objective 5 – Conservation of the Built Environment
Objective 6 – Conservation of the Natural Environment
Objective 8 – Culture and Accessibility
Objective 9 – Health and Well-being
Objective 10 – Waste

3.4.2 Policies:

SP1 – Sustainability
SP3 – Flood Risk
SP12 – Employment Land
SP18 – Urban Regeneration
GP2 – Amenity
GP4 – Highways and Accessibility
GP5 – Natural Environment
GP6 – Quality of Design
GP7 – Environmental Protection and Public Health
EM2 – Newport Docks
T4 – Parking
W3 – Provision for Waste Management Facilities in Development

3.4.3 Supplementary Planning Guidance:

- Sustainable Travel
- Wildlife and Development
- Waste Storage and Collection
- Parking Standards
- Air Quality

3.5 Other Legislative Considerations

- Environment (Wales) Act 2016
- Well-being of Future Generations Act 2015
- Llwybr Newydd: the Wales Transport Strategy

4. **CONSULTATIONS**

4.1 **Natural Resources Wales:**

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Condition 1: Protected sites: Timing restrictions

Condition 2: Construction Environment Management Plan

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

Protected sites

This development includes the construction and operation of an industrial plant for the manufacture of cement substitute from recycled waste product. The development site is adjacent to the River Usk which has been designated a site of special scientific interest (SSSI) and Special area of conservation (SAC). The River Usk drains into the Severn estuary Marine SAC, SSSI, Ramsar and Special Protection Area (SPA) directly below the development site.

Marine Ornithology

We have reviewed the WeBS count data provided for the Ebbw Mouth count site showed significant numbers of redshank in the area, which corresponds with the redshank roost sites located there.

We advise that a condition is included to ensure timing restrictions are put in place, with works being avoided two hours either side of high tide.

Condition

No development, or activity including site clearance shall be carried out two hours before or after high tide to protect redshank.

Justification: To avoid the potential for disturbance of redshank where this cannot be controlled through a licence or assent.

The applicant should also consider the use of visual and noise screens to reduce the potential for disturbance, as well as noise modelling to assess potential disturbance.

Pollution Prevention

Due to the close proximity of the development to several designated sites, we advise that a Construction Environmental Management Plan (CEMP) is produced, and this would need to include details of mitigation measures which will be implemented to avoid any adverse impacts during construction.

Condition

No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include: Construction methods: details of materials, how waste generated will be managed;

- 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.

- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- 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
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.>

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

HRA

We have reviewed the update shadow HRA June 2025 and we are satisfied that as Auger piling is being proposed during construction there will not be a significant effect to fish.

Foul Drainage

We understand that the development is in a sewered area but it is proposed that foul drainage is to be discharged to a private sewerage system. In this instance, we are satisfied that sufficient information has been provided by the Applicant as part of this planning application to justify the use of a private sewerage system. We have considered this proposal in the context of the advice and guidance provided in Welsh Government Circular 008/2018 and we raise no objection to the application against the matters in paragraphs 2.3-2.6 of that Circular.

The Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met.

Paragraph 2.10 of Circular 008/2018 states that before a planning application is made, the applicant should discuss with NRW the proposed sewage disposal arrangements for the development. The information submitted in support of the application does not confirm whether the Applicant has carried out any pre-application consultation with NRW's permitting service in relation to an application for an Environmental Permit or exemption. We therefore advise that if the applicant has not undertaken consultation with our Permitting Team, they should do so at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the environmental permitting requirements. The Applicant should note that a grant of planning permission does not guarantee a Permit or exemption will be granted. Notwithstanding a grant of planning

permission, a proposal may be deemed to be unacceptable (e.g. because the permitting application process identifies an unacceptable environmental risk or because there is a feasible connection to mains sewer).

More information, including a step by step guide to registering and the relevant application forms are available on our website.

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

Air Quality

We have reviewed the Pre- Application Report (PAC) Supplementary information prepared by Stephenson Hallison January 2025 and we are satisfied with the justifications/ screening rationale and have no further comments regarding air quality.

Flood Risk

The planning application proposes less vulnerable development. Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 Sea.

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

The supporting FCA produced by Envireau Water dated July 2024 referenced 3490703 SH Newport Docks \ RPT FCA Newport for the construction and operation of an industrial plant for the manufacture of cement substitute from recycled waste product. The development will consist of a Clinker Storage Building in the east of the Site, Mill Building in the centre and a Stockroom Building in the south-west corner, adjacent the dock. The Clinker Storage Building will only have intermittent use by employees in order to fill hoppers within. The Mill Building will be two storeys with the lower storey being for storage of site vehicles. The upper floor is where personnel will be situated and will include a site office, welfare facilities and canteen. The Stockroom Building will house materials and equipment only.

Ground elevations currently range from 8.0 - 8.8m Above Ordinance Datum (AOD). Land rises gently in a northerly direction towards East Way Road and rail sidings which are at an elevation of 8.8 - 9.1m AOD. The average elevation of the Site is 8.6m AOD.

Tidal flood risk data (modelled outputs) were obtained from NRW Caldicot and Wentlooge Coastal Modelling Study (JBA Consulting, 2016). Climate change scenarios were simulated as part of the modelling study to assess coastal flood risk in the event of sea-level rise and increased wave heights (JBA Consulting, 2016). To account for possible changes in wind (wave overtopping) due to climate change, 10% was added to the offshore wind speeds modelled (JBA Consulting, 2016). The study states that the expected sea-level increase between 2014 and 2115 is 1.06m. The mean sea-level rise for Newport by 2100 is 0.85m (Welsh Government, 2021). Therefore, an assessment of flood depth and levels at the Site has been based on the predicted sea-level rise by 2100. To reflect this, the modelled flood depths were reduced by 0.21m (i.e. the difference between sea-level rise by 2115 and 2100). Using the data available the following flood levels were provided for the extreme events:

- 1 in 200 year plus climate change event (2100)- 9.35m AOD
- 1 in 1000 year plus climate change event (2100) - 9.75m AOD

Based on the existing ground levels, the site will experience flooding (0.7-1.1m) in the 1 in 200 year plus climate change event, and in the 1 in 1000 year plus climate change event (1-1.5m) – the flooding is not compliant with the requirements of A.14 or A1.15 of TAN 15.

The FCA also provided flood velocities, based on the year 2115 data (this data cannot be adjusted by the consultant) and therefore provides an over precautionary understanding of the flood velocities for the site. The velocities are above the limits set out in A1.15 of TAN 15. A Danger for All Flood Hazard for the site would be applicable given the depth and velocities provided.

In order to overcome the flood risk, the FCA recommends that the finished floor level of the Mill Building be raised to at least 9.35m AOD which is equivalent to the 1:200 year (0.5% AEP) plus climate change flood level. This will ensure that the Mill Building is flood free for the development lifetime (75 years) for all events up to the 1:200 year plus climate change tidal event, in accordance with Criteria A1.14 of TAN15. The upper storey, where personnel (offices) will primarily be based will be at a level in excess of the 1 in 1000 year flood level (9.7m AOD). Flooding during the 1 in 1000 year plus climate change will reduce to within tolerable limits of A1.15 of TAN 15.

However, the Clinker Storage Building will not be raised as personnel will not be stationed in this building; it will contain hoppers anchored to the floor which can accept inundation. All other structures will be placed on supports that raises them above the 1 in 1000 year flood level. These components of the proposals will therefore experience the above flood depths and remain non complaint with TAN 15.

The FCA calculated the volume of storage lost as 10,044 m³ which equates to a 0.3mm increase in flood depth because of the development. When this area and depth is compared to the wider floodplain along the River Usk and into the Severn Estuary of 29,000,000 m² - the loss of floodwater storage is extremely small within the context of the whole tidal floodplain. Due to the proximity to the estuary, this increase would be displaced into the sea. This level of change will not impact on nearby tidal flood defences or increase the risk of flooding to other existing development. Floodwater storage compensation at the Site is therefore not required. We are satisfied with this assessment of the impacts to third parties and agree with statements in respect third party impacts.

The FCA also recommends, alongside the raising of the FFL to the manned mill building, that the developer sign up to NRW's Flood Warning Service (Floodline) to receive flood warnings and alerts in a timely manner. A site-specific Flood Evacuation Plan should also be drawn up for the Proposed Development and will be integrated into the existing ABP Newport Docks Flood Evacuation Plan. Due to the layout of Newport Docks and presence of tidal lock gates, it is highlighted that only means of accessing and egressing the Site is via East Way Road; there are no other routes available outside of the tidal flood zone for people or vehicles to evacuate the Site. The elevation of East Way Road cannot be raised as it would impact on access to other adjacent existing development. Therefore, a robust emergency protocol, based on egress eastwards on East Way Road, will be employed. This is appropriate as the expected tidal rate of rise of 4.5 hours, would provide adequate time to evacuate personnel from the Site in the event of an extreme flood event. In the unlikely event of an unsuccessful evacuation, the upper storey of the Mill Building (offices) would provide a safe refuge area as the floor level is above the 1 in 1,000 year plus climate change tidal flood level. We would expect the LPA Emergency Planners to review in emergency plans for the proposed site.

Given the location of the proposed development site, it will be very unlikely to achieve full compliance with TAN 15 – the occupied building has been designed to be compliant with A1.14 of TAN 15 but other components of the site including ancillary areas will receive significant flooding during the extreme events over the lifetime of the development

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

Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Land Contamination

We have reviewed the Proposed Cemmineral Facility, South Dock, Alexandra Docks, Newport – Phase 1 Desk Study. RSK Geosciences, Project No.: 315426 R01 (00), October 202 and note that risk to controlled waters is likely to be low – we accept these conclusions and request the following informatives be imposed on any planning permission granted.

Further site investigations are planned for the site, but these appear to relate to geotechnical engineering reason, therefore unless gross contamination is observed we do not need to see the site investigation report.

Informative/ advice to LPA

Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Land Contamination Risk Management (LCRM) guidance should be followed.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult Natural Resources Wales.

Waste disposal

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Environmental permit

The activity proposed in this planning application may require an environmental permit or exemption under The Environmental Permitting (England and Wales) Regulations 2016. An

environmental permit or exemption must be in place before any waste activity takes place on site. Advice regarding permits and exemptions can be found at the following link:

Natural Resources Wales / Do you need to apply for a permit or register a waste exemption

Please contact Natural Resources Wales for advice regarding an Environment Permit application on 0300 065 3000.

Undertaking this proposed activity without the benefit of an Environmental Permit or exemption is an offence against Environmental Legislation and may result in enforcement action being taken against the operator.

Obtaining planning permission does not necessarily ensure you will be issued an environmental permit.

Water abstraction and discharge activities

A water abstraction and discharge activity has been proposed as part of a heat exchange coolant system. Without knowing the volume or abstraction rates it is difficult to advise on what the applicant will require. Whilst this activity will likely be covered by an Environmental permit, guidance can be found on the NRW website under Apply for a permit to discharge trade or mixed effluent.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

4.2 South Wales Fire & Rescue:

The proposed site plan in relation to the above has been examined and The Authority wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with in the early stages of any proposed development. Changes to our climate and weather patterns will have a significant impact on the well-being of both current and future generations. In line with the Well-being of Future Generations (Wales) Act 2015 and the Future Wales – the national plan 2040 framework document, the following areas should be considered early in the planning process:

The climate emergency is likely to increase the risk of flooding as a result of sea level rises, more frequent severe weather systems and more intense rainfall. Planning authorities should adopt a precautionary approach of positive avoidance of building developments in areas of flooding from the sea or from rivers. Surface water flooding will affect the choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating any development proposals.

Active fire safety systems should be incorporated into the design if necessary and may include, automatic fire detection systems, automatic fire suppression and smoke control systems.

The Authority recognises that the charging of electric vehicles and the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry, developers should consider the risks associated with such systems early in the design stage of the project.

4.3 Dwr Cymru Welsh Water:

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Asset Protection: This site is crossed by a public watermain with their approximate positions being marked on the attached statutory public sewer/watermain record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. Having regard to 6023UK_AR_PL_1001-F, it appears the proposed development would be situated within the protection zones of the public assets, which has protection zones measured 3.85 metres either side of the centreline. Please note, the distance specified for this protection zone is indicative and based on industry standard guidelines. However, the depth of the asset will need to be verified on site which may infer a greater protection zone. For completeness, we recommend the developer refer to their title deeds to confirm if there are any covenants or restrictions associated with the asset(s) crossing the proposed development site.

In this instance, it appears there is sufficient space and scope to re-position the development outside the protection zone of the assets or it appears there is sufficient space and scope to divert the assets. Therefore, it is strongly recommended that the drawing referenced 6023UK_AR_PL_1001-F is amended to take into account the location of the assets crossing the site or a scheme has been technically approved for the diversion of the

assets. It is also recommended that the developer contact our Plan and Protect team (PlanandProtect@dwrcymru.com) to carry out a survey to verify the location of the assets and establish their relationship to the proposed development.

5. INTERNAL COUNCIL ADVICE

5.1 Local Highways Authority:

It now appears that ships are to be used and HGV impacts on highway will be minimal, so no further assessment is requested.

The provision for parking still appears excessive. It appears peak demand would be around 17 spaces and that's only during shift crossovers, so for minutes of a day probably. It is also assuming all staff drive separately, ie 100% single occupancy car driver modal share. The provision however is 27 spaces.

In addition, there is still nothing to give comfort that pedestrians (including bus users) and cyclists can traverse the distance from highway to the site safely. This is a significant omission. Whilst shifts often preclude bus use, they can encourage cycle use while the roads are quiet. The applicant seems resigned to 100% car use. Whilst car use will inevitably be high it should not be encouraged.

I appreciate that it isn't a change of use, just an intensification, so not expecting a lot, but would at least expect an assessment of the internal route to try to identify any potential for improvements. It may be that they don't have any capacity/authority to improve the route, if so that should be stated.

5.2 Landscape Officer:

A Landscape and Visual Appraisal October 2024 by Stephenson Halliday is submitted. Seven public viewpoints were selected, it is noted that access to the Wales Coast Path in the area of the Transporter Bridge was closed to access due to restoration work and that access to the docks complex is controlled.

Wireframe photos are provided for all seven viewpoints which helps establish the extent of the proposals in the view. Table 7.2 summarises the impacts, the key concern at pre-app stage was the potential impact on the visual amenity of the Wales Coast Path, this is assessed as minor adverse at worst. The LVA para 6.2.6 confirms there is little need for screen planting given the site constraints and nature of the development.

The LVA does not include any narrative on other visual impact mitigation measures such as cladding colour/reflectivity although this is included in the Planning Statement para 7.4.27 as follows '.....it is anticipated a colour scheme for the cladding will be agreed with the Council through a Planning condition'. Infrastructure scale planting will make a difference to mitigating impacts within the docks complex and I have concerns over the limited planting that will be delivered for the scale of the proposal. I assume that planting will be conditioned. No detail is submitted even at a strategy or planting character level.

There is a short section in the ECiA covering Green Infrastructure Statement, however there is no commitment on what will be delivered for the c5ha site. The GIS should analyse the potential both through the site and the potential for GI linkages outside the site, for example to the east as shown on the aerial below.

5.3 Senior Scientific Officer:

I have no comments regarding air quality or contaminated land in respect of the below planning application.

5.4 Public Right of Way Officer:

No Impact upon PROW – no objection.

5.5 Waste Services:

We anticipate a requirement for trade waste and recycling. NCC trade waste services would be happy to quote for services ahead of opening.

5.6 SAB:

We have received a pre-application for this site but are still awaiting for the full application to be submitted.

6. REPRESENTATIONS

- 6.1 In accordance with the publicity requirements set out in The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 letters were sent to the neighbouring properties, site notices were erected within the vicinity of the application site and an advert was placed in the South Wales Argus.
- 6.2 No representations have been received to date.

7. ASSESSMENT

- 7.1 The key considerations in the assessment of this application are; the principle of development, highway safety/accessibility, economic impact, environmental impact, impact upon amenity and flood risk.
- 7.2 Principle of Development
 - 7.2.1 The application site is located within the defined settlement boundary where there is a presumption in favour of development and the efficient use of land is encouraged. The site accords with the definition of previously developed land which both local and national Planning Policies advocate for re-use and is located within the defined limits of The Port of Newport which is allocated for commercial/industrial processed via the Newport City Council LDP.
 - 7.2.2 As the application site is within the defined limits of The Docks, LDP Policy EM2 (Newport Docks) is applicable to the assessment and determination of the application. EM2 cites that *"THE EXISTING 206 HECTARE EMPLOYMENT SITE AT NEWPORT DOCKS IS PROTECTED FOR B1, B2 AND B8 USES. THE COUNCIL WILL SUPPORT SUCH DEVELOPMENT WHERE IT CAN BE DEMONSTRATED THAT THE DEVELOPMENT IS COMPLEMENTARY TO AND DOES NOT HINDER THE OPERATIONAL USE OF THE PORT"*. In this case the proposed development falls into use classes B2 and B8 in accordance with the use class definitions of the Town and Country Planning (Use Classes) Order 1987 (as amended). Accordingly, no conflict with the requirements of the policy have been identified.
 - 7.2.3 The application site is located within the Developed Coastal Zone, accordingly, LDP Policy CE9 (Coastal Zone) is applicable to the assessment and determination of this application. The Policy states:
"DEVELOPMENT WILL NOT BE PERMITTED IN THE COASTAL AREA OR ADJOINING THE TIDAL RIVER UNLESS:
 - i) *IN THE UNDEVELOPED COASTAL AREA SUCH DEVELOPMENT IS REQUIRED TO BE ON THE COAST TO MEET AN EXCEPTIONAL NEED WHICH CANNOT REASONABLY BE ACCOMMODATED ELSEWHERE;*
 - ii) *THE AREA IS NOT ITSELF AT RISK NOR WILL THE PROPOSED DEVELOPMENT EXACERBATE RISKS FROM EROSION, FLOODING OR LAND INSTABILITY DEVELOPMENT WHICH REQUIRES A COASTAL LOCATION SHOULD BE SITED WITHIN THE DEVELOPED COASTAL ZONE"*.
 - 7.2.4 In this case the area is in the Developed Coastal Zone, therefore, criterion (i) is not applicable. The Docks are not at risk from erosion nor would the development exacerbate any coastal erosion. The site is at risk from flooding, however given that the area currently comprises of previously developed land currently arranged as an area of hardstanding it is not considered that flood risk/impact to third party land would be of an unacceptable level as addressed in more detail later on in the report. There are no concerns in relation to land instability in this location. Given that the development would rely upon aggregates being delivered by ship the LPA are satisfied that a coastal location is required. Accordingly, the development is considered to accord with the requirements of the Policy.

7.2.5 Having regard to the aforementioned points and policy considerations, there is no objection to the principle of development subject to the proposed development satisfying other material planning considerations.

7.3 Highway Safety/Accessibility

7.3.1 The application site is served by the internal highway of The Docks, this is a private highway network with controlled access. The Docks access onto the A48 provides access to the wider highway network. The application is supported by a Transport Assessment: Addendum which concludes that the development would have a marginal impact upon vehicular movements to/from site. The Local Highways Authority has confirmed that there is capacity within the Local Highway Network to accommodate the additional vehicular movements without having an unacceptable adverse impact upon highway safety.

7.3.2 The proposed development includes on site carparking provision for 27 vehicles, the Local Highways Authority considers this to be an oversupply, however, the applicant has confirmed that the parking provision as proposed is the necessary amount given the proposed operational needs. The LPA raises no objection to the proposed parking provision as proposed given the context and use of the site as to ensure there is suitable parking for the anticipated staff levels and to allow for shift changes without relying upon parking within the wider highway network. In accordance with Policy 12 – Regional Connectivity of Future Wales a condition requiring a scheme for Electric Vehicle Charging shall be attached to any planning permission. Additionally, to accord with the requirements of PPW12, Llwybr Newydd is the Wales Transport Strategy 2021 and the requirements of LDP Policy GP4 a condition will be attached requiring a scheme for cycle parking to be submitted for approval prior to the beneficial use of the site.

7.3.3 The Local Highways Authority has raised some concern over the proposed route through The Docks in relation to pedestrian/cycle routes and expressed a want for improvements to be made. This land is outside the control of the applicant and whilst ABP have recently expressed an interest in such improvements such explorations cannot reasonable be expected by individual tenants. Accordingly, the proposed development is not considered to have an unacceptable impact upon highway or pedestrian safety.

7.4 Economic Impact

7.4.1 The proposed development comprises of the construction of a 'green' cement mill to be developed on Newport Docks. The Planning Statement submitted in support of the proposed development states that "*The project itself will directly create more than 20 skilled jobs and a further inferred number of jobs in the delivery and supply chain*". Accordingly the LPA raise no objection to the proposed development and welcome the creation of jobs within Newport as skilled jobs will provide a stimulus to the wider local economy. The proposed development accords with Objective 3 (Economic Growth) of the Newport City Council LDP.

7.5 Environmental Impacts

7.5.1 Protected Sites: The development site is adjacent to the River Usk which has been designated a site of special scientific interest (SSSI) and Special area of conservation (SAC). The river Usk drains into the Severn estuary Marine SAC, SSSI, Ramsar and Special Protection Area (SPA) directly below the development site. Accordingly, the site has a high ecological and environmental value which must be protected and any development mitigated against/compensated for.

7.5.2 NRW has been consulted on this application and raise no objection to the proposed development subject to conditions limiting the operational development times to prevent adverse impact upon redshank roost sites additionally a condition requiring a Construction Environment Management Plan (CEMP) is submitted to ensure the construction phase of the proposal is acceptable in respect of pollution protection. As Auger piling is being proposed during construction both the LPA and NRW are satisfied there will not be a significant effect to fish accordingly no concern is raised in this respect. Since the original response from NRW it has been confirmed that the condition limiting operation relates to the construction of the development and not its operation and NRW have agreed that such details can be contained within a CEMP, therefore this condition is not being carried forward.

7.5.3 The proposed development includes an area of landscape planting along the southern and western boundary and around the proposed parking area. The proposed planting plan includes a mixture of native and ornamental shrub mix as well as the planting of 49 trees of native but mixed species. Given the existing context of the site and its limited existing ecological value it is considered that the planting will result in a net-benefit for biodiversity thus meeting the requirements of Policy 9 of Future Wales, Chapter 6 of PPW12 and Policy GP5 of the Newport Local Development Plan. The proposed landscape plan is considered to be proportionate to the scale and nature of the proposed development and sufficient as to overcome the concerns initially raised by the Landscape Officer.

7.6 Impact upon Amenity

7.6.1 The application site comprises of a parcel of land located within the allocated Docks, the surrounding uses are commercial/industrial in character. The land is allocated within the LDP for uses falling within B1, B2 & B8 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). There are no residential properties within the immediate vicinity of the site and therefore no objection or concern is raised to the development operating in this location.

7.6.2 The proposal comprises of large-scale buildings and associated infrastructure such as the Mill and Silos in an area characterised by large scale buildings of a commercial/industrial character. The design and layout of the site has been informed by the intended function of the use and having regard to the operational requirements of the operators other facilities. The design of the development is utilitarian which is the overriding character of the majority of buildings on The Docks and therefore no concern or objection is raised in this regard. As final details of the external finish of the site has not been provided at this stage a condition requiring details to be provided at a later date has been recommended to be attached to any planning consent.

7.6.3 The application site comprises of a larger area of hardstanding and due to the nature of the use the proposed built form would occupy the majority of the site. In order to reduce/soften the visual impact and area has been proposed for planting adjacent to the site boundary and carparking area. Given the existing context of the site this is considered to be a suitable level of landscape planting.

7.6.4 The application is supported by a Landscape Visual Impact Assessment which demonstrates the impact of the development in its context. It is the view of the Local Planning Authority that the development would not have an unacceptable adverse visual impact or be harmful to the character and appearance of the wider area. The Landscape Officer notes there will be, at worst, a minor adverse impact on the Wales Coast Path and offers no objection to the proposals.

7.7 Flood Risk

7.7.1 Due to the timescale of when the application was submitted the previous iteration of TAN 15 was in place accordingly it is considered necessary to consider the proposed development against both the previous and current versions of the TAN in accordance with guidance contained within the Dear Chief Planning Officer letter relating to this matter. The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 (Sea) whilst the Development Advice Map (DAM) that accompanied the previous TAN15 designated the site as C2. The proposal comprises of a less vulnerable form of development on land allocated for industrial/employment purposes. When considering applications within areas at risk of flooding Technical Advice Note 15 (TAN15) adopts a precautionary approach to development and states that in Zones 2 and 3 only less vulnerable forms of development will be permissible on the basis of meeting the prescribed criteria. TAN 15 states that (10.23) *"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"*, in this case due to the nature of the development and its location within an area allocated for economic purposes, where policy EM2 specifically supports complementary development, the proposal is considered to be compliant with this element of the TAN.

7.7.2 Due to the nature and location of docks/ports flooding/flood risk is unsurprising. The application is supported by a Flood Consequences Assessment which has informed the proposed development with all staff areas and offices being located on the upper floors

outside of the flood risk depths. Additionally, the finished floor level of the Mill Building will be raised to at least 9.35m AOD which is equivalent to the 1:200 year (0.5% AEP) plus climate change flood level. This will ensure that the Mill Building is flood free for the development lifetime (75 years) for all events up to the 1:200 year plus climate change tidal event, in accordance with the Criteria of TAN15. The Clinker Storage Building will not be raised as staff will not be stationed in this building, it will contain hoppers anchored to the floor which can accept inundation. All other structures will be placed on supports that raises them above the 1 in 1000 year flood level. These components of the proposals will therefore experience the above flood depths and remain non complaint with TAN 15.

- 7.7.3 When considering flood risk against the criteria of the previous TAN15 it is considered that the proposed development would comply with tests (i) and (ii) and therefore be justified by reason of the nature of development on land allocated for employment purposes. It is acknowledged that the FCA has failed to satisfy all criteria contained within the TAN namely, sections A1.14 and A1.15.
- 7.7.4 Whilst the proposed development would not be fully flood free and therefore not fully comply with the requirements of the TAN it is considered that flood risk on site can be managed to an acceptable level for the lifetime of the development in accordance with the recommendations of the FCA by providing that the most vulnerable elements of the development are outside of the expected flood depths and by introducing flood resilient design for the site. It is considered unlikely that any development would be able to be constructed on site and be fully compliant with the requirements of the TAN and therefore to insist upon such an approach would likely render the site unusable. The LPA considers that the economic benefits of the development would outweigh the mitigated risk of flooding in this instance. NRW have been consulted on this application and whilst they acknowledge that the scheme would not fully comply with the requirements of the TAN they raise no objection to the proposed development on the basis of flooding/flood risk.

7.8 Surface Water Drainage

- 7.8.1 Due to the scale of the application site separate approval through the Flood and Water Management Act 2010 for the incorporation of sustainable drainage measures would be required. This is a separate consent that sits outside the remit of the Town and Country Planning Act. However as drainage is a material consideration in the assessment of a planning application consideration is given to drainage in the assessment of this application. The proposal is accompanied by a drainage statement that outlines the drainage strategy for the development which the Local Planning Authority and NRW consider to be sufficient to support this application to a positive outcome. The applicants are engaged with the Local Authority's SAB department and are progressing the drainage matters separately to this application.

7.9 Foul Drainage

- 7.9.1 The application site is located within a sewered area however foul drainage is to be discharged to a private sewerage system/septic tank. Following an investigation into the existing foul service provision adjacent to the site it was found that the existing system was not suitable to support the proposed development. To overcome this issue a septic tank is proposed to be installed with a connection for service adjacent to the proposed carparking area. All venting and emptying points are proposed at a height that either exceeds the flood levels in the area or are capped so that flood waters would not penetrate the tank.
- 7.9.1 The Local Planning Authority are satisfied that the proposed development accords with the requirements of Welsh Government Circular 008/2018 and that sufficient information has been provided in support of this application to demonstrate the need for a private sewerage facility and to demonstrate compliance with the requirements of the matters covered within paragraphs 2.3-2.6 of the afore mentioned Circular.
- 7.9.2 Natural Resources Wales raise no objection in respect of the use of a private sewerage system due to the information provided as part of this submission. The applicant will need to apply for an environmental permit or register an exemption with NRW to operate a private sewerage system, this is separate to any planning consent. The LPA does not anticipate any reason that such a permit would not be granted on the basis of the information provided with this submission.

7.10 Land Contamination/Air Quality

7.10.1 The application is supported by a Phase 1 Desk Study (ref: 315426 R01 (00)) which concludes that the proposed development poses minimal risk in relation to contaminated land and any subsequent impact to controlled waters. The conclusions drawn within the survey are accepted by both the LPA and NRW, accordingly, no further survey works are requested prior to the determination of this application or sought via condition. The Councils Senior Scientific Officer has been consulted on this application and raises no objection in relation to land contamination in this case, accordingly no concern or additional information is required in this instance.

7.10.2 The proposed development is supported by Pre- Application Report (PAC) Supplementary information prepared by Stephenson Hallison January 2025 relating to air quality. In this instance the proposed outcome of the development has been concluded as to not have any unacceptable impact upon air quality. Both NRW and The Councils Senior Scientific Officer has been consulted on this application, neither raise any objection in this respect.

7.11 Other Matters

7.11.1 The application site is crossed by a Water Main, DCWW have been consulted on this application and noted the presence of the main and requested that the development be re-positioned in order to maintain access to their infrastructure at all times. In this instance the applicant has confirmed that the main can be capped off and therefore would resolve the issue. However, notwithstanding this the presence of the main would not preclude this application being positively determined however may require the applicant/land owner to enter into a separate agreement with DCWW as the statutory provider in this area.

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 application seeks consent for an industrial use on land allocated for such purposes within the LDP. No objection is raised to the principle of development, the use is compatible with the existing surrounding uses. The applicants have demonstrated that the use would not have any unacceptable impact upon; amenity, ecology or biodiversity, highway safety or air quality. Accordingly, the application is recommended for approval subject to conditions.

10. RECOMMENDATION: GRANTED WITH CONDITIONS

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

- Figure 1 Location Plan
- Site Plan (6023UK - AR - 1001 – G)
- Site Plan with Elevations and Planting (6023UK_AR_PL_1001-F)
- Landscape Planting Plan (1000 Rev 00)
- Shadow Habitat Regulations Assessment (RSE_7345_R2_V3_HRA)
- WEBS DATA - SEVERN EST
- WEBS DATA - EBBW MOUTH
- Flood Consequence Assessment: South Dock, ABP (ref: 3490703 SH Newport Docks\RPT FCA Newport) (June 2024)
- NEWPORT HARBOUR: ARBORICULTURAL ASSESSMENT (RSE_7345_L1_V1)
- Biodiversity Air Quality Screening Assessment (J10-14834A-10-2-F1)
- Transport Assessment (230613)
- Transport Assessment: Addendum (30613/TAA/01)
- Landscape and Visual Appraisal CEM Minerals (October 2024)
- Noise Impact Assessment - 2062040-RSKA-RP-001-(02)
- Phase 1 Desk Study - 315426 R01 (01)

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

- 2 The scheme of landscaping and tree planting as detailed on approved plan 'Landscape Planting Plan (1000 Rev 00)' 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. Thereafter the trees and shrubs shall be maintained for a period of 5 years from the date of planting and any 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: To secure the satisfactory implementation of the proposal.

- 3 Any unforeseen contamination encountered during development shall be notified to the Local Planning Authority in writing as soon as is practicable and all development shall cease on site, unless approved in writing by the Local Planning Authority. An appropriate

ground investigation and/or remediation strategy of the affected area shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on any affected part of the site. Following remediation and prior to the occupation of any affected building, a Completion/Validation 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.

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.

- 4 Prior to the beneficial operation of the use hereby permitted, the parking, loading and access areas shall be provided and surfaced as indicated on the approved plans and individual parking spaces clearly marked on the surface. Thereafter, these areas shall be kept available for those purposes at all times.

Reason: To ensure that adequate off-street parking provision is made in the interests of highway safety.

- 5 Prior to the beneficial operation of the site a scheme providing a minimum of 3 x Electric Vehicle Charging spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to first beneficial use and retained and maintained as such for the lifetime of the development.

Reason: To comply with the aims and objectives of Future Wales Policy 12

- 6 Prior to the beneficial operation of the development hereby permitted a scheme providing cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to the first beneficial use and retained and maintained as such for the lifetime of the development.

Reason: To comply with the aims and objectives of PPW12, Llwybr Newydd is the Wales Transport Strategy 2021 and Policy GP4 of the Newport City Council Local Development Plan.

- 7 No development shall be commenced until details/samples of materials and finishes to be used on the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out using the approved materials.

Reason: To ensure that the development is completed in a manner compatible with its surroundings.

- 8 Prior to the construction of any boundary treatment on site a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved in accordance with the approved details prior to first beneficial use of the development hereby permitted and shall be retained thereafter for the lifetime of the development.

Reason: In the interests of highway safety

- 9 No goods or materials of any kind shall be stored externally at any time at a height exceeding 25 metres above ground level in accordance with the details contained in approved plan 6023UK_AR_PL_1001-F.

Reason: In the interests of visual amenity.

- 10 No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include, but not be limited to:

- Construction methods: details of materials, how waste generated will be managed;
- 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.

- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- 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
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

- 11 Prior to occupation of the development hereby approved, a septic tank shall be installed in accordance with full details which shall have first been submitted to and approved in writing by the Local Planning Authority. The septic tank shall thereafter be operated and maintained in accordance with the manufacturer's details.

Reason: To ensure the development is served by suitable means of foul drainage in accordance with Policy GP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

- 12 The development hereby approved shall be constructed using Auger piling only.

Reason: For the protection of the environment during construction.

- 13 The Finished Floor Levels shall be constructed in strict accordance with the details within section 7.2 of the Flood Consequence Assessment: South Dock, ABP (ref: 3490703 SH Newport Docks\RPT FCA Newport) (June 2024) and shall be maintained as such for the lifetime of the development.

Reason: To manage the risk of flooding on site.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

02 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.

03 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.

04 Regard should be had to BS 5228: Noise and Vibration Control on Construction and Open Sites and BS 5228-4 Code of Practice for Noise and Vibration Control Applicable to Piling Operations.

05 Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

06 The activity proposed in this planning application may require an environmental permit or exemption under The Environmental Permitting (England and Wales) Regulations 2016. An environmental permit or exemption must be in place before any waste activity takes place on site.