

Notice of Decision



R Hunt
Stephenson Halliday
12 Royal Scot Road
Pride Park
Derby
DE24 8AJ

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (WALES) REGULATIONS 2017

Application No: **24/0198**
Application Type: **Env Impact Screening**
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**
Site/Location: **South Dock, East Way Road, Alexandra Docks, Newport, South Wales**
Decision Date: **18th April 2024**

In pursuance of its powers under the above Act the Council of the City of Newport notifies you of its decision in respect of your application, registered by them on 1st March 2024. The application has been:-

Environmental Impact Screening Not Required

NOTE TO APPLICANT

The proposal has been screened under the Environmental Impact Assessment Regulations 1999 (as amended) based on the plans and details submitted to the Council. This decision relates solely to the Screening Request and does not grant or imply the grant of Planning Permission.

Please refer to the attached screening opinion for reasons for the Council's decision.

The plans have been assessed on the basis of the scale or dimensions stipulated and any statement of 'do not scale' (or similar) has been disregarded.

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

Signed on behalf of the Council

Newport City Council
Regeneration, Investment and Housing
Civic Centre
Newport
South Wales
NP20 4UR

Tracey Brooks Bsc Hons Dip TP MRTPI ILM
Pennaeth Adfywio a Datblygu Economaidd / Head of Regeneration and Economic Development
Cyngor Dinas Casnewydd / Newport City Council

Application Number: 24/0198

Decision Date: 18th April 2024

IMPORTANT! PLEASE READ THE NOTES ON THE REVERSE OF THIS FORM

Notes for Applicants

TOWN AND COUNTRY PLANNING ACT 1990

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals can be made online at: <http://www.gov.wales/planningappeal> (or <https://llyw.cymru/apelio-yn-erbyn-penderfyniad-cynllunio>).
If you are unable to access the online appeal form, please contact Planning and Environment Decisions Wales to obtain a paper copy of the appeal form on tel: 0300 0604400.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning and Environment Decisions Wales (PEDW.Casework@gov.wales) at least 10 days before submitting the appeal. Further information is available on <https://gov.wales/appeal-planning-decision>.

Ask for/Gofynnwch am Grant Hawkins
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R Hunt
Stephenson Halliday
12 Royal Scot Road
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Derby
DE24 8AJ

18th April 2024

Dear Mr Hunt

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

SITE: South Dock East Way Road Alexandra Docks Newport South Wales

APPLICATION Env Impact Screening

I refer to your Screening Report registered by the Local Planning Authority on 25th January 2023 and the associated request that the Local Planning Authority adopt a screening opinion under the Town and Country Planning (Environmental Impact Assessment)(Wales) Regulations 2017 for the above development.

With regard to Schedule 2, section 5b of the above mentioned Regulations I consider that the proposal does comprise development under this category on the basis that it is for the process and manufacture of cement and cement substitutes and exceeds the threshold set out in the column to section 5b. The development must be screened for Environmental Impact Assessment purposes, and I have done so based upon the impacts of the development as a whole and the potential cumulative effects associated with it and other constructed or planned activities in the area.

In formulating this screening opinion I have had regard to the criteria set out in Schedule 3 of the Regulations and the information you have provided as part of your request along with comments expressed by internal consultees on this and associated enquiry. Having regard to the scale and nature of the development, the size and location of the development area and the existing use of the site I consider that the proposal is unlikely to result in significant adverse effect on the environment and matters can be dealt with through adequate supporting information being submitted through the planning application process.

I confirm that an Environmental Statement will not be required to support a planning application submitted for the proposal described. This screening opinion was reached following consultation with various internal consultees and further to a written assessment and completion of a screening checklist, both of which I attach with this letter. All of these documents will be published on the Council's website and can be viewed under reference 24/0198.

Yours sincerely

Grant Hawkins

Grant Hawkins

**ENVIRONMENTAL IMPACT ASSESSMENT SCREENING CHECKLIST
TO BE COMPLETED FOR ALL DEVELOPMENT PROJECTS THAT REQUIRE SCREENING**

Application Number:	24/0198
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
Site:	South Dock East Way Road Alexandra Docks Newport South Wales
Application Type:	Env Impact Screening
Applicant:	C/o Agent
Date Application Valid:	Env Impact Screening

SECTION A

1. Is there sufficient information to determine if the project is EIA development? - Plan sufficient to identify the land - Brief description of nature and purpose of proposal - Brief description of possible effects on the environment	YES	<input checked="" type="checkbox"/>	Go to Question 2
	NO	<input type="checkbox"/>	Request Info and Time Extension Date Info Requested: Date Info Received: (go to question 2 when info received)
2. Is the development of a description mentioned in Schedule 1 of the EIA regs?	YES	<input type="checkbox"/>	EIA development: ES Required Request ES and place Screening decision with reasons on Planning register and EIA register. When ES received: Proceed as per EIA Application - Check content of ES against schedule 4 of regs. - Publicise receipt of ES application in press. - Submit one electronic copy to Welsh Ministers - Co-ordinate Habs Regs Assessment if relevant - Inform WG, consultees and the general public (by press advert) of Council's decision on EIA application
	NO	<input checked="" type="checkbox"/>	Go to Question 3
3. Is the development of the description mentioned in Schedule 2 (column 1) of the EIA regs?	YES	<input checked="" type="checkbox"/>	Which part of Schedule 2? 5b, 10a, 10c Go to Question 4
	NO	<input type="checkbox"/>	Not EIA development. Proceed to determine application. Record decision on Planning

			Register
4. Is any part of the development to be carried out within a "sensitive area" as defined in Regulation 2(1)? (SAC,SPA,SSSI,Scheduled Ancient Monument)	YES	<input type="checkbox"/>	Which Sensitive Area? Go to Question 6
	NO	<input checked="" type="checkbox"/>	Go to Question 5
5. Does the development meet or exceed the threshold in Schedule 2 (column 2)?	YES	<input checked="" type="checkbox"/>	Go to Question 6 5b does exceed
	NO	<input type="checkbox"/>	Not EIA development. Proceed to determine application. 10a and 10c do not meet or exceed Record Screening decision and reasons on Planning Register and EIA Register
6. Is the development likely to have significant environmental effects having regard to Schedule 3 of the EIA Regs? To answer this question you need to complete Section B.	YES	<input type="checkbox"/>	EIA development: ES Required Request ES and place Screening decision with reasons on Planning register and EIA register. When ES received: Proceed as per EIA Application - Check content of ES against schedule 4 of regs. - Publicise receipts of ES application in press. - Submit one electronic copy to Welsh Ministers - Co-ordinate Habs Regs Assessment if relevant - Inform WG, consultees and the general public (by press advert) of Council's decision on EIA application
	NO	<input type="checkbox"/>	Not EIA development. Proceed to determine application. Record Screening decision and reasons on Planning Register and EIA Register

REASONS FOR DECISION:

The proposals considered against 10a and 10c does not meet or exceed the threshold. Not EIA development in that regard.

The proposal does exceed the threshold set out in 5b and as such Schedule 3 has been engaged. The proposal does not give rise to the likelihood of significant environmental effects and is not EIA development.

Signed: *Grant Hawkins* Date: 15th April 2024

Case Officer: Grant Hawkins

On behalf of Head of Regeneration, Investment and Housing

SECTION B

When answering the questions below regard should be had to the following issues:

- 1 Will there be a large change in environmental conditions?
- 2 Will new features be out-of-scale with the existing environment?
- 3 Will the effect be unusual in the area or particularly complex?
- 4 Will the effect extend over a large area?
- 5 Will there be any potential for transfrontier impact?
- 6 Will many people be affected?
- 7 Will many receptors of other types (fauna and flora, businesses, facilities) be affected?
- 8 Will valuable or scarce features or resources be affected?
- 9 Is there a risk that environmental standards will be breached?
- 10 Is there a risk that protected sites, areas, features will be affected?
- 11 Is there a high probability of the effect occurring?
- 12 Will the effect continue for a long time?
- 13 Will the effect be permanent rather than temporary?
- 14 Will the impact be continuous rather than intermittent?
- 15 If it is intermittent will it be frequent rather than rare?
- 16 Will the impact be irreversible?
- 17 Will it be difficult to avoid, or reduce or repair or compensate for the effect?

A YES answer to the above questions will generally point to the proposal being EIA development and a NO answer would generally point to the proposal not being EIA development.

SECTION B

Questions to be Considered when screening the application.	Yes / No / ? . Briefly describe	Is this likely to result in a significant effect? Yes/No/? – Why?
<p>1. Will construction, operation or decommissioning of the development project involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies, etc)?</p>	<p>Yes. Removal of existing redundant temporary buildings, installation of 4no. silos, covered storage, office and welfare facilities.</p>	<p>No. The site is within an area of existing industrial activity and within the urban settlement boundary. It is predominantly hard surfaced and has a previous land use. The Landscape Officer has acknowledge the visual impact as being main factor of consideration as opposed to a change in the character. However, is satisfied that this could be considered through the submission of an informal Landscape and Visual Impact Assessment.</p>
<p>2. Will construction or operation of the development project use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or in short supply?</p>	<p>Yes. Raw materials such as cement clinker and slag are brought to site and added to the mill to create the final product, which is stored in silos on site before being taking away via roadgoing vehicles</p>	<p>No. The materials brought to site for use in the operation manufacturing cement and cement substitutes are recycled or reused materials. For example from the steel industry.</p>
<p>3. Will the development project involve use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health?</p>	<p>Yes. Raw materials such as cement clinker or slag will be transported to site and used.</p>	<p>No. Raw materials will be unloaded directly from vessels to a hopper/conveyor system. Some raw materials such as slag can be stored in open air, other such as clinker will be stored under cover. Cement will be securely transported via pipes to storage silos. The final product will be transported by road going vehicles and will be decanted via a sealed connection.</p>
<p>4. Will the development project produce solid wastes during construction or operation or decommissioning?</p>	<p>Yes – During construction of the development.</p>	<p>No. The majority of the site is hard surfaced and the construction process will involve creating some foundations. It will be investigated whether the excavated material can be reused on site.</p> <p>The operational period is reusing/recycling waste rather than creating it.</p>
<p>5. Will the development project release pollutants or any hazardous, toxic or noxious substances to air?</p>	<p>No.</p>	
<p>6. Will the development project cause noise and vibration or release of light, heat energy or electromagnetic radiation?</p>	<p>Yes. Noise during construction process.</p>	<p>No. Any additional noise will be temporary during construction and works will be undertaken in</p>

		<p>accordance with best practice. A CEMP can suitably control any temporary impact.</p> <p>There are neighbouring land uses producing noise and vibrations, such as industrial and scrap operations. The development when in operation is not considered to result in any impact over and above the existing context.</p>
<p>7. Will the development project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>		<p>No. All materials are to be adequately covered or contained within pipelines and silos and then decanted to roadgoing vehicles using sealed pipes. The risk to the wider environment during transportation is considered to be low.</p> <p>It is understood that permits from Environmental Health and NRW are required and these will offer additional control.</p> <p>The existing site has been used previously for unloading and storing of materials, as is the wider area.</p>
<p>8. Will there be any risk of accidents during construction or operation of the development project which could affect human health or the environment?</p>	<p>Yes. Accidents cannot be ruled out entirely, although considered unlikely.</p>	<p>No. Risks associated with this operation are known and steps can be taken to minimise risks. Materials are securely stored and transported which lessens risk.</p> <p>The applicant is operating in the same way else where so has experience of handling the operation.</p>
<p>9. Will the development project result in social changes, for example, in demography, traditional lifestyles, employment?</p>	<p>No.</p>	
<p>10. Are there any other factors which should be considered such as consequential development which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality?</p>	<p>No.</p>	
<p>11. Are there any areas on or around the location which are protected under international or national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the development project?</p>	<p>Yes. The site is not located within any designated or protected area.</p> <p>However, the nearest designated area is the River Usk SSSI/SAC at a 160 metre distance.</p>	<p>No. Suitable information can be provided in relation to the protected sites to mitigate risk. The Conservation of Habitats and Species Regulations (2017) are relevant and will need to be adhered to. An ecological impact</p>

		<p>assessment is likely to be required and appropriate assessment may be required. Separate permit from NRW is understood to be required.</p> <p>This is previously developed land that is predominantly a hard surface and there is a lack of ecological value at present due to the existing uses. Ecological surveys/information can be provided at application stage.</p> <p>As previously referred to and confirmed by the Landscape Officer, a Landscape Visual Impact Appraisal will be required.</p>
<p>12. Are there any other areas on or around the location which are important or sensitive for reasons of their ecology e.g. wetlands, watercourses or other waterbodies, the coastal zone, mountains, forests or woodlands, which could be affected by the development project?</p>	As above.	As above.
<p>13. Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected by the development project?</p>	As above including nearby RSPB National Nature Reserve	<p>As above. A construction environment management plan is a normal requirement at application stage.</p> <p>There are intervening land uses including existing industrial uses and is unlikely to give rise to significant effects on this area.</p>
<p>14. Are there any inland, coastal, marine or underground waters on or around the location which could be affected by the development project?</p>	As above.	As above.
<p>15. Are there any areas or features of high landscape or scenic value on or around the location which could be affected by the development project?</p>	Yes, Gwent Levels Special Landscape Area and Landscape of Outstanding Historical Interest and River Usk SAC and Severn Estuary Ramsar	<p>No. The development will contain tall structures, but will be set against existing industrial backdrop. The Landscape Visual Impact Appraisal will be able to assess any impact an necessary mitigation.</p>
<p>16. Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the development project?</p>	No.	No.
<p>17. Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the development project?</p>	Yes. Southern Distributor Road.	<p>No. The site is previously developed and it is not anticipated that the proposal will result in any significant increase in vehicular movements as confirmed by the</p>

		Council's Highways Officer. A Transport Statement or Assessment can be requested through the application to look into this matter further if required.
18. Is the development project in a location where it is likely to be highly visible to many people?	Yes, due to height of structures.	No very close/immediate public views of the site but wider views of structures is likely. LVIA can assess this.
19. Are there any areas or features of historic or cultural importance on or around the location which could be affected by the development project?	Yes. Gwent Levels, marine environment of the River Usk and the Newport Transporter Bridge Grade II Listed Building (1700m north).	No. As above. The Transporter Bridge is 1.7km to the north with intervening industrial and port uses. The Council's Listed Buildings and Conservation Officer has not raised any concerns, but has advised landscape information is required – as previously iterated.
20. Is the development project located in a previously undeveloped area where there will be loss of greenfield land?	No.	
21. Are there existing land uses on or around the location e.g. homes, gardens, other private property, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, mining or quarrying which could be affected by the development project?	Yes. Other users of the port	These are industrial uses of a comparable nature. The proposal is compatible with surrounding land uses.
22. Are there any plans for future land uses on or around the location which could be affected by the development project?	No.	
23. Are there any areas on or around the location which are densely populated or built-up, which could be affected by the development project?	No.	
24. Are there any areas on or around the location which are occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities, which could be affected by the development project?	No.	
25. Are there any areas on or around the location which contain important, high quality or scarce resources e.g. groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, which could be affected by the development project?	No.	
26. Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected by the development project?	No.	

27. Is the development project location susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions e.g. temperature inversions, fogs, severe winds, which could cause the development project to present environmental problems?

No.

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.

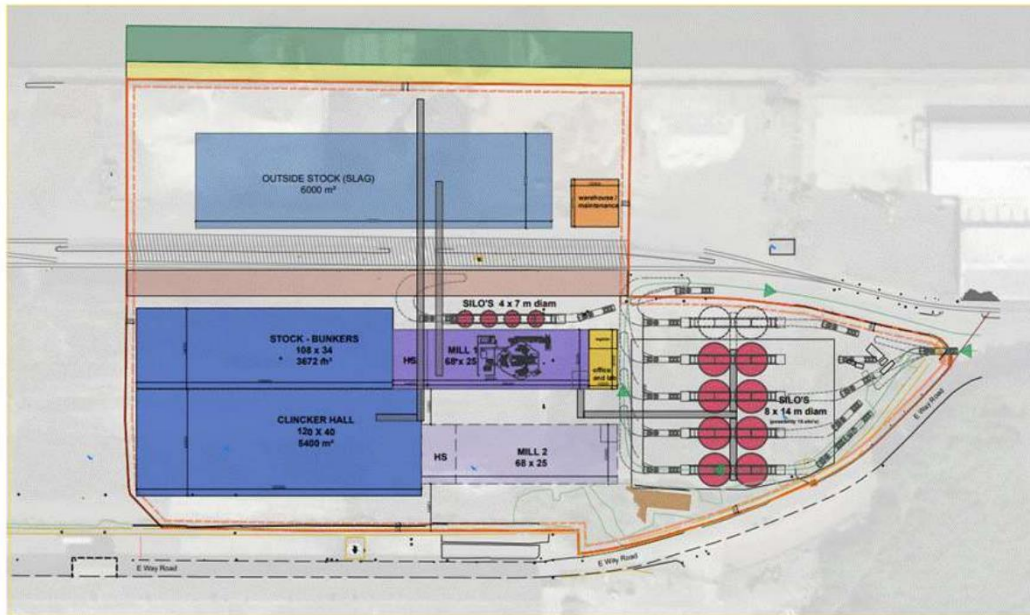


Figure 1 – Indicative Site Layout.

- 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.
