

APPLICATION DETAILS

No: 24/0198 **Ward:** Pillgwenlly

Type: Env Impact Screening

Expiry Date: 20th April 2024

Applicant:

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

Proposal: ***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***

Decision: **ENVIRONMENTAL STATEMENT NOT REQUIRED**

1. CONSULTATIONS

1.1 External Consultations are not undertaken for EIA Screening Requests.

2. INTERNAL COUNCIL ADVICE

2.1 THE HEAD OF INFRASTRUCTURE (HIGHWAYS): It is our understanding that the proposals would not constitute a change of use and that the transport operations would be on a similar scale to what is currently permitted.

We would anticipate the need for a construction management plan to address short-term impacts, but at this stage could not identify the extent of any long-term impacts.

We would anticipate the application would include an assessment of trip generation by vehicle type. Until we receive that we would not be able to estimate the environmental impacts, but the submission suggests it is within existing parameters.

2.2 THE HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (LANDSCAPE):

The industrial context contains a number of high structures, although no information is provided to enable a comparison with the proposal these break the sky-line from mid-distance views. Given the location adjacent to the dock with industrial context on all sides there will be little change to the landscape character, it is the impact on visual amenity that is more difficult to assess.

The likely visual amenity impacts may not be significant however the submitted information is light and comparison between 45-55m high solid structures and wind turbines is misleading.

It would generally be expected that a development at this scale would require a Landscape and Visual Impact Assessment (LVIA) - 5 hectares, 4 storage silos of approximately 45m, mill to 50-55m, with other structures proposed. It is the higher elements that will impact visually beyond the site rather than storage areas although noted that the site location is within rather than at the edge of the wider industrial use landscape.

An indicative ZTV could easily be produced at this stage based on the largest parameters (using the Rochdale Envelope Approach) with heights of nearby buildings, silos, stacks estimated to enable a more informed decision on whether visual amenity impacts may be significant.

The key receptors may be users of the Wales Coast Path to the east (at around 0.7km) and west of the River Usk, users of the Transporter Bridge (at around 1.8km), and views from users of the River Usk itself.

If an EIA is required for other reasons, I would recommend landscape impacts are scoped in ie. a LVIA is provided.

If an EIA is not required for other reasons, due to the scale of the proposals an informal Landscape and Visual Appraisal (LVA) would be required. In either case, both construction phase and operational residual impacts would be required and used to inform mitigation measures. Discussion with the local authority should be undertaken to agree the receptors and view-points for analysis. All elements of the proposal should be incorporated.

2.3 THE HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (ECOLOGY): No response.

2.4 THE HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (SENIOR SCIENTIFIC OFFICER): I think the AQA would go some way and if it is of a sufficient scope that it covers emissions and deposition rates of substances from the process that would be ideal as this would also be something which NRW/Permitting at NCC would require through the permitting regime. I believe it's also known as H1 screening by NRW.

If consultants could confirm the scope of what is being undertaken that would be reassuring.

2.5 THE HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (ENVIRONMENTAL HEALTH): No response.

2.6 THE HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT (CONSERVATION OFFICER): In principle I have no objections to development at this location, however I would expect to see more information on landscaping with appropriate screening of the site, as well as elevations.

The area is built up heavily with industrial type buildings, however further expansion of this should not impact views from the Gwent levels and other important vistas within the docklands.

2.7 THE HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT (PLANNING POLICY): No response.

3. REPRESENTATIONS

3.1 None.

4. RELEVANT SITE HISTORY

4.1 None

5. ASSESSMENT

5.1 This is a screening opinion request submitted in accordance with the Town and Country Planning Environmental Impact Assessment Wales Regulations 2017 for a development at South Dock, East Way Road, Newport.

5.2 The proposed development is contained within a 4.70ha site which is to be leased, but not all of this area would be used. The submission advises that there are three phases to the proposed development, which are;

1. Site preparation, connection to services, security fencing, provision of foundations.

2. Importation, storage and onward distribution of estimated aprox.100,000 tonnes per annum of cement and or cement substitutes.

3. Importation of estimated approx. 500,000 tonnes per annum of raw materials such as cement clinker and slag, construction and operation of mill for processing, manufacture of cement and cement substitutes and onward distribution. Substation and hydrogen storage will be investigated.

5.3 An indicative site layout has been provided as shown in Figure 1, and would contain, outside stock area, stock bunker, clincker hall, 2no. mills (one being up to 50m in height),

a series of storage silos (up to 45m in height) and an office/welfare building. The site is immediately adjacent to a dock, with raw materials proposed to be shipped in and the final product transported out from the silos via road vehicle.

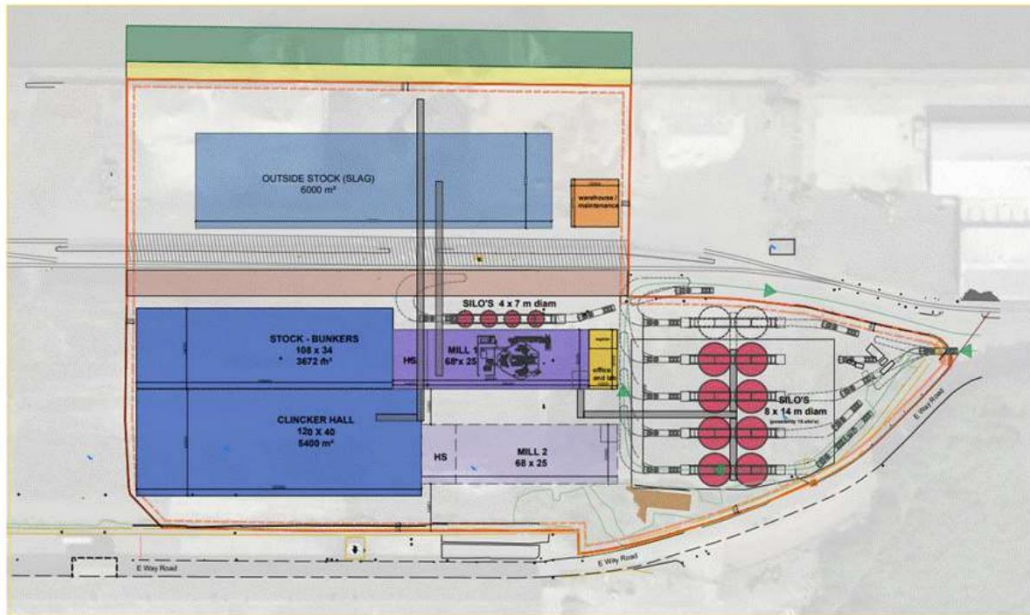


Figure 1 – Indicative Site Layout.

- 5.4 The proposed development does not fall within a sensitive area as defined by the EIA Regulations. The project as a whole is not a form of development that is described in Schedule 1 to the Regulations. Therefore, the proposal has been considered against Schedule 2 of the Regulations. The proposal could fall within the description of development at Schedule 2, Section 10(a) – *Industrial Estate Development Projects* and 10(c) *Construction of Intermodal transshipment facilities and of intermodal terminals (unless included in Schedule 1)* of the Regulations. However, the proposal would not meet or exceed the respective 5ha or 0.5ha applicable thresholds for either that would define it as Schedule 2 development.
- 5.5 Schedule 2, Section 5(b) – *Installations for the manufacture of cement* is also considered as being applicable and the proposal exceeds the threshold of 1,000sqm of new floor space. A Schedule 2 development does not require EIA to be undertaken in all cases, but must be considered against the criteria provided in Schedule 3 of the Regulations to establish whether significant effects on the environment are likely. Schedule 3 criteria include the characteristics and location of the development and the characteristics of the potential impact.

The Context of the Site

- 5.6 The site is located within the Alexandra Docks and is previously developed land that has been used in a scrap recycling capacity. The docks contain a variation of commercial and industrial uses, storage areas and large associated industrial buildings. The application site consists of an existing berth, and previously developed land with ship loading equipment, rail sidings, small built structures, a pond and scrubland. The site contains 20m lighting columns around the perimeter and along to rail lines.
- 5.7 The nearest residential estate is at Tredegar Park, approximately 1.8km to the west, although the nearest individual property is approximately 1km away, and farm properties, approximately 1.9km to the east. Road access to the site is gained via East Way Road security station (GR ST 315860) giving access directly from and onto the A48, Usk Way (Southern Distributor Road).

Traffic and Impact

- 5.8 Given the distance to residential receptors and low population of the area, it is considered to have fairly low sensitivity. The site is accessed straight off the Southern Distributor Road and to the site via East Dock Road. This route would be used by construction traffic as well as vehicles accessing the site to collect and distribute the final product.
- 5.9 The Highways Officer has advised that they consider the transport options to be on a similar scale to those currently operating from the site. They have identified that a Construction Environment Management Plan (CEMP) would be needed to address short term impacts but at this stage those impact could not be identified. They have confirmed that any submission would need to include assessment of trip generation by vehicle type and until that is received it would not be possible to estimate environmental impact, however the submission suggests this would be comparable to existing parameters.
- 5.10 It is considered that a Transport Assessment is likely adequate to address these points as part of a formal submission.

Visual and Landscape Impact

- 5.11 Development proposals will need to include a Green Infrastructure Assessment (GIA) and will need to include ecological enhancements in line with the Environment (Wales) Act 2016 providing a net benefit for biodiversity (also referred to in PPW12). The proposal should meet the requirements of GP5 General Development Principles – Natural Environment :
- v there would be no unacceptable impact on landscape quality
 - vi the proposal includes an appropriate landscape scheme which enhances the site and the wider context including green infrastructure and biodiversity networks.
 - vii the proposal includes appropriate tree planting or retention where appropriate and does not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value
- 5.12 The Council's Landscape Officer has confirmed that the industrial context contains a number of high structures, although no information is provided to enable a comparison with the proposal these break the sky-line from mid-distance views. Given the location adjacent to the dock with industrial context on all sides there will be little change to the landscape character, it is the impact on visual amenity that is more difficult to assess.
- 5.13 It would generally be expected that a development at this scale would require landscape assessment. It is the higher elements that will impact visually beyond the site rather than storage areas although noted that the site location is within rather than at the edge of the wider industrial use landscape.
- 5.14 An indicative Zones of Theoretical Visibility (ZTV) assessment could easily be produced at this stage based on the largest parameters (using the Rochdale Envelope Approach) with heights of nearby buildings, silos, stacks estimated to enable a more informed decision on whether visual amenity impacts may be significant. The key receptors may be users of the Wales Coast Path to the east (at around 0.7km) and west of the River Usk, users of the Transporter Bridge (at around 1.8km), and views from users of the River Usk itself.
- 5.15 The Landscape Officer has confirmed that if an EIA is not required for other reasons, due to the scale of the proposals an informal Landscape and Visual Appraisal (LVA) would be required.

Impact on Ecology and nearby protected sites

- 5.16 On-site habitats are likely of limited ecological value, but the main concern would be the impact of the proposed scheme upon nearby and immediately adjacent habitats which are protected by designations such as the Severn Estuary SAC/SPA/Ramsar site, the River Usk SAC, and the Gwent levels SSSI/SINC/NNR. On-site habitats are likely of limited ecological value, but the main concern would be the impact of the proposed scheme upon nearby and immediately adjacent habitats which are protected by designations such as the Severn Estuary SAC/SPA/Ramsar site, the River Usk SAC, and the Gwent levels

SSSI/SINC/NNR. It is possible that a shadow Habitats Regulations Assessment (HRA) will need to be undertaken in relation to the international/European designations within close proximity.

5.17 The Council's Senior Scientific Officer initially raised comments that the dust and noise information provided was not in a typical format or of metrics that were familiar. However, it has since been confirmed that an Air Quality Assessment (AQA) will be submitted with the application. The Officer has advised that providing the AQA is of sufficient scope that covers emissions and deposition rates of substances from the process it should be adequate to cover this matter. They have also advised that NCC and NRW permitting will be required for the development, and this will give an additional level of environmental protection.

5.18 As mentioned above, a separate permit and/or license from NRW is likely to be required and is regulated as a distinct process to the planning application. Ideally the two should run in parallel. This also applies to an application to the Sustainable drainage Approving Body (SAB).

Impact on setting of Marine environment and Heritage

5.19 National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals. The proposal appears able to potentially meet a number of the WNMP objectives;

- Achieving a sustainable marine economy –
 - Contribute to a thriving Welsh economy by encouraging economically productive activities and profitable and sustainable businesses that create long term employment at all skill levels.
 - Provide space to support existing and future economic activity through managing multiple uses, encouraging the coexistence of compatible activities, the mitigation of conflicts between users and, where possible, by reducing the displacement of existing activities.

5.20 Factors relating to landscape and ecological impact are assessed in the respective sections above and the marine environment is a key characteristic of the site context. It is concluded that the development will not likely give rise to significant environmental effects with regard to these issues.

Other matters

5.21 The risk of noise and disturbance from the site during its operation is considered to be limited but further information in relation to operational noise matters will need to be submitted with any application.

5.22 Noise and disturbance arising from the construction period can be controlled via a Construction Environmental Management Plan and associated hours for example. Construction phase impacts will give rise to some impacts but these will be of limited duration and are not complex or unusual, arising in large part from construction traffic and are unlikely to be significant.

6. OTHER CONSIDERATIONS

6.1 *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.

6.2 *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.

- 6.3 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.
- 6.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.
- 6.5 ***Planning (Wales) Act 2015 (Welsh language)***
Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.
- 6.6 ***Newport's Well-Being Plan 2018-23***
The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

7. CONCLUSION

- 7.1 Schedule 3 of the 2017 Regulations requires the characteristics of the development, the location of the development, and the characteristics of the potential impact be considered. Based upon the above assessment and associated Screening Checklist, the Local Planning Authority's formal decision is that the proposed development, as set out in the Screening request by Stephenson Halliday would not constitute EIA development for the purposes of the Regulations. An Environmental Statement is not therefore required to accompany a future planning application. Should the location or scale of the development alter significantly prior to the submission of an application then further EIA screening may be required.

8. DECISION

ENVIRONMENTAL STATEMENT NOT REQUIRED

NOTE TO APPLICANT

01 This decision relates to plan Nos: RJH/0655/1 Screening Request dated 15th February 2024; Indicative Site Layout Plan; Site Location Plan.

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