



**STEPHENSON
HALLIDAY**

Planning, Landscape & Environment
an **RSK** company

NEWPORT DOCKS

PAC Supplementary Information

CEM Minerals

January 2025

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Document history

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1 INTRODUCTION

1.1 PAC Process

- 1.1.1 The main report describes the legal basis for undertaking statutory pre-application consultation and the content that is needed in order to make the process valid.
- 1.1.2 The PAC Report accompanying the application confirms the actions that have been carried out in order to elicit responses from the necessary parties and the broad conclusions of the exercise.
- 1.1.3 This document provides the full response to the points that have been raised by the consultees. Responses were received from Natural Resources Wales (NRW), South Wales Fire and Rescue and Dwr Cymru (Welsh Water).
- 1.1.4 It is anticipated that a planning condition will be imposed, as per the NRW response for the submission of a Construction Environmental Management Plan prior to commencement of the development.

2 INFORMATION IN RESPONSE TO PAC COMMENTS

2.1 Flood Risk

2.1.1 The following table sets out the queries raised in Column 1 and the information update in Column 2

Point	Column 1 - NRW Comment	Column 2 - EW Response
1	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 A1.14 or A1.15 of TAN 15.	Full compliance with A1.14 & A1.15 of TAN15 is only possible if the ground level across the entirety of the site is raised up (by c. 0.75 - 1m). Envireau Water was advised by Stephenson Halliday that ground raising was not possible due to various constraints and on that basis, it was agreed that this would remain a point of non-compliance with TAN15. Instead, it was agreed that mitigation in the form of raising finished floor levels of critical infrastructure above the flood level would be presented in the FCA to demonstrate at least partial compliance as a minimum.
2	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.	We agree with this statement. However, given the location of the site, floodwater velocities at the site cannot be reduced (NRW acknowledge this fact, see Point 7). Buildings and support structures on site will need to be designed to be structurally resilient to floodwater. We expect that the structural design of the buildings will need to be presented to Newport Council as part of the planning application.
3	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.	No further action required.
4	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	Compliance with A1.14 can be achieved if the finished floor level (FFL) of the Clinker Storage

Point	Column 1 - NRW Comment	Column 2 - EW Response
	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.	Building is raised above the 1:200 year flood level. Compliance with A1.15 would require either raising the FFL to the 1:1000-year flood level OR raising the ground level beneath the building, in combination with raising the FFL to the 1:200 year flood level.
5	The FCA calculated the volume of storage lost as 10,044 m ³ 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 m ² - 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.	No further action required.
6	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 the 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 occurrence 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 emergency plans for the proposed site.	We expect that a Flood Warning & Evacuation Plan will need to be submitted to Newport Council. In our experience, this is normally required as part of a pre-commencement condition.
7	Given the location of the proposed development site, it will be very unlikely to achieve full compliance with TAN	We agree with this statement. Full compliance with TAN15 cannot be demonstrated unless the

Point	Column 1 - NRW Comment	Column 2 - EW Response
	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.	ground level of the site is raised up AND the FFL of ALL buildings on site are raised above the flood level.
8	As it is for the Local Authority (LA) to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend the LPA consult 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.	NRW have not raised any ‘concerns’ regarding flood risk or requested any additional information to be submitted with the planning application. We would welcome any comments received from Newport Council flood risk management team and their views on compliance with TAN15 to determine whether any further information is required.

2.2 Foul Drainage

- 2.2.1 Further interrogation of the availability and capacity of the private Foul Drainage system within the port has confirmed that, whilst connection would be physically possible there is inadequate treatment capacity and so this option is not available.
- 2.2.2 Owing to the number of employees that will be on site at any one time it will be possible to install a septic tank arrangement of sufficient capacity, sealed to above flood levels and vented at height from the main mill building. A septic tank arrangement is the most appropriate solution given the potential for flooding at the site. This minimises the potential for pollution events to occur. This approach is considered to comply with the ‘Water Strategy for Wales’ recommendations.

2.3 Air Quality and Ecology

Point	NRW Comment	Response
Protected Sites		
9	The shadow Habitats regulation assessment (sHRA) prepared by Ramm Sanderson 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 include (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.	The habitats within the site are unsuitable for wintering bird species, including those associated with the River Severn. Regarding disturbance, although the site is within a distance over which birds along the River Usk and associated bankside habitats could be disturbed, there is an existing operational facility between the site and the habitats that would screen the development. In addition, this location is already subject to significant background disturbance from

	The Environmental Impact assessment (EclA) prepared by Ramm Sanderson dated August 2024, suggests that some of the development site is unsuitable for overwintering waterbirds, however, the EclA also highlights that there are some areas which may be suitable (large ponds and other water bodies). Due to the proximity to the SPA, these may have the potential to provide supporting habitat to the SE SPA features. Whilst the EclA briefly mentions one of the SPA features (Bewicks Swan), it has not considered that the site could also be used by the full range of features of the SE SPA. It is therefore possible that overwintering bird surveys may be needed for the development site and any wider footprint.	existing developments, the docks and use of the river by boat traffic.
HRA		
10	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 (LSE) of disturbance to otter from external lighting associated with construction and operation of the development.	Piling may be used during construction; however specific details are not yet available. The River Usk is located over 250m from the Site. Given the distance between the Site and the SAC, and the regular use of this part of the SAC for traffic into and out of Alexandra Docks, it is unlikely that any impact from vibration would occur to any fish species within the river. The River Usk is located over 250m from the Site. There is an existing operational facility between the site and the habitats that otter could use along the River Usk, Artificial lighting would therefore not have any impact on otters using habitats associated with the River Usk.
Dust impacts from construction and operational activities		
11	The assessment of operational dust impacts considers sensitive ecological receptors for River Usk SAC/ SSSI which are <400m from the site and associated roads. Four receptors are identified in the River Usk SAC/SSSI and are assessed for the size of dust emission, pathway effectiveness (using wind data) and sensitivity. The results of each element in the operational dust impact assessment result in a dust impact risk and dust magnitude effect as 'negligible'. This is a sound conclusion given the values attributed to size of dust emission, pathway effectiveness and receptor sensitivity and identification of the sensitive feature being Atlantic upper-mid and mid-lower saltmarsh.	No further action required
Traffic impacts from construction or operational activities		
12	The assessment of potential impacts from traffic on biodiversity is presented in Appendix A7 in an attached separate report. Operational traffic impacts on sensitive ecological receptors have been quantitatively assessed using 'ADMS-roads' software but it does not seem construction	Provide justification for screening for construction traffic impact on SAC Paragraph 6.1 of the AQA identifies that there would be no more than 10 additional heavy goods

	traffic impacts have been screened or assessed with the same rigor. Paragraph 6.1 (p.29) of the main Air Quality report concludes no significant impact on local roadside air quality, however, the screening criteria used seems to indicate this is an assessment for human health receptors and not protected sites. We recommend further information is submitted on how the construction traffic impacts on ecological receptors have been screened/assessed.	vehicles to the site on any one day, and only some of these (if any) would travel along the A48 adjacent to the area of concern within the SAC. Appendix A7 assesses the impacts of an additional 92 heavy goods vehicles on the A48 during the operational phase, which is significantly greater than during less than 10 during construction. On this basis, the impacts of construction phase traffic, as presented in Appendix A7, can be assumed to be 10% of those presented for operational traffic and no LSE.
13	Ecologically sensitive receptors were identified within 200m of relevant roads for the River Usk SAC/SSSI and detailed modelling was undertaken to better understand potential impacts. The results showed percentage of process contribution of critical load or level (%PC of CLe/CLo) was <1% for all ecologically sensitive receptors in the River Usk SAC/ SSSI when the development was considered alone. No LSE was concluded.	No further work required – no LSE was concluded. NRW aren't requesting any further action.
14	All results for in-combination were also <1% PC of CLe/ CLo except for nutrient nitrogen deposition which was 2% PC of CLo. The feature of interest in this area is the Atlantic upper-mid and mid-low saltmarsh and the area of the site affected comprises 0.01% of the area of the SAC. It is unclear what percentage of the area of this interest feature is within the potential impact zone (it is likely this is higher than 0.01% due to the site being a river designation extending upstream, and the saltmarsh feature being restricted to the estuarine area of the SAC/ SSSI).	See comment below.
15	The rationale for concluding no LSE for the nutrient nitrogen deposition in combination figure, is not clear. Some justification is provided based on Natural England's previous decisions, but this is not fully explained and the conclusion in para 8.4 (p. 27) of Appendix A7 that "... effects of the proposed development on biodiversity can be screened out as not significant without needing any additional assessment" seems premature. We recommend further information be included in the report as to why the 2% PC of CLo for N dep can be screened out as no LSE based on ecological grounds, or if it were taken through to appropriate assessment and then found to have no adverse impact on site integrity at that stage of the HRA.	If only 0.01% of the SAC is affected by increases in nitrogen deposition, even if this 0.01% is above the critical load it is such a miniscule area of the protected site, any impact to this area of habitat could not result in a significant effect to the integrity of the SAC as a whole.
Operational point source impacts		
16	There is no consideration of potential impact on protected site features of the operational point source emissions. Screening for this has been based on Defra's Industrial Emissions	The screening tool provides an indication of the NOx emission rate that would be required to lead to an annual mean ground-level nitrogen dioxide concentration of 1 µg/m³. Based on this relationship between emissions and ground level concentrations, using the actual emissions

	Screening tool (2017) which was developed to help local authorities determine risk of exceedances of human health pollutant limits. There is no information in the report of screening and assessment for NO_x and nutrient nitrogen deposition impacts on ecologically sensitive receptors due to the point source emissions from the operation of the cement production facility. We recommend this information is included as part of this report, or justification as to why this has been screened out. Please note this information is likely to be required for the Environmental Permit.	presented in Table 17 of the AQA would lead to a 0.016 µg/m³ increase in NO₂, equivalent to a 0.023 µg/m³ increase in NO_x (assuming 70% of NO_x is converted to NO₂). This change represents just 0.078% of the NO_x Critical Load, and the influence on nutrient nitrogen deposition would be equally small and thus no LSE.
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