

Delegated Decision Report

Application No:	25/0862	Statutory Expires:	Period	10th November 2025
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Site:	<i>Jamaica Terminal East Way Road Alexandra Docks Newport South Wales</i>		
Proposal:	PRIOR NOTIFICATION OF DEMOLITION OF 2NO. WAREHOUSE BUILDINGS		
Applicant:	<i>C Hall</i>		
Type:	Demolition	Ward:	Pillgwenlly
Decision:	PRIOR APPROVAL IS NOT REQUIRED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site comprises of two existing warehouse buildings located on East Way Road within Alexandra Docks.

2.2 The application site located within the settlement boundary. The Proposals Map contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) identifies the site as being within the Newport Docks and within the Developed Coastal Zone. The site is not subject to any designations on the Constraints Map, however it is located adjacent to the River Usk (Lower Usk) Site of Special Scientific Interest (SSSI) and the River Usk Special Area of Conservation.

2.3 The Natural Resources Wales Flood Map for Planning (FMfP) identifies the site as being entirely within Flood Zone 3 (Rivers and Sea).

3. DESCRIPTION OF DEVELOPMENT

3.1 This application is submitted seeking Prior Approval for demolition under Part 31 (Demolition of Buildings) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

3.2 The proposed development complies with the limitations and conditions of the aforementioned part of The Order and constitutes permitted development. Planning permission is therefore granted by The Order, subject to the Prior Approval of the Local Planning Authority as to whether details of the method of demolition and any proposed restoration of the site will be required.

3.3 This submission is supported by a Demolition Management Plan prepared by Associated British Ports with reference to the appointed demolition contractor (Walters). The Plan outlines that the demolition works include:

- Removal and disposal (off site) of all asbestos from the site.
- Demolition of all three warehouses and slabs down to 500mm below existing quay slab level (unless the slab level ties in with the quay level) and disposal of materials off site.
- Removal and disposal off site of any miscellaneous items.
- Remove any concrete, steel or similar items protruding above existing.
- Slab level to make ground conditions good and remove potential slips, trips and falls and dispose of offsite.
- Surfacing the footprint of the buildings with rolled granular type 1 material

4. RELEVANT SITE HISTORY

4.1 None.

5. PLANNING POLICY

5.1 Town and Country Planning Act 1990

5.2 The Town and Country Planning (General Permitted Development) Order 1995

6. OTHER MATERIAL GUIDANCE/LEGISLATION

- 6.1 Development Management Manual
- 6.2 Planning Controls Over Demolition (Circular 31/95)
- 6.3 Letter to Chief Planning Officers – Planning Control Over Demolition 18 April 2011

7. CONSULTATION RESPONSES

- 7.1 Local Highways Authority: The site is accessed via roads suitable for HGVs and is remote from adopted highway. No significant highway impacts are therefore anticipated.
- 7.2 Ecology Officer: I have considered the PRELIMINARY ROOST ASSESSMENT (PRA) AND ACTIVITY SURVEYS FOR BATS report dated September 2025 and I support the methodology and conclusions of that report. Three bats belonging to two Pipistrelle species were detected roosting in one of the buildings (Shed 4 – the Transit Shed), so this building is a confirmed bat roost. No bats were detected using the other buildings on site.

In accordance with the NRW Approach to Bats and Planning Good Practice Guide 2015, this roost constitutes a 'Low Risk Case', and so the standing advice is that we do not need to consult NRW on this application. This is with the proviso that the recommendations of the Bat Survey Report are implemented.

In this instance, my advice is that the Bat Survey Report, and in particular its conclusions and recommendations (Set out in sections 7.3 and 7.4 of the report), is suitable for this purpose. Therefore we should require that all of the avoidance, mitigation and compensation measures set out in Sections 7.3 and 7.4 are implemented.

Please note that an EPS Licence issued by NRW will still be needed to allow this building to be demolished. That licence will be issued subject to a series of conditions, which will include the implementation of the mitigation measures set out in sections 7.3 and 7.4 of the Bat Survey Report, together with any other that NRW require.

- 7.3 Landscape Officer: The application form states the site is likely to be used as open quayside storage space but the surfacing finish is not covered in the Method Statement.

If the site is to be left for storage should the proposal meet the requirements of GP5 General Development Principles – Natural Environment vi the proposal includes an appropriate landscape scheme which enhances the site and the wider context including green infrastructure and biodiversity networks ie. is this appropriate given the application is 'Prior Notification'?

The setting is industrial use, there are no significant landscape constraints. The site is not in an area with public views but the proposal is for demolition of two very large dockside warehouses.

- 7.4 Environmental Health Officer: No response received.
- 7.5 Senior Scientific Officer: No response received.
- 7.6 Natural Resources Wales: We have no objection to the proposed application as submitted and provide the following advice.

Flood Risk

The prior notification application proposes demolition of 2no. warehouse buildings. The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 3 – Sea.

Flood Risk Elsewhere

We note that the proposed application is for prior notification of demolition of two buildings within Newport Docks. According to the information submitted the buildings to be demolished total 1970sqm.

Given the source of flooding is tidal an assessment of the impacts elsewhere would not be required in this instance.

European Protected Species – Bats

We have reviewed the following report submitted in support of the application:

- Middle Quay Warehouses - ABP Newport, Preliminary Roost Assessment (PRA) and Activity Surveys for Bats, Report No: 238-03-17.R1, Revision 1, prepared by ExCAL, dated September 2025.

We note the report has identified that the buildings to be demolished are a confirmed summer day roost for Soprano and Common Pipistrelle bats and that an EPS licence will be required. From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three tests set out in the Regulations (Please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to "demonstration of no detriment to the maintenance of the favourable conservation status of European protected species."

As this is a lower risk case for bats, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. We recommend that you discuss the need to secure any avoidance or mitigation measures with your internal ecological advisor.

We advise that the works are carried out under licence. We refer you to the Chief Planning Officer's letter dated 1 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Pollution Prevention

We note that the buildings to be demolished are approximately 110m from the River Usk Special Area of Conservation (SAC) and River Usk Site of Special Scientific Interest (SSSI). We do not consider the proposed demolition poses a significant risk given the lack of potential pollution pathways (streams, surface water lines etc).

We advise that the applicants consult the following guidance and use them as best practice to form a pollution prevention plan Guidance for Pollution Prevention (GPP) documents.

Other Matters

The advice in this letter relates to matters which are included on our consultation topics list. We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

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.

8. PUBLIC REPRESENTATIONS

- 8.1 In accordance with the requirements of Part 31 of The Town and Country Planning (General Permitted Development) Order 1995 the proposal was advertised by the applicant via a site notice.
- 8.2 No representations have been received by the Local Planning Authority.

9. ASSESSMENT

- 9.1 The proposal for demolition of an existing building is permitted development as established by The Order, accordingly the principle of development is established and is therefore not for consideration.
- 9.2 As set out by The Circular (31/95), only in cases where demolition is likely to have a significant impact upon its surroundings should it be necessary to require formal submission for approval. Given the location of the application site adjacent to the River Usk SSSI and SAC, this is considered below.
- 9.3 This submission is accompanied by a Demolition Management Plan which details how the demolition would be undertaken along with the contractor's approach to ensure that the potential risk of a pollution incident is minimised. It is stated that the contractor would develop a Demolition Environmental Management Plan (DEMP) to develop rigorous control measures to minimise or eliminate the impact of pollution risks on neighbours and the local environment.
- 9.4 In addition to the above, the submitted Preliminary Roost Assessment (PRA) and Activity Surveys for Bats demonstrates that three bats belonging to two Pipistrelle species were detected roosting in one of the buildings (Shed 4 – the Transit Shed), so this building is a confirmed bat roost. No bats were detected using the other buildings on site. The Council's Ecologist has offered no objections to the demolition, advising that all of the avoidance, mitigation and compensation measures set out in Sections 7.3 and 7.4 of the Bat Survey Report are implemented. Furthermore, it is noted that a European Protected Species (EPS) Licence issued by NRW will be needed to allow Shed 4 to be demolished. That licence will be issued subject to a series of conditions, which will include the implementation of the mitigation measures set out in sections 7.3 and 7.4 of the Bat Survey Report, together with any other that NRW require.
- 9.5 Natural Resources Wales have been consulted on this proposal and offer no objection to the demolition and raise no concern to the supporting information as submitted. In terms of bats, NRW note that the demolition represents a lower risk case, which is not likely to be detrimental to the maintenance of the population of the species concerned. It is reiterated that an EPS licence will be required. An informative will be included on the Decision Notice to advise the applicant of this requirement. In terms of pollution prevention, NRW have advised that it is not considered that the proposed demolition poses a significant risk given the lack of potential pollution pathways (streams, surface water lines etc).
- 9.6 It is noted that the bat survey found evidence of bats using the application site, which is considered in more detail above. In addition, the proposal has been considered against the derogation tests as set by the habitat regulations and the Local Planning Authority are satisfied that an EPS Licence would likely be granted by NRW. The derogation tests are:
1. There are no feasible alternative solutions that would be less damaging or avoid damage to the site.
 2. The proposal needs to be carried out for imperative reasons of overriding public interest.
 3. The necessary compensatory measures can be secured.

Taking the tests in turn, the applicant has indicated that the warehouses are in poor condition and no longer commercially suitable. As such, they are in need of removal and it is considered that test 1 is therefore satisfied.

In terms of test 2, the application site occupies space on the Newport Docks, which is considered essential infrastructure for Newport, being a major contributor to the city's economy. It is considered that the on going maintenance of the docks area as a whole is in the public interest. As such, test 2 is satisfied.

In terms of test 3, it is considered that necessary compensatory measures can be secured and an EPS licence is likely to be granted by NRW given the demolition being considered a low risk case with regard to bats. It is considered that this test has been met.

- 9.7 In respect of the proposed/future of the site, the Applicant has indicated that the warehouses occupy valuable quayside space which, based on anticipated cargoes coming through the port, would be more suitable as open quayside storage space. No concern is raised by the Local Planning Authority to this proposal as it is not considered to result in any unacceptable adverse visual impact that would be detrimental to the character of the docks nor is this proposal considered to have an adverse impact upon the docks functionality.

10. CONCLUSION

- 10.1 In accordance with W/O Circular 31/95 Planning Controls Over Demolition, the Local Planning Authority considers that the proposal is not likely to have a significant impact upon its surroundings. The application is supported by sufficient information to demonstrate that any impact upon protected sites and species within the vicinity of the application site would be adequately protected. Where Prior Approval is not required, the development shall be carried out in accordance with the details submitted with the application.

11. DECISION

11.1 PRIOR APPROVAL IS NOT REQUIRED.

01 The method of demolition and restoration of the land would have no adverse impact upon local amenity or protected sites or species.

NOTE TO APPLICANT

- 01 This decision relates to the following plans and documents: Covering Letter, Application Form, Site Location Plan, Demolition Management Plan – Middle Quay, Port of Newport (Associated British Ports, October 2025), Preliminary Roost Assessment (PRA) and Activity Surveys for Bats (ExCAL, September 2025) and Demolition Notice, all received by the Local Planning Authority on 13/10/2025.
- 02 EIA Screened - ES Not Needed: 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 **Warning: An European Protected Species (EPS) Licence is required for this development.**
This notice does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european>