

Newport City Council
Civic Centre
Newport
NP20 4UR

Ein cyf/Our ref: CAS-277439-D4X1
Eich cyf/Your ref: 25/0069

Dyddiad/Date: 08 May 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/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.

LLEOLIAD/LOCATION: SOUTH DOCK EAST WAY ROAD, NEWPORT, NP20 2WF.

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 24 March 2025.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding pollution prevention should be attached to any planning permission granted. Without the inclusion of this condition we would object to this planning application.

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 welcome and note the amendments to the EIA regarding the ponds within the development site and comments in the Pre- Application Report (PAC) Supplementary information prepared by Stephenson Hallison January 2025.

Whilst the further information provides details regarding the suitability and quality of the habitats within the site for wintering birds associated with the SE SPA, this has not been assessed within the shadow Habitats regulation assessment (sHRA).

Therefore we reiterate our comments that the sHRA prepared by RammSanderson dated October 2024 states that the development site is 0.4km from the SE SPA but does not sufficiently assess the impacts of the development on the SPA features and their Conservation Objectives. Potential impacts on the SPA that should be considered in the sHRA (but should not be limited to); loss of supporting habitat, as well as disturbance associated with both the construction and operation of the development, and the proximity of the site to waterbird roosts.

Without this assessment we are unable to ascertain what impacts the proposed development may have on the features of the SPA.

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

Please note that if piling will be used during construction, the HRA should assess the Likely Significant Effect of piling vibrations on fish within the River Usk SAC. The rare fish species Allis and Twaite Shad, features of the river Usk SAC, are especially sensitive to vibration.

The HRA should consider the likely significant effect of disturbance to otter from external lighting associated with construction and operation of the development.

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 . 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 compliant 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 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 as 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.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Rhian Isaac

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.