



**Port Harcon, Corporation Road,
Newport**

Proposed Bio-CNG Filling Station

Planning Statement

Prepared for

Port Harcon Limited

**August 2025
5258-01-PS-02**



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5258-01-03 – Proposed Site Layout

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Appendix A – Example of Bio-CNG Filling Station
Appendix B – Invoices from Newport Harbour Commissioners



1.0 INTRODUCTION

1.1 Introduction

- 1.1.1 This Planning Statement ('PS') has been prepared to support an application for a Certificate of Lawfulness of Proposed Use or Development ('CLOPUD') application¹, for a bio-compressed natural gas ('Bio-CNG') filling station (the 'Proposed Development') on land forming part of Port Harcon, Corporation Road, Newport (the 'Site'). The Site is edged in red in the Location Plan (ref: 5258-01-01), with the remainder of the land edged in blue being under the Applicant's ownership.
- 1.1.2 The remainder of this Section sets out further details of the Proposed Development; a review of the site context including planning history and the structure for the remainder of this PS.

1.2 The Proposed Development

- 1.2.1 Port Harcon Limited ('the 'Applicant'), the operator of Port Harcon², would like to develop the Site for a Bio-CNG filling station, which will be used to fuel vehicles that operate within the port. The filling station would not be available to members of the public.
- 1.2.2 The Proposed Development is part of a wider drive to de-carbonise operations at Port Harcon in order to become net-zero. For clarity, Bio-CNG differs from traditional CNG or Liquefied Natural Gas (LNG), the latter of the two which are derived from fossil fuels. As such, Bio-CNG is considered 100% sustainable and renewable fuel.
- 1.2.3 The Proposed Site Layout plan 5258-01-03 sets out how the Proposed Development could be laid out, with Appendix A of this PS containing an example of a Bio-CNG fuelling station and the associated infrastructure that is proposed at this Site.

¹ Made under Section 192 of the Town and Country Planning Act 1990, as amended by Section 10 of The Planning And Compensation Act 1991; Town and Country Planning (Development Management Procedure) (Wales) Order 2012

² Previously known as Bird Port



1.3 Site Context

- 1.3.1 The Site is a previously developed rectangular parcel of land that is circa 0.41 hectares in size, located off Corporation Road to the northeast of Port Harcon site, circa 3.5km to the southeast of the centre of Newport. The Site comprises a mixture of hardstanding and loose gravel, bounded by a railway embankment to the north and palisade fencing to the west and south.
- 1.3.2 Beyond the site to the north (of the railway embankment) is an industrial area, with an unadopted road that runs alongside the site's south-western boundary, with a rail head to the east. and Corporation Road to the west. The remainder of Port Harcon is located towards the south of the Site beyond the aforementioned unadopted road.

1.4 Harbour Operations

- 1.4.1 The Newport Harbour Commissioners (the 'Commissioners') is a body created by Statute and covered by the Newport (South Wales) Harbour Acts and Orders 1836 to 2003.³ The latest order⁴ sets out the definition of the 'Harbour' as the:

"...the Port or Harbour of Newport as defined in section 5 of the Act of 1890⁵, that is those parts of the Bristol Channel and Rivers Usk and Ebbw which lie between an imaginary line drawn in a S.79°W. true direction from Goldcliff until it meets the shore of the Bristol Channel eastward of the Peterstone Wentlooge Church and the bridge over the River Usk at Newbridge and the bridge carrying the South Wales Railway of the Great Western Railway Company over the River Ebbw and the banks and shores of such parts of the said channel and rivers and any works on such banks and shores and all streams pools creeks havens bays and inlets within those limits;"

³ <https://www.newpotharbourcommissioners.org.uk/>

⁴ <https://www.legislation.gov.uk/uksi/2003/2679/body/made>

⁵ <https://www.legislation.gov.uk/ukla/Vict/53-54/144/enacted>

1.4.2 The Commissioners are both the Statutory Harbour Authority (SHA) and the Competent Harbour Authority (CHA), pursuant to the Pilotage Act 1987. The Newport Harbour Authority has contracted out the provision (but not the duty) of Harbour Master functions in their area of jurisdiction.⁶

1.4.3 The Applicant has an agreement with the Commissioners (as the Harbour Authority) to conduct Harbour Master operations within Port Harcon. Every time a vessel loads and unloads cargo at Port Harcon, the Commissioners issue an invoice to the Applicant for the harbour dues. A collection of invoices issued to the Applicant between April – July 2025 are enclosed in Appendix B of this PS, with the following text included at the footer of each invoice:

“The Commissioners are a Not-For-Profit Organisation, set up by an Act of Parliament, with the objective of ensuring the safe navigation of vessels in the Port and Harbour of Newport, South Wales. The Commissioners' areas of responsibility include pilotage, marking of the dredged channel and contributing to the dredging thereof, leading lights and the East Usk Lighthouse.”

1.5 Planning History

1.5.1 The planning history for the site is inconclusive following a desktop search of Newport City Council's Public Access System and Google Earth satellite images.

1.5.2 While the Site is currently vacant, satellite images have shown intermittent use of the site for open storage of materials since 2001. The available planning history also shows part of the site is used as access for the rail head located to the east of the site.

1.5.3 The known planning history for the site outlined below:

- **95/0150** - Recovery of ferrous & non-ferrous materials by magnetic separation and air cleaning, size reduction by fragmentation. Granted with Conditions 13th April 1995;

⁶ [ABP South East Wales and River Usk Passage Planning and Navigation Guide](#)

- **05/0401** - Proposed extensions to the north and south elevations of the existing industrial building affecting public right of way 401/9 Nash. Withdrawn 18th March 2008;
- **09/0735** - Erection Of Undercover Railhead Facility – Granted with Conditions 1st October 2009;
- **18/1088** - Partial demolition of existing rail freight depot and construction of replacement extension and repositioning of access ramp. Granted with Conditions 31st July 2019; and
- **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 4th November 2021.

1.6 Structure of this Planning Statement

1.6.1 The remainder of this PS is divided into four main sections following on from this introduction as follows:

- i) Section 2.0 sets out the relevant legislation;
- ii) Section 3.0 analyses the proposed development against the legislation; and
- iii) Section 4.0 sets out some concise conclusions.



2.0 LEGISLATIVE CONTEXT

2.1 Introduction

- 2.1.1 This section of the PS sets out the relevant parts of the Town and Country Planning (General Permitted Development) Order 1995, the Town and Country Planning Act 1990 and other legislation, that will be considered as part of the assessment of the scheme in Section 3.0 of this PS.

2.2 Town and Country Planning (General Permitted Development) Order 1995

- 2.2.1 The principal order that sets out PD rights in Wales is the Town and Country Planning (General Permitted Development) Order 1995 ('GPDO 1995').

- 2.2.2 Schedule 2 of the GPDO 1995 sets out the development classes for which planning permission is deemed to be granted, provided that no restrictive condition is attached to a previously granted permission relating to the wider development, or that the development is exempt from PD rights for other reasons.

- 2.2.3 With relation to the Proposed Development, Schedule 2 Part 17 of the GPDO 1995 sets out the PD rights that are available to 'Statutory Undertakers', in which Class B relates to "*dock, pier, harbour, water transport, canal or inland navigation undertakings*".

- 2.2.4 This following would be PD under Schedule 2 Part 17 Class B of the GPDO 1995:

"Development on operational land by statutory undertakers or their lessees in respect of dock, pier, harbour, water transport, or canal or inland navigation undertakings, required—

(a) for the purposes of shipping, or

(b) in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour, or with the movement of traffic by canal or inland navigation or by any railway forming part of the undertaking."



- 2.2.5 Subsection B.1 sets out development that is not Permitted under Class B if it consists of or includes:

“(a) the construction or erection of a hotel, or of a bridge or other building not required in connection with the handling of traffic,

(b) the construction or erection otherwise than wholly within the limits of a dock, pier or harbour of—

(i) an educational building, or

(ii) a car park, shop, restaurant, garage, petrol filling station or other building provided under transport legislation.”

- 2.2.6 Subsection B.2 sets out the interpretation of Class B:

“For the purposes of Class B, references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected, and the reference to operational land includes land designated by an order made under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc., and orders conferring powers for improvement, construction etc. of harbours), and which has come into force, whether or not the order was subject to the provisions of the Statutory Orders (Special Procedure) Act 1945”

2.3 Town and Country Planning Act 1990

- 2.3.1 To assist with the assessment of the Schedule 2 Part 17 of the GPDO 1995 in Section 3.0 of this PS, there would need to be consideration of the definitions of ‘statutory undertaker’ and ‘operational land’. These are defined in of the Town and Country Planning Act (1990) (‘TCPA 1990’).

- 2.3.2 Section 262 of the TCPA 1990 sets out the definition of ‘statutory undertaker’ as:

“persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power and a relevant airport operator”



2.3.3 Section 263 of the TCPA 1990 defines operational land in relation to statutory undertakers as:

“(a)land which is used for the purpose of carrying on their undertaking; and

(b)land in which an interest is held for that purpose.”

2.4 Other Relevant Legislation

2.4.1 As set out in Section 1.0, the other legislation that is relevant to this application are:

- i) Newport (Monmouthshire) Harbour Act 1890 - Section 5 of this Act defines the limits of Newport Harbour.
- ii) The Newport (South Wales) Harbour Revision (Constitution) Order 2003 - This Order, when considering Newport (South Wales) Harbour Acts and Orders 1836 to 1991, sets out the statutory role of the Commissioners.

2.5 Caveats

2.5.1 The applicant has reviewed 23 amendments to the 1995 GPDO, and is not aware of any changes to the original drafting of Schedule 2 Part 17 Class B of the GPDO 1995.



3.0 ASSESSMENT

3.1 Introduction

- 3.1.1 This section assesses whether the Proposed Development is permitted development as defined in Schedule 2 Part 17 Class B (of the GPDO 1995), with consideration of the restrictions set out in this part of the GPDO 1995 and definitions in the other relevant legislation.

3.2 Breakdown of Schedule 2 Part 17 Class B of the GPDO 1995

- 3.2.1 As set out above, Permitted Development under Schedule 2 Part 17 Class B (of the GPDO 1995) relates to the “*Development on operational land by statutory undertakers or their lessees in respect of dock, pier, harbour, water transport, or canal or inland navigation undertakings” (emphasis added).*
- 3.2.2 Therefore, to establish whether it is PD it under this class Schedule 2 Part 17 Class B (of the GPDO 1995), there would need to be certainty that the Proposed Development:
- i) Is the Proposed Development on operational land used by a statutory undertaker or a lessee?
 - ii) Is the Proposed Development in connection with embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour?
 - iii) Does the Proposed Development contravene Schedule 2 Part 17 Class B.1 of the GPDO 1995 (outlining where development under Class B is not permitted).

- 3.2.3 These matters are addressed in further detail below.

Is the Proposed Development on Operational Land Used by a Statutory Undertaker or a Lessee?

- 3.2.4 The Newport (South Wales) Harbour Acts and Orders 1836 to 2003 provides the Commissions with the statutory powers to operate within Newport Harbour.



- 3.2.5 The Applicant has freehold over the Site and the land edged in the blue in the submitted Location Plan (ref: 5258-01-01), with an agreement in place with the Commissioners (as the Harbour Authority) to undertake Harbour Master operations at Port Harcon (see Appendix B regarding invoices issued by the Commissioners to the Applicant). The Site and wider Port Harcon is within the defined limits of Newport Harbour, as set out in Section 5 in the Newport (Monmouthshire) Harbour Act 1890.
- 3.2.6 With consideration of the above, the Proposed Development is on operational land that is used by the Applicant on behalf of a statutory undertaker.

Is the Proposed Development in Connection with Embarking, Disembarking, Loading, Discharging or Transport of Passengers, Livestock or Goods at a Dock, Pier or Harbour?

- 3.2.7 As established above, Port Harcon is located within the defined Newport harbour limits. The Proposed Development involves the installation of a Bio-CNG filling station, which will fuel vehicles that are involved in the loading and unloading of goods at Port Harcon. This Bio-CNG filling station would not be available to the public.
- 3.2.8 The Bio-CNG filling station is proposed by the Applicant to help de-carbonise of their port operations, so the Proposed Development is critical to help fulfil their Harbour Master operations as agreed with the Commissioners.
- 3.2.9 Therefore, the Proposed Development can be demonstrated to be in connection with the loading and unloading of goods within a Harbour.

Does not contravene Schedule 2 Part 17 Class B.1 of the GPDO 1995 (outlining where development under Class B is not permitted).

- 3.2.10 Schedule 2 Part 17 Class B.1 sets out that Development is not permitted by Class B if it consists of or includes a "...car park, shop, restaurant, garage, petrol filling station or other building provided under transport legislation." The Proposed Development is neither of these uses, so it does not contravene Schedule 2 Part 17 Class B.1 of the GPDO 1995.



4.0 CONCLUSIONS

- 4.1.1 The Applicant, Port Harcon Limited, are authorised by a statutory undertaker (Newport Harbour Commissioners) to undertake Harbour Master operations at Port Harcon. The Site is on operational land as it is tied to the wider Port Harcon by title and located within the defined Newport harbour limits, as set out in Section 5 in the Newport (Monmouthshire) Harbour Act 1890.
- 4.1.2 The Proposed Development would provide a Bio-CNG filling station for vehicles that would be used to load and unload goods at Port Harcon, so would help with the decarbonisation of operations within Port Harcon. The Site would not be open or available for use by members of the public. As such, the Proposed Development can be demonstrated to be in connection with the loading and unloading of goods within a Harbour.
- 4.1.3 The restrictions set out in Schedule 2 Part 17 Class B.1 of the GPDO 1995 do not apply to the Proposed Development.
- 4.1.4 With consideration of the foregoing, **the Proposed Development is considered permitted development** with relation to Schedule 2 Part 17 Class B of the GPDO 1995.



Appendix A – Example of Bio-CNG Filling Station





Fuel Dispensers



Gas Storage and Compressors



Gas Loading Dispensers



Wide Angle View of Fuel Dispensers

Appendix B – Invoices from Newport Harbour Commissioners





AGENT: Port Harcon Shipping Co Ltd
Corporation Road
Newport
NP19 4RE

The Commissioners are a Not-For-Profit Organisation, set up by an Act of Parliament, with the objective of ensuring the safe navigation of vessels in the Port and Harbour of Newport, South Wales. The Commissioners' areas of responsibility include pilotage, marking of the dredged channel and contributing to the dredging thereof, leading lights and the East Usk Lighthouse.



DATE: 09 June 2025
INVOICE 8947
VAT REG No: 135 2501 06

AGENT: Port Harcon Shipping Co Ltd
Corporation Road
Newport
NP19 4RE

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AGENT: Port Harcon Shipping Co Ltd
Corporation Road
Newport
NP19 4RE

DETAILS		AMOUNT	
			£
Name of Vessel:	INGRID B		
Date:	26/06/2025		
Harbour Dues:	(P/GT)	8.5	
Gross Tonnage:	Inwards		
SUBTOTAL			
Mission to Seafarers			

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