

LOW CARBON CEMENT MILL - NEWPORT DOCKS

Planning Statement
CEM Minerals
October 2024

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Document History

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1 INTRODUCTION

1.1 Background

- 1.1.1 This planning statement is submitted in support of an application on behalf of Cem Minerals for the construction and operation of a Vertical Roller Mill and ancillary development for the production of a cement substitute with subsequent distribution of the final product. The description of development provided at Section 4 of this statement also describes operations (Phase 1 and Phase 2) which are considered to be Permitted Development for a lessee of the Port Authority. The proposed infrastructure, with an amended layout, will replicate the operations of the functioning and environmentally acceptable mill that is owned and operated by the applicant in Gent, Belgium.
- 1.1.2 The raw materials for the cement production include byproducts and Granulated Blast Furnace Slag. The GBFS has been discarded and, therefore, fall within the definition of 'waste'. They sit within the non-hazardous category specified by European Waste Category 10 02 01 or 10 02 02.
- 1.1.3 The earlier steps towards identifying the planning requirements for the application included submission of a formal request for pre-application advice and a formal request for an Environmental Impact Assessment (EIA) Screening Opinion which were submitted to Newport City Council (NCC) on 14th February 2024.
- 1.1.4 NCC adopted a 'negative' EIA Screening Opinion (Appendix 1) on 18th April 2024, which stated that *'an Environmental Statement will not be required to support a planning application submitted for the proposal described'*. Formal pre-application advice was issued by NCC on 10th June 2024. The pre-application advice consisted of written advice which is appended as Appendix 2 to this document.
- 1.1.5 The Project has been split into three Phases in order to establish which elements may be considered as Permitted Development under the General Permitted Development Order 1995 and those elements which will require planning permission under the Town and Country Planning Act 1990. As a matter of principle, all three phases were considered together for the purposes of EIA Screening so that there are no opportunities for 'salami-slicing' to reduce relevant thresholds.
- 1.1.6 The Screening Opinion is discussed in more detail at Section 6 below.

1.2 Application Documents

- 1.2.1 This application for determination consists of the following documents.
- Application forms and certificates;
 - Planning Design and Access supporting statement.
 - Pre-application Consultation Report;
 - Accompanying drawings;

- Landscape and Visual Appraisal (LVA);
- Noise assessment.
- Ecology
- Transport Assessment;
- Air Quality Assessment;
- Heritage Assessment;
- Flood Consequences Assessment (FCA);
- Phase 1 Geoenvironmental desk study.

1.2.2 Consultation has been undertaken with various Officers and organisations prior to the completion of these reports. Given the absence of near residential neighbours, no public consultation has been undertaken.

1.2.3 Statutory pre-application consultation **will be/**has been undertaken in accordance with the relevant legislation.

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2 LEGISLATIVE BACKGROUND

2.1 Town and Country Planning Act 1990

2.1.1 The Town and Country Planning Act 1990 (TCP90), as amended, applies in Wales. It defines development and the need for planning permission to be obtained for development to occur.

2.2 Well-being of Future Generations (Wales) Act 2015

2.2.1 A letter from Welsh Government to Chief Planning Officers (7th December 2015) provides guidance on the interpretation of the provisions of the Planning (Wales) Act 2015. It states, in regard to sustainable development that;

“The Planning Act sets out a statutory purpose for planning in Wales, which requires local planning authorities, the Welsh Ministers and other public bodies, when undertaking any development plan or development management functions, to contribute to improving the well-being of Wales as part of carrying out sustainable development. The provision provides a direct link to the requirements to carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015 (“the FG Act”) and complements the aims and objectives of that Act.” And;

“The duty which was included in the 2004 Act has required that the planning system hold the principle of sustainable development at its core, or in other words, sustainable development has been embedded within the planning system for many years. This duty is being replaced by a very similar duty to comply with sustainable development as set out in the FG Act.”

2.2.2 Planning Policy Wales has been updated since the coming into force of these Orders and is fully aligned with these purposes.

2.3 Harbours Act 1964

2.3.1 Harbour Orders are a form of delegated legislation under the Harbours Act 1964. Where a development is authorised by a Harbour Order (Section 14 or Section 16) it already has planning permission. Statutory Harbour Authorities are statutory bodies which manage and are responsible for the running of harbours. Other powers are granted under the Transport Act 1981 and the Docks and Harbours Act 1966.

2.4 General Permitted Development Order 1995 (as amended)

2.4.1 The General Permitted Development Order 1995 (GPDO) is a statutory instrument which grants planning permission for certain developments, with or without prior approval from Local Authorities and with or without conditions attached. The developments listed in Schedule 2 to the Order may also be subject to specified thresholds.

2.4.2 Subject to certain provisions of the Habitats Regulations and the EIA Regulations Part 11 of the GPDO allows for works specified under Local or Private Acts to be undertaken, subject to prior approval if buildings are involved.

2.5 Pre-Application Advice and Consultation

2.5.1 In accordance with current best practice, a formal request for pre-application advice was submitted to NCC in February 2024. The request set out the types of development which are proposed in the different phases and suggested that Phases 1 and 2, as described below, fall within Class A of Part 11 of the GPDO. Class A relates to development permitted by Private Acts or Orders under Sections 14 or 16 of the Harbours Act 1964.

2.5.2 Reference is also made in the request for pre-application advice to the potential to use Class B of Part 17 which allows for development on operational land *“in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour”*.

2.5.3 The pre-application advice received from NCC dated 10th June 2024 is included at Appendix 2. The response declined to comment on which elements are Permitted Development and the applicant is precluded from submitting a request for a Certificate of Lawfulness as they are not, at the date of application, a lessee. Such an application would produce an automatic negative response.

2.5.4 The advice requires the submission of the following documents in addition to those listed in para 1.2.1 above;

- Sufficient information to allow the authority to undertake a Habitats Regulations Assessment.
- A surface water drainage plan that is compliant with the National Standards for SuDS
- Ultra Low Energy Vehicle Infrastructure scheme (by planning condition)
- Green Infrastructure scheme (by planning condition)

2.5.5 Statutory pre-application consultation is when developers consult with specific consultees before applying for planning permission. In March 2016, statutory pre application consultation, on planning applications for major developments, came into force via the Planning (Wales) Act 2015.

2.5.6 Before these planning applications can be submitted there are several activities that must be undertaken by the developer. These include making the draft planning application available to view, notifying the correct consultees of the consultation, providing a 28-day consultation period, and reporting how the pre-application process was undertaken.

2.5.7 The output from the consultation is a ‘pre-application consultation report’ which will be submitted alongside the planning application (Appendix 3). This report lists the issues that have been identified through the consultation process and how those views were considered in the final planning application, either by making amendments or providing rationale for not making such changes.

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3 SITE CONTEXT AND DESCRIPTION

3.1 Context

- 3.1.1 The application site is within Newport Docks and consists of land to the south of an existing berth, and previously developed land with rail sidings, small built structures and scrubland. The site's history dates back to 1865 when the construction of the North Dock was consented by means of a private Act of Parliament for the handling of mineral. By April 1875, the North Dock was completed and in operation. In 1897, timber floats were completed and opened. In 1893 the South Dock opened. Further Acts of Parliament allowed for the extension of the South Dock.
- 3.1.2 The port is operated by Associated British Ports (ABP) and the applicant will be a lessee. ABP launched a new Masterplan for the Newport site in February 2024 which identifies opportunities for the site to become a *'clean-manufacturing and logistics growth cluster, which is ready for the next industrial age'*. This includes a focus on creating energy from wind and solar sources that would be used for hydrogen electrolysis. In the event that this vision is realised, the applicant will be a hydrogen consumer for the drying process.
- 3.1.3 LVA Figure 2 shows the context and designations in the LVA study area. The nearest residential estate is at Tredegar Park, approximately 1.8km to the west of the site, although the nearest individual property is approximately 1km away to the west, 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). Tredegar Park has a population of over 11,000 people according to the 2021 census.
- 3.1.4 The site is 200m at its' closest point to the river Usk and is identified as being at risk of flooding from the sea, although there are no records of this having occurred to date.
- 3.1.5 Part of the River Ebbw located approximately 440m to the southwest, and the Severn Estuary approximately 190m to the south, are within the Severn Estuary Site of Special Interest (SSSI). The site is also approximately 610m to the east of the Gwent Levels St Brides SSSI and historic landscape. Furthermore, the Severn Estuary Special Protection Area (SPA) Special Area of Conservation and Ramsar site are found on a portion of the river Ebbw approximately 560m to the southwest of the site. The site is also approximately 150m to the northeast of the River Usk SAC, and a section of the river Ebbw is a Site of Importance for Nature Conservation (SINC). Furthermore, situated approximately 500m to the south of the Site, is the Newport Wetlands RSPB Reserve and National Nature Reserve (NNR).
- 3.1.6 Bellevue Park is situated approximately 2.7km to the north of the site and is a Registered Park. There are no overhead lines traversing the site, however, there is a substation and associated infrastructure roughly 500m south of the site. Approximately 1.5km to the east of the site is a portion of the National Cycle Network (route number 4).
- 3.1.7 The nearest Listed Building is the Grade I Listed Transporter Bridge which is approximately 1.5km north of the site. It consists of three elements which have separate designation references (3076, 17414 and 17415).

3.2 Site Description

3.2.1 The application site area is outlined in red on Figures 1 and 2 at different scales. It forms part of South Dock lying between the dock and the main highway (East Way Road) that forms the southern boundary. It consists of approximately 4.7 hectares of irregularly shaped, hard-surfaced land which is near, but not including the edge of the dock, separated from the water body by the rails and unloading cranes. Those cranes form part of the dock infrastructure that services the site and adjacent uses. The site is generally flat and is bisected by the road and rail lines that serve properties further to the west. Previously used for mineral importation and stocking-of marine won sand and gravel and coal. Coal imports now ceased. The area is currently unoccupied, and no permanent buildings are on the site.

3.2.2 The Phase 1 Geoenvironmental desk study indicates that no levels of contamination are present that would give rise to concerns with disturbance of the surface/subsurface providing appropriate precautionary measures are adopted.

Topography

3.2.3 The site is relatively flat with small undulations and the land falls very gently away from the rail lines to the dock in the north and East Way Road to the south. It does not include the actual dock and the 'red line' application boundary excludes the land on which the crane rails sit with the exception of a short distance, 5m wide where access is proposed for the abstraction and discharge of cooling water from the dock. The height at the access point is 8.9m AOD and the rails crossing the site are also at this level rising slightly to 9.04m AOD. The lowest height within the site is south of the railway line at 7.39m AOD with the majority sitting at 8.4m AOD. There are no records of the site as having flooded from any source (FCA, Appendix 11, para 5.3)

3.2.4 A railway runs northeast to southwest through the site, terminating 150m to the southwest. Fencing made from scaffolding poles, in poor repair, runs from the northeastern corner of the site to the southern corner of the site closing off the existing southern access. There is a small depression in the eastern area where water collects acting as a sump which is pumped out, if required.

3.2.5 The whole of the site is hard-surfaced and the existing drainage infrastructure is currently comprised of storm drainage that removes surface water towards the Usk estuary. Land to the north of the railway lines drains towards the dock and south of the railway lines runoff takes place towards East Way Road with occasional ponding in small depressions. There is virtually no vegetation on the site and no trees are present other than self-set birch trees of small diameter and low height.

3.2.6 East Way Road is a privately owned and maintained dock estate access road. There is a 30mph speed limit in place along its' entire length. It is single carriageway, of 8m width, and metalled.

Dock facilities

3.2.7 The application area does not include the dock or ship loading/unloading cranes. The dock itself and the application site are not subject to any specific environmental designations. The majority of the site is hard surfaced with a camber that falls away from the rail tracks. Investigation of the previous uses through desk-based analysis and site investigation will allow measures to be implemented to prevent contamination and to inform the design of

sustainable drainage systems within the site. The site contains 20m lighting columns around the perimeter and along to rail lines.

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4 DEVELOPMENT PROPOSALS

4.1 Introduction

- 4.1.1 This development facilitates the use and manufacture of a proven cement substitute which has a significantly lower carbon footprint and, at the same time, recycles a waste product that would otherwise be sent to landfill. The product itself supports other development and plans for growth across the wider Newport area.
- 4.1.2 The proposed development is entirely within the operational land of Newport Docks and will be undertaken in three phases as follows:
- Phase 1 - site preparation, connection to services, security fencing and the provision of foundations; approximately 3 months duration.
 - Phase 2 - importation, storage, and onward distribution of 100,000 tonnes per annum of cement substitute. This cement substitute is a finished product which is undergoing the normal consented operation of being unloaded and distributed from the site in smaller quantities; an installation period of 3 months for silos and specific unloading equipment followed by a minimum 12 months of operation.
 - Phase 3 - the importation of up to 1,000,000 tonnes per annum of raw materials and clinker/granulated blast furnace slag; construction and operation of the mill for processing, manufacture of cement substitute and onward distribution; the slag can be stored externally on the dockside but other materials, such as the clinker, have to be stored under cover; a substation will be installed and hydrogen storage is proposed as a future use. Long term operation – no specific duration.

4.2 Phasing

Phase 1

- 4.2.1 The first phase involves the removal of existing redundant temporary structures such as the scaffolding fence along the southern boundary, scrub, redundant temporary building and the provision of temporary welfare facilities. Connection will also be made to the existing services that cross the site for drinking water and power. New fencing and gates will be erected along this boundary site that allow for the reopening of the existing bellmouth access. The surface water drainage connections will be installed for all Phases at the commencement of the development. The foul drainage connection will also be made.

Phase 2

- 4.2.2 The second phase requires the temporary (until Phase 3 is in operation) installation of plant and machinery to unload, pneumatically, the cement product from the South Dock and transport that material across the existing railway line to 4 storage silos of approximately 48m height, at the eastern end of the site, with weighing equipment integrated into the silos. The final product reacts with water so this delivery system will be fully enclosed. It is proposed to import up to 100,000 tonnes per year of finished product. The import operation during Phase 3 is undertaken as a normal port operation outside of the current application area, using the existing infrastructure.

- 4.2.3 Temporary welfare facilities and office accommodation will be provided for the duration of Phase 2 until the permanent facilities are created in the mill administration area. Following completion of Phase 3 construction the temporary facilities will be removed from site.
- 4.2.4 All operations within this phase would occur on a 24-hour basis although deliveries are expected to take place in an 18 hour window. The silos will be above the height of the existing lighting columns but below the height of the wind turbines located to the east of the site. Additional aircraft warning lights will be installed if required.

Phase 3

- 4.2.5 Whilst Phase 2 is operational, Phase 3 will be constructed. The detailed construction method is not yet available but is anticipated to be less than 12 months from breaking ground to commissioning. The slag raw material feedstock that is unloaded in Phase 3 is unharmed by adverse weather conditions so the pneumatic unloading equipment will be taken out of service but retained and maintained as a contingency back-up. The clinker needs to be protected from the elements so will be stored under cover.
- 4.2.6 Layout Plan AR-PL-1001-F provides the proposed layout for this phase. The proposed structures include the mill and associated control rooms/welfare, the clinker/slag transport conveyors and storage building and the clinker/cement silos (4 x 35m tall and 4 x 48m tall). The building to the north of the railway line is for stores and spare parts. It also includes the reopening of the existing southern access point, where there is a bellmouth kerb arrangement, the formation of the staff car park and an, as yet undefined, planting scheme which will incorporate grassed areas and native trees of local stock. The ground will be prepared in order to accept the mill and storage buildings, with piling where necessary.
- 4.2.7 The mill will be constructed with a finished floor level of 9.35m AOD on a raised platform that allows for flood waters to flow in and out of the supporting structure. The highest point of the built structure will be 49.15m above original ground level at the top of the mill. In the event that aircraft warning lights are required they will be positioned at this highest point. However, the relatively close proximity of the wind turbines to the east means that they are not currently proposed.
- 4.2.8 Two types of raw material form the majority of the material to be imported. Where capacity allows, the clinker will be loaded directly from ships to a hopper/conveyor system that will carry the material over the rail sidings to covered storage to the south of the railway line. The conveyor is designed to pass over the rail line at a height of 20m and will be fully enclosed. The slag is conveyed over the railway line to the four smaller silos. The rail line will remain operational to serve other occupiers further to the west.
- 4.2.9 The buildings will be fully clad and insulated for noise attenuation. The colour of the cladding will be agreed with the Local Planning Authority. From the storage area the raw material is fed, via a heating/drying process, into the mill and the final product is moved to the four retained silos used in Phase 2 which are augmented with a further eight silos of the same size or smaller (as described above). At present, it is envisaged that natural gas will be used as the fuel for the drying process and the air quality assessment has been conducted on this basis. However, the applicant is aware of the port operators' aspirations in terms of becoming a green hydrogen producer and will future-proof the installation such that when this fuel becomes available the mill can switch, to remove a source of carbon emissions from the manufacturing process.

- 4.2.10 Roadgoing delivery vehicles would arrive at the site entrance and be directed to the space beneath a silo. A sealed connection will be formed and a 30-tonne load directed into the vehicle. Weighing is automatic and, upon decoupling, the vehicle is driven from the site to its' delivery destination. Receptor locations will be smaller silos serving concrete batching plants on industrial sites or specific construction sites.
- 4.2.11 Phase 3 also includes the permanent office/welfare and either package treatment plant or septic tank arrangement. The ground floor level beneath the mill building is unoccupied and used for storage. A clean water supply will be taken from the mains system, but a heat exchange coolant system for the mill will be in operation that may require an abstraction and discharge consent from Natural Resources Wales. The building will capture rainwater that falls on the clinker storage building and mill. This water will be used in the manufacturing process, for 'grey' water uses and to augment the cooling system. Use of rainwater will be prioritised over abstracted water to minimise the abstraction quantity.
- 4.2.12 Once the staff car park is formed, it will be landscaped and peripheral planting undertaken. It is anticipated that the final planting will be provided as a scheme for approval under planning condition in order to provide an overall biodiversity net gain.
- 4.2.13 Loading vehicles takes place automatically from the silo above and is controlled by a small workforce of 3 personnel per shift. Again, it is proposed that milling operations would take place on a 24-hour basis but that deliveries from the site would take place within an 18 hour window – 03:00 to 21:00.

Lighting

- 4.2.14 No additional lighting columns are proposed at the site and all lighting required, for Health and Safety purposes, for external areas will be low-level, using low energy fixtures. The lighting of the site will be shielded from all views except to the north by existing buildings and operations.

Water

- 4.2.15 Connection will be made to the existing potable water supply within the site. The buildings will capture rainwater from the roofs to be used as grey water for toilet flushing and to pass through the heat exchanger situated in the mill building. It is proposed that water is also pumped from the dock to the mill, when the rainwater reservoir is depleted, and passed through the heat exchanger before being discharged back to the dock. The abstraction will be the subject of a licence application made to Natural resources Wales and the licence obtained before any abstraction occurs.
- 4.2.16 The proposed drainage scheme is shown on Drawing 6023UK-AR-1003 and will not 'service more than one property' so adoption is not anticipated. The drawing shows four separate items. These are;
- a) The connection intended for the abstraction and discharge of water from the dock which is for cooling purposes;
 - b) The connection from the permanent welfare area to the foul drainage drain in East Way Road.
 - c) A surface water collection, storage and discharge system to both dock and storm drain; and

d) A separate collection and storage system for the outdoor slag storage area.

4.2.17 The drainage plan allows for the capture of rainwater from other surfaces and connection to the storm water drain location adjacent to East Way to the southwest corner of the site.

4.2.18 There is foul drainage infrastructure to which the site can feasibly connect to the south of the site in East Way. Any venting and emptying points will be significantly above potential flooding levels or sealed such that no flood waters can penetrate tank itself.

Energy

4.2.19 The mill will, initially, use both electric power from the local distribution network and natural gas for heating/drying the raw material during the manufacturing process. The port Masterplan identifies the intention to manufacture 'green' hydrogen within the port confines and if/when this becomes available the mill will switch from using natural gas to hydrogen for the heating/drying process.

4.3 Transport

4.3.1 The transport of the raw material/finished product to the port is part of the normal consented port operations and is not separately assessed. Access to the port will be via the security gate leading from the A48. The Port Masterplan (Feb 2024) indicates that there is an intention to provide new reception facilities and relocate the security cabin further into the site to prevent the possibility of vehicles backing up to the junction.

4.3.2 Phase 1, as described above, does not involve regular transport although will incur deliveries of fencing supplies.

4.3.3 Both the final product imported in Phase 2 and the raw materials for Phase 3 will be imported by ship. These journeys will displace other shipments that would otherwise occur through mineral/coal imports at the same location. The draft at the dock dictates the size of shipment that can be accommodated and, hence, the number of journeys, which are anticipated to be between 20 and 35 deliveries per annum.

4.3.4 Output from the site will build up to the figure of 100,000 tonnes per annum during Phase 2 which will be exported in 30 tonne loads by road-going vehicles.

4.3.5 Following construction and commissioning of the mill the importation of finished product will reduce back to zero whilst production from the mill ramps up to the upper total output of 1 million tonnes per year.

4.3.6 Similar size vehicles are proposed for the Phase 3 deliveries as for the Phase 2 deliveries and it is anticipated that they will take place within an eighteen-hour window each day. The application is accompanied by a Transport Assessment which calculates the likely trip generation and assesses the impacts of the new trips on the highway network. At peak output this equates to 183 two-way trips per day.

Staffing levels/Shift patterns

4.3.7 The plant will operate twenty-four hours per day with scheduled downtime taking place on a rotating basis. The Phase 3 employment will involve three shifts for operating and maintaining the mill/distribution processes and using the standard timings of 06:00 to 14:00,

14:00 to 22:00 and 22:00 to 06:00 which will generate light vehicle trips between 5:30 and 6:30, 13:30 to 14:30 and 21:30 to 22:30 at shift changeover. These shifts will require 3 personnel at a time creating 15 FTE posts to cover for annual leave and training/illness absences.

- 4.3.8 There will be a separate shift for loading from the dockside and maintenance operations which will run from 07:00 to 17:00. On a seven-day basis this will provide an additional 6 FTE posts. Office staff will add a further five personnel working between 08:00 and 17:00.
- 4.3.9 With other staff present the full daytime contingent will be approximately 12 personnel and the nighttime contingent will be 3.

Access

- 4.3.10 Access to the site for delivery vehicles is achieved from the A48 trunk road, through the dock security point and along East Way Road, a privately maintained dock estate road, to the main site entrance at Grid Reference ST321845 which is shared with other users located further to the west. The staff and visitors access is also located off East Way Road, 150m further to the south in order to avoid conflict between heavy vehicles and other users. This is an existing access where there is a 30mph speed limit
- 4.3.11 It is understood that a new reception area and relocation of the security checkpoint will be undertaken by Associated British Ports to ensure that there is no opportunity for vehicles seeking access to the port to be backed up towards the A48 junction.
- 4.3.12 The heavy vehicles will approach the silos and registered using an internal ANPR system. Once loaded, using an automatic weighing system, they will move off in forward gear to the departure control point. All vehicles will be fitted with integrated load cells to ensure that they are not overloaded, and they will then depart along East Way Road to join the A48.
- 4.3.13 Light goods and employee traffic will enter the site via the existing access to the car park. There will be provision for two disabled parking bays and three electrical vehicle charging points included within the proposed 27 spaces. Adjacent to the car parking spaces there will be covered, secured cycle parking for five bicycles.

4.4 Green Infrastructure

- 4.4.1 The preliminary ecological appraisal accompanying the application identifies that the existing ecological baseline is very low with the majority of the site hard-surfaced and without vegetation/habitat. The pre-application advice suggests that a green infrastructure Plan to link the existing features should be submitted with the application but the same advice also acknowledges that a planning condition could be used as a mechanism to achieve the green infrastructure requirements, coupled with the soft landscaping of the site.
- 4.4.2 The opportunities to provide additional habitat and planting, which will not interfere with proposed operations, or the normal functions of the port are limited. However, the applicant will provide habitat gain and linkages where these do not interfere with the fundamental operation of the site. Opportunities will be present to provide habitat around the staff car parking area and along the southern perimeter of the site.

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5 DESIGN AND ACCESS

5.1 Design and Access Statements

5.1.1 According to Welsh Government Guidance Design and Access Statements (DAS) are a requirement for developments which are for major development that is not waste development or is in a Conservation Area/World Heritage Site and involves dwellings or the creation more than 100 sqm of floorspace. Planning policy Wales 12th edition requires design to be considered from the outset of the planning process and throughout.



5.1.2 The raw materials for the Phase 3 development may be considered, in part, as waste materials in that they have previously been discarded and the mill is, therefore, a recycling/reuse operation that does not require a formal DAS. Similarly, the site is not within either of the specified designations.

5.1.3 The development may be considered as either a recycling/reuse operation or as a B8 general industrial use. In either case, a mandatory DAS is not required.

5.1.4 However, the applicant recognises that the scale of the development has the potential to be observed from some distance and has a corporate wish to ensure that their operations are recognised as being both sustainable and accommodating to the environment.

5.2 Design

- 5.2.1 The design of the buildings and structures, including the layout, have been primarily influenced by the function of the development for the storage of raw materials, processing and storage of those materials and their onward distribution. The applicant already operates a similar plant in Belgium and has designed the project to be functional and efficient. It is also acknowledged that the design has been influenced by the need to prevent environmental harm through the adoption of mitigation measures identified in the various assessments.
- 5.2.2 In terms of context, the application site is within an existing importation, storage and manufacturing industrial area consisting of wide roads, rail infrastructure and large-scale buildings. Other uses include recycling of metals and there is an existing cement batching plant within the dock area. There is sparse vegetation on the application area of limited ecological value.
- 5.2.3 Having learnt from the operation of the existing plant, the applicant has provided a layout that accommodates both operational phases of the development and ensures that the plant will run efficiently and safely. The HGV and light vehicle movements have been separated through the use of separate accesses.
- 5.2.4 The pre-application advice received from NCC states;
Within the site we would expect cycle and car parking for staff, but suggested this is based on staff numbers rather than broadly applied standards.
- 5.2.5 The access road to the site, East Way Road, is outside the control of the applicant but the separate employee/visitor access has been provided in order to minimise the potential conflict between pedestrians/cyclists and HGV traffic, where this is within their control.
- 5.2.6 The height of the buildings and other structures has been determined by function and the anticipated throughput of the facility. This has determined the number and size of the silos whilst the manufacturing process has dictated the size and area of the storage buildings. The size has also been influenced by the delivery nature of the raw materials arriving, as they do, in large vessels on an infrequent but large-scale basis.
- 5.2.7 Architectural images

5.3 Access

- 5.3.1 There will be no public access to the site and, indeed, the port restricts access to those with port-related functions. There are no public rights of way within the site and, as an operational port, access is restricted to those who have undergone strict familiarisation and health/safety awareness training.
- 5.3.2 The site layout is shown on the submitted layout plan (Layout Plan AR PL 1001 F). The presence of Revisions A to E demonstrate that a design process has been followed to make the facility and the site function within its' layout and context.

6 ENVIRONMENTAL IMPACT

6.1 Screening

- 6.1.1 A formal request for an EIA Screening Opinion was submitted to NCC in February 2024, alongside the request for formal pre-application advice.
- 6.1.2 The request for a Screening Opinion under Regulation 6 of the current EIA Regulations was submitted to the Planning Authority to establish whether the combined phases form a project that would fulfil the definition of Schedule 2 EIA development. The request identified that there is no description in Schedule 1 to the Regulations which applies. It then goes on to acknowledge that the project may, through the implementation of Phase 3, fall within category 5(b) of Schedule 2.
- 6.1.3 The threshold for category 5(b) is 1,000 square metres and Phase 3 will occupy in excess of this amount. Therefore, the project as a whole, needs to be considered against the criteria in Schedule 3 to determine whether likely significant effects would occur as a consequence of the development.
- 6.1.4 The criteria include the characteristics of the development, the location of the development and the types and characteristics of the potential impacts. Each of these criteria have further considerations that must be regarded. In terms of the characteristics of the development, criteria such as the size and design of the development and the risks to human health must be regarded. In terms of the location of the development, the environment must be regarded through a focus on existing and approved land use, natural resources, and the absorption capacity of the natural environment. Finally, in terms of the type and characteristics of the potential impact the intensity and complexity of the impact and its probability, cumulative impacts, and the magnitude of the impact all must be considered.
- 6.1.5 The Screening Request considers sequentially the criteria in Schedule 3, and concludes that there are no likely significant effects of the proposal/project. In response, NCC provided a 'negative' EIA Screening Opinion (Appendix 1) on 18th April 2024, which stated that *'an Environmental Statement will not be required to support a planning application submitted for the proposal described'*.
- 6.1.6 On this basis, no Environmental Statement is being submitted with the planning application. However, in order for the Authority to fully assess the proposals and to determine both the contributions (positive/negative) to the Planning balance and any controls that may need to be exercised through the imposition of planning conditions on any consent that comes forward, a suite of documents comprising surveys and assessments are included with the application. The throughput at Phase 3 has been amended from that which was included within the original Screening Request and the environmental assessments have been carried out based on the higher throughput quantity. Those assessments have not indicated the potential for likely significant effects on the environment.
- 6.1.7 These surveys and assessments have been undertaken by appropriately qualified professional staff and in accordance with relevant guidance/standards to determine the potential effects of the development.

6.2 Environmental Studies

6.2.1 The following studies have been undertaken in order to establish the potential impacts of the development in all phases;

- Transport
- Ecology
- Heritage Impact Assessment
- Landscape and Visual Appraisal
- Flood Consequences Assessment
- Air Quality Assessment
- Noise Assessment

Transport

6.2.2 The transport of material by importation during the operational periods of Phases 2 and 3 are to be carried out by ship through the normal ongoing function of the port. It is considered that these deliveries form part of authorised dock operations which are not part of this planning application and are not considered by the Transport Assessment.

6.2.3 The assessment has been compiled by competent and appropriately qualified personnel. It considers the impacts of transport based on information and parameters supplied by the client and open public sources as well as professional experience and judgement. The dock situation is different from many highways assessment situations in that the main arterial route through the dock is privately owned and maintained and the interface with the public highway occurs at the point where East Way joins the A48.

6.2.4 Associated British Ports launched a new Masterplan in February 2024 which expressed the intention to alter the inward access arrangements to the port. When these arrangements are in place, the potential for vehicles associated with this future development backing up onto the public highway will be eliminated.

6.2.5 The Transport Assessment (Appendix 9) considers the local highway network and estimates the numbers of vehicle trips that will be generated by the different phases of the proposed development. These have been based on specific vehicle sizes and the anticipated maximum throughput of the mill in Phase 3. Whilst the mill will be operational on a 24 hour basis the deliveries have been assumed to take place over an 18 hour window that allows for replenishment on building sites which will operate their own concrete batching plants.

6.2.6 The assessment states that;

“This additional movements will barely be perceptible during from existing traffic at the docks and will not have a material impact on the operation of the local highway network.”

6.2.7 The detailed construction methods have not yet been finalised. However, whilst some low-value construction materials will be imported by road, the majority of the structures required by the mill will arrive by ship as part of the normal port import operations and be emplaced by crane.

6.2.8 The Transport Assessment concludes that;

“From a traffic and transportation perspective there are no reasons why the development proposals should not be granted planning approval.”

Ecology

6.2.9 The application is accompanied by an Ecological Impact Assessment (Appendix 7) provided by Ramm Sanderson. The assessment has set a study area, gathered data from established sources to indicate the presence of important species and collated information relating important ecological designations. A field survey (Preliminary ecological Appraisal) was undertaken in March 2024 by a suitably qualified ecologist.

6.2.10 The findings of the data collection and survey established that there are no designated sites or protected species within the site and the following habitats;

- Ephemeral water body
- Shallow ponds x 2
- A single storey building
- Sparsely vegetated urban land x 3
- Strip of woodland trees – semi-mature silver birch

6.2.11 The ephemeral water body and ponds were deemed unsuitable for Great Crested Newt and there was far more favourable habitat outside the site for otters. There are no records for badgers and the building is not suitable for bat roosts. The survey identified that the site does not present as suitable for reptiles and the only bird nesting opportunity derives from the line of trees on the eastern boundary.

6.2.12 In addition, the presence of internationally and nationally designated sites within the study area created the requirement for a Habitats Regulations Assessment (Appendix 8) and a draft report is submitted for the consideration of the determining Authority who will undertake the formal assessment.

6.2.13 The EclA takes account of the potential for changes in air quality as described in the Biodiversity Air Quality Assessment (Appendix 10A), specifically in relation to dust and nitrogen deposition on designated areas.

6.2.14 Also accompanying the application is a Biodiversity Impact Assessment (Appendices 7A to 7C) that demonstrates that there are 3.58 potential habitat units currently on the site. No planting scheme accompanies the application, but the applicant is committing to the creation of landscape planting where this is feasible and it is anticipated that this will form the basis of a planning condition for the submission of a planting plan and cultivation treatment. The applicant is confident that a gain can be achieved.

Heritage Impact Assessment

6.2.15 Headland Archaeology have undertaken a desk-based assessment in the knowledge that the dock itself is a man-made structure, where the near surface has been disturbed, that was created following the various Acts of Parliament. This knowledge restricts the archaeological potential of the site to more recent industrial archaeology. The study area is extended to 3km for designated assets and to 1km for undesignated historic assets.

6.2.16 At para 6.1.2 the assessment states;

“There is a low potential for below-ground remains dating to all prehistoric periods, as well as Roman, Early medieval, medieval and post-medieval. As demonstrated through historic map regression the area of the PDA was until the late 19th century largely contained within the River Ebbw, until it was redirected in order to construct the South Dock. Potential pre-19th century remains are likely to have been truncated by the construction of the depot and railway but possibly not completely removed – but the potential within the former line of the river is confined to deeply buried waterlogged deposits of palaeoenvironmental interest or stray artefacts such as boats and riverside activity rather than settlement evidence.”

6.2.17 Illustration 12 (p. 33) shows the extent to which the application area was underlain by the River Ebbw.

6.2.18 The assessment concludes that there will be no adverse harm to the setting of either designated or undesignated historic assets. There are, therefore, no historic environment barriers to the development.

Landscape and Visual Appraisal

6.2.19 Following engagement with the Landscape Officer of Newport City Council, the scope and methodology of the supporting documentation was agreed. The final Landscape and Visual Appraisal document, together with its' Appendices, is submitted in support of this application. It is confirmed that the recommendations in Planning Policy Wales LANDMAP, have been used to inform the LVA.

6.2.20 The impacts on the fabric of the site are identified in the LVA and seven viewpoints were analysed for the visual effect of the development, The landscape effects range in scale from 'Negligible' to 'Slight' and the visual effects in scale from 'Negligible' to 'Small'. When matched to the sensitivity of receptors the significance of effects are judged to be Neutral to Minor Adverse, with none of them significant.

Flood Consequences Assessment

6.2.21 The site is not at risk of fluvial or groundwater flooding but may be at risk of flooding from the sea, despite there being no record to date of the site having been flooded from the sea. For tidal flooding, the site is partly within category B and partly within C2 according to the Development Advice Map. This means that the justification tests outlined in TAN 15 have to be explored. The type of development that is proposed is deemed to be 'Less Vulnerable Development'.

6.2.22 The design has been changed such that the Finished Floor Level in the mill building will be at 9.35m AOD so that it is clear of the 1 in 200 year rainfall event including climate change. The mill itself and the offices/laboratory/canteen will be on the upper floor of this building, further removed from potential flooding.

- 6.2.23 The applicant will provide a Flood Evacuation Plan that marries up with the existing plan used by the port operator. It will make use of East Way Road and the calculated period of warning is 4.5 hours which will enable the safe shut-down of the facility and removal of all personnel. In the unlikely event of an unsuccessful evacuation the upper floor of the mill building will provide safe refuge.
- 6.2.24 The acceptability criteria in Tan 15 are discussed in tabular form and it is concluded that all aspects of the 'Justification Test and Acceptability of Flood Consequences criteria have been satisfied. There are, therefore, no flood risk barriers to the development proceeding.

Air Quality Assessment

- 6.2.25 The Air Quality Assessment (Appendix 10) considers all phases of the proposed development in terms of both human and ecological receptors. It is supplemented by a specific Biodiversity Air Quality Assessment (Appendix 10A) that has, separately, informed the draft Habitats Regulations Assessment. Potential emissions from the plant are steam (water vapour), dust from the stockpiles, dust from the manufacturing/recycling process, particulate and oxides of nitrogen emissions from delivery vehicles. The operator will carry over the best practice control mechanisms and design that are in place on the existing plant to minimise potential emissions from the plant. All conveyors will be covered and enclosed so that they do not become a source of emissions when the raw material is being moved.
- 6.2.26 The steam is generated when the raw material is dried and is discharged at height to aid dispersion. The assessment shows that the traffic associated with the development will not cause significant effects on any human health or ecological receptors. Similarly, the operational dust impacts of the development have been assessed and magnitude is found to be negligible at all human and ecological receptors.

Noise Assessment

- 6.2.27 The assessment has been carried out by appropriately qualified and experienced consultants. They have assessed the potential impacts of both the construction and the operation of the development in accordance with the relevant standards and methods.
- 6.2.28 Some elements are scoped out of consideration and the justification for this approach is set out in Table 1 of the assessment. Much of the reduction in scope is due to the distances of receptors from the source of either vibration or noise. The site was visited and background noise monitoring was undertaken at both the site and potential noise-sensitive Receptors (NSRs). Empirical data from the existing plant was used to determine the output from the proposed development and placed in the context of the application area, with buildings and amelioration as existing.
- 6.2.29 A 'worst case' scenario has been adopted with the plant operating for 24 hours a day and the plant operating at 'full loading'. The assessment identifies that the construction operation, which will take place during the daytime, is 10dB below the threshold level for residential property (daytime). The operational levels are predicted to be below both the daytime and night-time thresholds by 8 and 6 deciBels respectively. The assessment therefore concludes that there will be a low impact at the receptor.
- 6.2.30 Impacts on the SSSIs are also considered and the predicted levels of noise are 'considerably lower' during construction and current levels are 'well in excess' of the anticipated operational levels, meaning that the impacts are not significant. Mitigation measures are

proposed which can be incorporated to form part of a Construction Environmental Management Plan if deemed necessary by the Local Planning Authority.

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7 PLANNING POLICY

7.1 Introduction

7.1.1 The application for planning permission to which this supporting statement relates falls to be determined by NCC in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, which states that *“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”*.

7.1.2 The pre-application advice received from the Loal Planning Authority states that:

“The application site is located within an urban boundary; therefore the principle of development is acceptable subject to other material planning considerations. The proposal accords with policy SP1.”

7.1.3 The relevant parts of the development plan in this case comprises the:

- Newport Local Development Plan 2011-2026 (January 2015); and
- accompanying Proposals Maps and Constraints Maps.

7.1.4 The ‘material considerations’ referred to include national planning policies, mainly published in the form of the following:

- Future Wales: The National Plan 2040 (February 2021);
- Planning Policy Wales (PPW) Edition 12 (February 2024);
- the relevant Technical Advice Notes (TANs);
- and emerging local planning policies and evidential material.

7.1.5 The range of relevant planning policies is reviewed below.

7.2 Newport Local Development Plan 2011 – 2026

7.2.1 The Newport Local Development Plan (NLDP) was formally adopted by NCC in January 2015 and sets out the council’s planning framework for the development and use of land in Newport between 2011 – 2026.

7.2.2 It is considered that the following policies are most relevant to the proposed development:

- SP1 - Sustainability;
- SP3 - Flood Risk;
- SP4 - Water Resources;
- SP9 - Conservation of the Natural, Historic and Built Environment;

- SP17 - Employment Land;
- SP18 - Urban Regeneration;
- SP20 - Waste Management;
- SP21 - Minerals;
- GP1 - General Development Principles;
- GP2 - General Amenity;
- GP4 - Highways and Accessibility;
- GP5 - Natural Environment;
- GP6 - Quality of Design;
- GP7 - Environmental Protection and Public Health;
- CE4 - Historic Landscapes, Parks, Gardens and Battlefields;
- CE5 - Locally Listed Buildings and Sites;
- CE8 - Locally Designated Nature Conservation and Geological Sites;
- CE9 - Coastal Zone;
- EM2 - Newport Docks;
- T2 - Heavy Commercial Vehicle Movements;
- T4 - Parking;
- T7 - Public Rights of Way and New Development;
- M4 - Wharves and Rail;
- W2 - Waste Management Proposals; and
- W3 - Provision for Waste Management Facilities in Development;

7.2.3 The site lies within Newport Docks, which is the subject of Employment Policy EM2 and protected specifically for B1, B2 and B8 uses as follows:

“The existing 206 hectare employment site at Newport Docks is protected for B1, B2 and B8 uses. The council will support such development where it can be demonstrated that the development is complementary to and does not hinder the operational use of the port.”

7.2.4 The wharf area is shown on the layout plan as being fully occupied with slag but this quantity will ebb and flow. This means that there will be space, along with the area immediately to the east will remain available for the importation of aggregate, as suggested by Policy EM2.

7.2.5 An assessment of how the proposed development accords with the above planning policies is set out in Section 7.4 below.

7.3 Material Considerations

7.3.1 The material considerations relevant to this application include:

- Future Wales: the National Plan 2040 (February 2021);
- Planning Policy Wales (PPW) (Edition 12, February 2024);
- Welsh National Marine Plan (2019);
- relevant Technical Advice Notes (TANs); and
- relevant emerging local planning policy documents (including place plans).

Future Wales: The National Plan 2040

7.3.2 Future Wales (FW) was first published in February 2021 and is the National Development Framework (NDF) for Wales, setting the direction for development in Wales to 2040.

7.3.3 The specific purpose for FW is to ensure the planning system at all levels is consistent with, and supports the delivery of, the strategic aims and policies of the Welsh Government. In addition, FW identifies challenges and opportunities faced by Wales through the creation of places, the energy we generate, the natural resources and materials we use and how people live and travel. It sits alongside Planning Policy Wales and is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

7.3.4 Policy 1 (Where Wales will Grow) identifies Cardiff, Newport and the Valleys as a National Growth Area, which will “*grow, develop and offer a variety of public and commercial services*”. Overall, the policy drives the delivery of the FW outcomes and ensures FW policies and the planning system in general are committed to their achievement.

7.3.5 The FW policies which are relevant to the proposed development, are as follows:

- Policy 2 – Shaping Urban Growth and Regeneration;
- Policy 3 – Supporting Urban Growth and Regeneration;
- Policy 8 – Flooding;

- Policy 19 – Strategic Policies for Regional Planning; and
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys.

Planning Policy Wales (Edition 12, February 2024)

- 7.3.6 The Planning Policy Wales (PPW) was published by the Welsh Government in February 2024. PPW sets out the land use planning policies for the Welsh Government and is supported by a series of Technical Advice Notes (TANs), Circulars and policy clarification letters which together form the national planning policy for Wales.
- 7.3.7 The primary objective of PPW is to help ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation.
- 7.3.8 The PPW:
- outlines the main policy objectives and principles;
 - emphasises ‘sustainable places’ as the goal of the planning system, and promotes the ‘placemaking’ approach as the means of achieving this; is structured around four themes - Strategic and Spatial Choices; Active and Social Places; Productive and Enterprising Places; and Distinctive and Natural Places; and
 - outlines policies on key land use topics including housing, transport, retail and commercial development, energy, minerals, infrastructure and services, economic development, electronic communications, tourism, biodiversity, minimising and managing environmental risks, coastal issues, the historic environment, and recreation.
- 7.3.9 **Chapter 1** defines sustainable development as:
- “Sustainable Development” means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.”*
- 7.3.10 It is stated at Paragraph 1.22 that: *“Plans at all levels of the development plan hierarchy must be prepared in accordance with national planning policies. Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise”.*
- 7.3.11 In relation to managing new development, paragraph 1.30 states *“It must be undertaken in the spirit of partnership and inclusiveness (using the five ways of working) and supports the delivery of key priorities and outcomes (contributing to improving the social, economic, environmental and cultural well-being).”*
- 7.3.12 **Chapter 2 – People and Places: Achieving Well-being Through Placemaking** sets out key planning principles. Paragraph 2.2 confirms that *“sustainable places are the goal of the land use planning system in Wales; they are the output of the planning system rather than the process of achieving them. All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being.”*

- 7.3.13 Paragraph 2.15 states *“The national sustainable placemaking outcomes should be used to inform the preparation of development plans and the assessment of development proposals.”*
- 7.3.14 These five placemaking outcomes include 1) growing our economy in a sustainable manner; 2) making best use of available resources; 3) facilitating accessible and healthy environments; 4) creating and sustaining communities; and 5) maximising environmental protection and limiting environmental impact. Figure 4 goes on to explain in detail what each of the outcomes should aim to achieve. In relation to growing the economy in a sustainable manner, Figure 4 states (inter alia) *“The planning system should enable development which contributes to long term economic well-being, making the best use of existing infrastructure and planning for new supporting infrastructure and services”.*
- 7.3.15 In terms of making best use of available resources, the Figure 4 states (inter alia) *“The efficient use of resources, including land, underpins sustainable development. The planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals.”*
- 7.3.16 In relation to maximising environmental protection and limiting environmental impact, Figure 4 states (inter alia) *“Natural, historic and cultural assets must be protected, promoted, conserved and enhanced. Negative environmental impacts should be avoided in the wider public interest. This means acting in the long term to respect environmental limits and operating in an integrated way so that resources and/or assets are not irreversibly damaged or depleted.”*
- 7.3.17 Paragraph 2.24 relates to Placemaking and states *“At a strategic level traditional planning policy topics can be clustered around four themes which contribute individually to placemaking.”*
- 7.3.18 These topics are discussed in detail in chapters 4-6 of the PPW and include:
- strategic and spatial choices;
 - active and social places;
 - distinctive and natural places; and
 - productive and enterprising places.
- 7.3.19 In relation to assessing the sustainable benefits of development, paragraph 2.26 goes on to state *“Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle. There may be occasions when one benefit of a development proposal or site allocation outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.”*
- 7.3.20 **Chapter 3 Strategic and Spatial Choices** sets out how Local Authorities can implement placemaking through the PPW. Figure 7 states (inter alia):

“Development plans and proposals should be prepared within the context of the key planning principles of the planning system.

1. *...assess plans or proposals against the Strategic and Spatial Choices issues and the national sustainable placemaking outcomes...*
2. *... the detailed impact and contribution to Active & Social Places, Productive and Enterprising Places and Distinctive & Natural Places is assessed...*
3. *This process will result in a strategy or proposal which contributes to the sustaining of or creation of sustainable places and which delivers on the national sustainable placemaking outcomes...”*

7.3.21 In relation to the sustainable management of natural resources, Paragraph 3.34 states:

“The Environment (Wales) Act 2016 introduces the Sustainable Management of Natural Resources (SNMR) and sets out a framework to achieve this as part of decision-making... The key features of the SMNR approach to which the planning system can contribute are:

- *improving the resilience of ecosystems and ecological networks;*
- *halting and reversing the loss of biodiversity;*
- *maintaining and enhancing green infrastructure based on seeking multiple ecosystem benefits and solutions;*
- *ensuring resilient locational choices for infrastructure and built development, taking into account water supplies, water quality and reducing, wherever possible, air and noise pollution and environmental risks, such as those posed by flood risk, coastal change, land contamination and instability;*
- *taking actions to move towards a more circular economy in Wales; and*
- *facilitating the move towards decarbonisation of the economy.”*

7.3.22 With regard to previously developed land, the PPW states at paragraph 3.43 (inter alia) *“...planning authorities must prioritise the use of suitable and sustainable previously developed land and/or underutilised sites for all types of development... located within existing settlements in the first instance with sites on the edge of settlements considered at the next stage...”*

7.3.23 Paragraph 3.55 goes on to state (inter alia) *“Previously developed (also referred to as brownfield) land ... should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.”*

7.3.24 In relation to supporting infrastructure, Paragraph 3.63 states *“Development should be located so that it can be well serviced by existing or planned infrastructure. In general this will involve maximising the use of existing infrastructure or considering how the provision of infrastructure can be effectively co-ordinated to support development plans. Infrastructure*

choices should support decarbonisation, socially and economically connected places and the sustainable use of natural resources.”

- 7.3.25 **Chapter 4 Active and Social Places** sets out the approach to well-connected cohesive communities components of placemaking.
- 7.3.26 In relation to Transport Assessments, paragraph 4.1.57 states *“Planning applications for developments, including changes of use, falling into the categories identified in TAN 18: Transport must be accompanied by a Transport Assessment.”*
- 7.3.27 Of particular relevance to the proposed development is **Chapter 5 Productive and Enterprising Places**, which addresses the economic components of placemaking and discusses how Local Authorities should address waste management proposals.
- 7.3.28 PPW states *“Productive and Enterprising Places are those which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development.”*
- 7.3.29 PPW goes on to state that places which are productive and enterprising contribute to the seven goals of the Well-being and Future Generations Act. The goals relevant to the proposed development include:
- “A Prosperous Wales can be achieved through increased economic activity across all sectors and at all scales. This is realised through the availability of employment land...*
- A more Equal Wales can be achieved through promoting sufficient employment and enterprise opportunities for people to realise their potential and by recognising and building on the existing economic strengths of places to assist in delivering prosperity for all...*
- A Vibrant Culture and thriving Welsh Language are supported by the provision of jobs and economic activity which needs to be strategically planned and managed...*
- Above all, a Globally Responsible Wales is promoted by reducing our carbon footprint through integrated public transportation infrastructure, encouraging globally responsible business and the promotion of renewable energy over carbon-emitting sources and resource choices through which multiple benefits can be realised...”*
- 7.3.30 In relation to productive and enterprising linkages, the PPW notes that sustainable places can be created by the following (inter alia):
- *“implementing the proximity principle for waste, minerals and district scale energy to minimise the need for road transport and its impacts and additional pressure on energy networks...*
 - *maximising the use of our sustainable transport infrastructure, including ports and railways to directly support freight movements and serve economic development opportunities and mineral workings”*
- 7.3.31 Specifically in relation to Ports, Harbours, Marinas and Inland Waterways, Paragraph 5.3.14 states *“Support and investment in these facilities unlocks potential to boost the economy both directly, from the greater use of the facilities, and indirectly through the opportunities*

that improved maritime transport infrastructure provide for other sectors (both nationally and internationally)."

- 7.3.32 Paragraph 5.3.16 goes on to state *"Planning authorities should seek to promote the use of ports, harbours, marinas and inland waterways by the protection or provision of access to them and by the retention or provision of appropriate wharf, dock, harbour and rail transfer facilities to support economic activities in a way that minimises any adverse impacts on the environment. Planning authorities should also consider and, where appropriate, promote ports, and their surrounding area, for inter-modal freight interchanges and strategic employment sites."*
- 7.3.33 Paragraph 5.4 defines economic development as *"the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes."*
- 7.3.34 Paragraphs 5.4.3 – 5.4.4 go on to state *"Planning authorities should support the provision of sufficient land to meet the needs of the employment market at both a strategic and local level. Development plans should identify employment land requirements, allocate an appropriate mix of sites to meet need and provide a framework for the protection of existing employment sites of strategic and local importance. Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration. Sites identified for employment use in a development plan should be protected from inappropriate development."*
- 7.3.35 In relation to Steering Economic Development to the Most Appropriate Locations, paragraph 5.4.13 states (inter alia) *"Planning authorities should aim to... promote the re-use of previously developed, vacant and underused land...;*
- 7.3.36 With regards to the circular economy, paragraph 5.11.3 states *"The principles of the circular economy represent a move away from the current linear model of make, use, dispose, towards the reuse, repair and recycle of wastes which arise during development. The planning system facilitates materials recycling through advocating the use of secondary aggregates in construction but circular economy principles should underpin all developments."*
- 7.3.37 Paragraph 5.11.4 goes on to state (inter alia) *"Promoting the most appropriate material available should prevent the depletion of non-renewable resources and prevent waste arising. This will involve... promoting the use of recycled and secondary materials where they are suitable and available."*
- 7.3.38 In relation to alternative or recycled materials, paragraph 5.12.6 states *"Industrial by-products have been used for many years to produce secondary aggregates so as to conserve primary resources... Where appropriate, development plans should encourage the reuse and recycling of secondary aggregates, construction, demolition and excavation waste, incinerator bottom ash and other appropriate recycled materials..."*
- 7.3.39 Specifically related to the proposed development, paragraph 5.12.7 states *"Slag from steel making, material from colliery shale, ash from power stations and slate waste can be processed and used in construction in place of other minerals and form about 10% of total aggregate supply. The use of these materials could contribute further to the overall supply of aggregates..."*

- 7.3.40 Paragraph 5.12.8 goes on to state *“Planning authorities should encourage innovative approaches to recycling, particularly those which bring multiple benefits such as reducing energy costs and associated emissions...”*
- 7.3.41 Paragraph 5.13 goes on to discuss sustainable waste management facilities, and states *“The planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:*
- *minimising adverse environmental impacts and avoiding risks to human health;*
 - *protecting areas of designated landscape and nature conservation from inappropriate development; and*
 - *protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities...”*
- 7.3.42 Paragraph 5.13.3 goes on to state: *“Planning authorities, other relevant local authority departments and Natural Resources Wales (NRW) must work closely together to ensure that conditions attached to planning permissions and those attached to Environmental Permits are complementary and do not duplicate one another. Sufficient information should accompany development proposals in order for planning authorities to be satisfied that proposals are capable of effective regulation.”*
- 7.3.43 With regards to waste management, paragraph 5.13.4 states *“The Welsh Government’s policy for waste management is contained in Towards Zero Waste, Beyond Recycling and associated sector plans. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible.”*
- 7.3.44 Paragraph 5.13.10 discusses waste infrastructure and states (inter alia): *“Planning authorities must support the provision and suitable location of a wide ranging and diverse waste infrastructure... The extent to which a proposal demonstrates a contribution to the waste management objectives, policy, targets and assessments contained in national waste policy will be a material planning consideration.”*
- 7.3.45 Paragraph 5.13.12 states *“For all wastes, suitable locations for sustainable waste management development should be identified in development plans as well as criteria by which applications for such developments will be determined, recognising that the most appropriate locations will be those with the least adverse impact on the local population and the environment and with the best potential to contribute to a broad infrastructure framework.”*
- 7.3.46 Paragraph 5.13.14 states *“As part of development plan preparation planning authorities should encourage the recycling and re-use of construction and demolition wastes as well as mineral and industrial wastes...”*
- 7.3.47 **Chapter 6 Distinctive and Natural Places** defines objectives for recognising the special characteristics of places and the environmental qualities of places in Wales. Chapter 6 covers a number of topics relating to historic environment, landscape, biodiversity,

geodiversity and habitats, coastal characteristics, air quality, soundscape, water services, flooding and other environmental (surface and sub-surface) risks.

- 7.3.48 With regards to conserving and enhancing the historic environment and its assets, paragraph 6.1.6 states *“The Welsh Government’s specific objectives for the historic environment seek to protect the Outstanding Universal Value of the World Heritage Sites; conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy; safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved; preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous; preserve the special interest of sites on the register of historic parks and gardens; and protect areas on the register of historic landscapes in Wales.”*
- 7.3.49 Paragraph 6,1.7 states *“It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.”*
- 7.3.50 In relation to green infrastructure, paragraph 6.2.8 states (inter alia):

“...Planning authorities firstly must ensure that development avoids and then minimises impact on biodiversity and ecosystems and secondly that it provides opportunities for enhancement within areas identified as important for the ability of species to adapt and/or to move to more suitable habitats...”
- 7.3.51 Paragraph 6.4.3 relates to biodiversity and ecological networks and states: *“Development plan strategies, policies and development proposals must consider the need to...support the maintenance and enhancement of biodiversity and the resilience of ecosystems...ensure statutorily and non-statutorily designated sites and habitats are properly protected and managed and their role at the heart of resilient ecological networks is safeguarded ...safeguard protected species and species of principal importance and existing biodiversity assets from direct, indirect or cumulative adverse impacts that affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water, air and soil, including peat; and secure the maintenance and enhancement of ecosystem resilience and resilient ecological networks by improving diversity, extent, condition, and connectivity;”*
- 7.3.52 Paragraph 6.4.16 goes on to state *“All development must deliver a net benefit for biodiversity and ecosystem resilience from the baseline state (proportionate to the scale and nature of the development proposed). Even if the biodiversity value has been maintained, there must still be a pro-active process to look for and secure enhancement through the design and implementation of the development.”*
- 7.3.53 Paragraph 6.5 coastal areas defines objectives and measures for conserving the natural heritage of Wales.
- 7.3.54 With regards to water and flood risk, paragraph 6.6.25 states *“Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development.”*

- 7.3.55 In relation to air quality and soundscape, paragraph 6.7.1 states (inter alia) “...*air, noise and light pollution can have negative effects on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible...*”
- 7.3.56 Paragraph 6.7.6 goes on to state: “*In proposing new development, planning authorities and developers must, therefore: address any implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas or areas where there are sensitive receptors; not create areas of poor air quality or inappropriate soundscape; and seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes.*”

Welsh National Marine Plan (2019)

- 7.3.57 The primary objective of the Welsh National Marine Plan (WNMP) is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals. The following chapters and sections are of particular relevance in the assessment of this planning application:
- 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.
 - Ensuring a strong, healthy and just society -
 - Contribute to supporting the development of vibrant, more equitable, culturally and linguistically distinct, cohesive and resilient coastal communities.
 - Support enjoyment and stewardship of our coasts and seas and their resources by encouraging equitable and safe access to a resilient marine environment, whilst protecting and promoting valuable landscapes, seascapes and historic assets.
 - Improve understanding and enable action supporting climate change adaptation and mitigation.
 - Living within environmental limits
 - Support the achievement and maintenance of Good Environmental Status (GES) and Good Ecological Status (GeS).
 - Protect, conserve, restore and enhance marine biodiversity to halt and reverse its decline including supporting the development and functioning of a well-managed and ecologically coherent network of Marine Protected Areas (MPAs) and resilient populations of representative, rare and vulnerable species.

- Maintain and enhance the resilience of marine ecosystems and the benefits they provide in order to meet the needs of present and future generations.
- Promoting Good Governance
 - Support proportionate, consistent and integrated decision making through implementing forward-looking policies as part of a plan-led, precautionary, risk based and adaptive approach to managing Welsh seas.
- Using Sound Science Responsibly
 - Develop a shared, accessible marine evidence base to support use of sound evidence and provide a mechanism for the unique characteristics and opportunities of the Welsh Marine Area to be better understood.

Technical Advice Notes and Guidance

7.3.58

PPW is supplemented by several Technical Advice Notes (TANs). Each Technical Advice Note (TAN) provides detailed planning advice on a different subject and should be taken into account by local planning authorities in conjunction with the PPW in the preparation of development plans. Those which are considered relevant to the proposed development are detailed in Table 6.1 below.

Table 6.1: List of Technical Advice Notes

TAN Reference Number	TAN Title	Summary
TAN 5	Nature Conservation and Planning	TAN 5: Nature Conservation and Planning (2009) provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. It seeks to demonstrate how local planning authorities, developers and key stakeholders in conservation can work together to deliver more sustainable development that does not result in losses to natural heritage but instead takes opportunities to enhance it. TAN 5 further advises that the information submitted with the planning application should be proportional to the likelihood of effects on nature conservation interests and to their potential significance.
TAN 11	Noise	TAN 11: Noise (1997) provides advice on how the planning system can be used to minimise noise impact without placing unreasonable restrictions on development. It outlines some of the main considerations which local planning authorities should consider when drawing up development plan policies and when determining planning applications for development which will either generate noise or be exposed to existing noise sources.

TAN Reference Number	TAN Title	Summary
TAN 12	Design	TAN 12: Design (2016) provides advice on design considerations and asks for a holistic approach to design, moving away from reliance on prescriptive standards, and encouraging innovation and creativity. Design responses should respond to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use).
TAN 15	Development and Flood Risk	TAN 15: Development and Flood Risk (2004) provides technical guidance which supplements the policy set out in PPW in relation to development and flooding. At present, a revised TAN is being prepared in response to the effects of climate change. The current TAN 15 applies National Resource Wales' Development Advice Map, to trigger the need for a detailed Flood Consequence Assessment. Whereas the new TAN 15 will utilise the Flood Map for Planning. TAN 15 categorises development based on vulnerability and directs development to certain zoned land based on flood risk.
TAN 18	Transport	TAN 18: Transport (2007) confirms that the integration of land use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development. Paragraph 2.4 indicates that by influencing the location, scale, density and mix of land uses and new development, land use planning can help to reduce the need to travel and length of journeys, whilst making it easier for people to walk, cycle or use public transport.
TAN 20	Planning and the Welsh Language	TAN 20 Planning and the Welsh Language (2017)
TAN 21	Waste	TAN 21 Waste (2014) provides advice on how the land use planning system should contribute towards sustainable waste management and resource efficiency, reflecting the new waste management drivers at a European Union and Wales level.
TAN 23	Economic Development	TAN 23: Economic Development (2014) gives a broad definition of economic development as to include any form of development that would generate income, wealth and jobs. The TAN highlights that economic objectives work in conjunction with social and environmental objectives. Paragraph 1.2.1 states: <i>"The economic benefits associated with development may be geographically spread out far beyond the area where the development is located. As a consequence it is essential that the planning system recognises, and gives due weight to, the economic benefits associated with new development"</i> .

TAN Reference Number	TAN Title	Summary
TAN 24	The Historic Environment	TAN 24: The Historic Environment (2017) provides guidance on how the planning system considers the historic environment (including Conservation Areas and Listed Buildings) during the planning process. Six principles of conservation are set out, which should be used to assess the potential impacts of proposed developments on the historic environment. An emphasis is placed on the relationship between the historic environment and climate change.

Emerging Development Plans

7.3.59 NCC is preparing a Replacement Local Development Plan (RLDP) to cover the period 2021-2036. When adopted this will replace the current NLDP. The RLDP will contain policies and proposals which together will provide for the development needs and aspirations of the city as well as protecting and enhancing its social, cultural and environmental assets.

7.3.60 The council has now progressed to the Preferred Strategy (Pre-Deposit Plan) stage which was published in October 2023.

Place Plans

7.3.61 Following the Planning Act 2015, there is now a requirement for Local Planning Authorities in Wales to work with communities to create Place Plans. Confirmed aspects of the Place Plan are that it will need to conform to the Council's Local Development Plan and will become a statutory document to be adopted by the Council. From a review of the NCC's website, no Place Plans are currently in preparation.

7.4 Compliance with Planning Policy

7.4.1 The proposed development is located on Brownfield Land within the Newport settlement boundary and is considered to be an efficient use of the land, being located adjacent to an existing dock to enable unloading and storage of waste materials from ships for onward transport via road. In the longer term the proposed development will enable the recycling of a waste material imported by vessel, which will create an end product with a far lower carbon footprint than cement produced from raw materials. The proposal therefore accords with NLDP Policies SP1, SP20, W3,

7.4.2 The site is located within the developed coastal zone and requires a coastal location to allow ships to unload materials, the proposed development therefore maximises the use of previously developed land and associated riverside location in accordance with NLDP Policy CE9.

7.4.3 The proposed development is a B2 and B8 use class and the site is located within land designated by NLDP Policy EM2 as a site protected specifically for Class B employment opportunities (including B1, B2 and B8), therefore the proposals are in accordance with NLDP Policy EM2.

- 7.4.4 The proposal will involve the storage, re-use and recycling of a waste product to be used in place of primary raw materials and therefore accords with NLDP Policies SP1, SP20, W2, and W3.
- 7.4.5 The proposal is appropriately located on employment land within the operational Port and will help to enhance Newport Docks, allowing for the continued benefits of its operations in the long-term and therefore accords with NLDP Policies SP17 and EM2.
- 7.4.6 It is considered to assist in the regeneration of the wider urban area within Newport and will be reusing previously developed land therefore is in accordance with NLDP Policy SP18.
- 7.4.7 The proposal will not prejudice the operation of existing minerals wharves or rail infrastructure in the vicinity, the rail sidings which cross the Site are safeguarded for minerals use under NLDP Policy SP21. The Site lies adjacent to a safeguarded mineral wharf; this use will not be impacted by the proposed development to ensure the continued sustainable transportation of aggregate. The proposal therefore accords with NLDP Policies SP21 and M4.
- 7.4.8 The proposed development will provide employment for 25 people which, although only partially relating to B8 use enjoys the support of Policy EM2.
- 7.4.9 The proposals are of a high-quality design, in keeping with the general industrial nature of the surrounding dockside environment. There are a number of cranes and large-scale industrial buildings in the vicinity of the site, the proposal will not be incongruous in the context of the existing activities in the surrounding environment, therefore it is considered to accord with NLDP Policy GP6.
- 7.4.10 The LVA which accompanies the planning application confirms that the site is located within a largely industrial area with a history of dockside related operations, that effects are all of minor or neutral level and there will be no notable adverse impacts from the proposal on landscape character and quality or visual amenity of nearby residential receptors and, therefore, the proposal accords with NLDP Policies GP2, GP5, GP7.
- 7.4.11 The proposed development involves the re-use of existing brownfield land, therefore there will be no impact to agricultural land; there are no trees, woodland or hedgerows on the site. The proposal therefore accords with NLDP Policies SP5 and GP5.
- 7.4.12 The noise assessment which accompanies the planning application confirms that there will be no notable adverse impacts on amenity therefore the proposed development accords with NLDP Policies GP2, GP7, W2.
- 7.4.13 The ecological reporting which accompanies the planning application confirms that there will be no adverse impacts on sites of national and locally designated nature conservation interest, or geological interest sites; therefore, the proposals accords with NLDP Policies SP9, GP9, CE8, W2.
- 7.4.14 The Transport Assessment which accompanies the planning application confirms that there will be no notable adverse impact on the local highway network as a result of the proposed development. The site is located in Newport Docs which is an area considered favourable for heavy commercial vehicle movements, the proposed development will utilise the established two way access onto East Way Road in accordance with NLDP Policies GP4, T2, W2.

- 7.4.15 The site provides parking for 27 cars and 4 waiting areas for HCVs which is considered appropriate in the context of the proposed development, and therefore accords with NLDP Policy T4.
- 7.4.16 The site will not have any impact on public rights of way and therefore accords with NLDP Policy T7.
- 7.4.17 The Air Quality Assessment which accompanies the planning application confirms that there will be no notable adverse impacts from the proposal on amenity in terms of dust and air quality, therefore the proposal accords with NLDP Policies GP2, GP7, W2.
- 7.4.18 The heritage assessment which accompanies the planning application confirms that there will be no notable adverse impacts on Historic Landscapes, Parks and Gardens of Special Historic Interest, Identified Historic Battlefields, Locally Listed Buildings and Sites and Conservation Areas. Furthermore, the site is previously developed and it is considered that there will be no impacts on archaeological remains as a result. Therefore the proposal is considered to accord with NLDP Policies SP9, CE4, CE5, CE6, W2.
- 7.4.19 The Phase 1 geoenvironmental desk study which accompanies the planning application suggests further investigation but has not established that contamination is present. An intrusive Phase 2 investigation will be undertaken to confirm that position. Therefore, the proposal is considered to accord with NLDP Policies GP7.
- 7.4.20 The FCA which accompanies the planning application confirms that, once appropriate mitigation is employed in terms of Finished Floor Levels, there will be no notable adverse impacts to or from the Proposed Development in terms of flood risk, including when taking climate change into account. The proposal will not increase surface water run-off and therefore accords with NLDP Policies SP1, SP3, GP1, CE9, W2.
- 7.4.21 The technical reports which accompany the planning application demonstrate that there will be no notable adverse impacts on the natural, historic and built environment. Therefore, the proposed development is considered to accord with NLDP Policies SP9, GP7.
- 7.4.22 The proposed development benefits from a port location where the materials will be imported and stored prior to onward transportation to its customer base complementing the operational use of the port and providing port related employment and therefore accords with NLDP Policy EM2.
- 7.4.23 TAN 5 advises that the information submitted with the planning application should be proportional to the likelihood of effects on nature conservation interests and to their potential significance. The information accompanying the application is an Ecological Impact Assessment (EclA), a Biodiversity Impact Assessment Baseline, a Biodiversity Air Quality Assessment, a letter explaining the absence of a Tree Survey and a Stage 2 draft Habitats Regulations Assessment (HRA) Report. Of principal importance is the EclA which establishes the lack of impact on flora or fauna and does not recommend further mitigation. If deemed appropriate, the applicant proposes to submit, under Planning condition, a planting scheme which would provide additional habitat and a small net benefit within the site. Potential enhancements are set out in Section 5 of the EclA and, where practicable, will be implemented.
- 7.4.24 Similarly, the EclA does not identify adverse impacts on designated sites outside the application area. The development is considered to be in compliance with TAN 5.

- 7.4.25 TAN 11 seeks to ensure that amenity of receptors is not unacceptably impacted. The Noise Assessment acknowledges that the site sits within and adjacent to other industrial uses. The predicted impacts fall below accepted thresholds both during construction and during operation of the site. This remains true for residential and ecological receptors.
- 7.4.26 TAN 12 places good design at the beginning of the application process. The proposed development is based on the applicant's existing plant in Gent and starts with the requirement for the mill to function by receipt of raw material, operation of the mill and storage/distribution of the product. This has informed the layout and the size of the structures. Efficient function is at the heart of the design and involved principles of separation of light and heavy vehicular traffic, prevention of harm due to potential flooding and minimisation of impacts to the environment.
- 7.4.27 The architectural images presented in the Landscape and Visual Appraisal are conceptual in nature and it is anticipated that a colour scheme for the cladding will be agreed with the Council through a Planning condition. Whilst there is no public access to the dock the parking area will allow for electric charging and bicycle parking under cover to encourage different modes of transport. As previously noted, the mill will be constructed to allow for the future use of locally produced green hydrogen to replace the natural gas to be used at the outset. It is considered that the design is appropriate for the industrial location and matches the future standards envisaged by the ABP Masterplan for the development.
- 7.4.28 Compliance with TAN 15 has been considered throughout the Flood Consequence Assessment (Appendix 12) and the development has been amended to ensure that Finished Floor Levels, where personnel are located or likely to visit, provide an acceptable degree of safety. The development does not increase flooding at other locations and is, itself, considered to be a 'less vulnerable/ appropriate development for this risk profile. By agreeing to the appropriate flood warning protocols and compliance with the port evacuation requirements, the development will be in compliance with TAN 15.
- 7.4.29 The transport of imported goods from the dock is an established function and also transport to the dock for goods to be exported. The shipping aspect of the operation is, therefore, ongoing activity which is not part of the application process. TAN 18 is relevant to the carriage of construction materials and the export of the finished product. The majority of the structures to be erected, including the silos, will be imported by ship and offloaded/emplaced by crane onto prepared foundations. The construction period is anticipated to last 12 months during which time aggregates and concrete products such as blocks will be imported by road.
- 7.4.30 The construction traffic and the delivery traffic will replace the trips that have been generated through other uses on the site such as the movement of aggregates and coal. There is no need to make amendments to the public highway network. The air quality impacts on both human health and the ecological environment have been considered separately but do not demonstrate any unacceptable effects. The proposed development does not involve changes to/provision of public transport or the alteration of any adopted roads. The proposed development is in accordance with TAN 18.
- 7.4.31 TAN 20 provides advice on how the Welsh language should be considered within the planning process. The proposed development does not undermine the language but there are limited opportunities within the port development to undertake promotion of Welsh. There is no public access to the site and no low-level visibility of the site where signage will be observed by the public. However, the applicant will put in place dual-language signage within

the application boundary providing instructions to visitors and employees. In doing so, the proposal will comply with TAN 20.

- 7.4.32 TAN 21 acknowledges the need for a range of waste management facilities and acknowledges that appropriate locations include where *'there are existing or proposed transport infrastructure links includingsea connections'*. It also sets out the need for waste management land use planning to *"drive the management of waste up the waste hierarchy and facilitate the provision of an adequate network of appropriate facilities"*. The proposed development removes the feedstock waste from landfill and brings it to the point of recycling. This rise also has the beneficial effect of producing a more carbon-efficient end product so there is a dual lift in sustainability. Through these actions the development contributes to the aim of 'Towards Zero Waste' strategy.
- 7.4.33 The guidance states that waste management should be undertaken;
- Without risk to water, air, soil, plants, or animals;
 - without causing a nuisance through noise or odour; and
 - without adversely affecting the countryside or places of special interest.
- 7.4.34 The proposed development achieves these aims therefore complies with TAN 21.
- 7.4.35 Local Planning Authorities are required by TAN 23 to recognise the economic aspects of all development. The proposals will generate wealth, jobs and income. Critically, the product will also support other economic developments within the supply area. The advice centres on the locating of development and recommends that it is steered towards "the most efficient and sustainable locations". The proposed location matches this aim. It also suggests that 'Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability'. When stocks are depleted, the wharf will remain available, along with land to the east of this stocking area, for importation of other materials such as sand and gravel.
- 7.4.36 In determining the economic benefit of the proposals, the advice suggests a balance between the qualitative benefits and the social/environmental harm that may be caused. None of the assessments has identified a significant harm and so the balance is completely in favour of the development. The advice is reflected in Policy EM2 in the NLDP which is itself satisfied.
- 7.4.37 TAN 24 is considered in the accompanying heritage assessment which concludes that there will be no adverse impacts on designated or undesignated historic assets and no negative impacts on the setting of historic impacts as a consequence of the development. Therefore, the development is in compliance with TAN 24.

8 PLANNING BALANCE

8.1 Principle of development

8.1.1 The Port exists, simply, for the import, export, storage and onward transfer of goods. Phases 1 and 2 of the development constitute Permitted Development for the Port operator or their lessee. Phase 3 of the development requires separate planning permission but represents an employment use that moves a waste material up the waste hierarchy from disposal to recycling.

8.1.2 The port area has policy support for employment uses that relate to B2 and B8 uses which comprise part of the development, the storage and distribution of the end product. The remaining elements enjoy significant support from Planning Policy Wales that promotes the maximisation of recycling as a means of achieving the 2025 aims of 'Towards Zero Waste'.

8.2 Economic Prosperity

8.2.1 The project itself will directly create more than 20 skilled jobs and a further inferred number of jobs in the delivery and supply chain. Whilst this is important in itself, the end product will feed into approved developments and infrastructure that promotes a greater than local level of growth and economic activity. The product is a facilitator also represents a competitor in the market which benefits the consumer. The support expressed in Policy EM2 applies to this development.

8.3 Recycling

8.3.1 The mill operation represents a recycling operation, taking wastes which would otherwise be landfilled, and raising them up the waste hierarchy to the point of recycling. Towards Zero Waste specifies Waste Framework Directive requirements for member states to "*Promote the high quality recycling of waste materials as part of the overall aim to make the EU a 'recycling society'*".

8.4 Carbon balance

8.4.1 Carbon emission from the proposed development will occur as a result of the vehicle emissions and from the mill itself, until it transitions to hydrogen for the drying process, at which point emissions will drop significantly and reflect the use of electricity where this does not come from 'green' sources.

8.4.2 On the other side of the equation is the significant carbon reduction resulting from the substitution of cement that has been manufactured in a high emission process, by the use of product generated from this development.

8.5 Summary

8.5.1 In summary, there are extensive benefits from the development which outweigh the minimal impacts of the development.

9 CONCLUSIONS

9.1 Impacts and mitigation

9.1.1 The various assessments have been undertaken by competent professionals, using recognised and accepted methods, to provide balanced and rational understanding of the potential impacts of the proposed development. Where interaction between the effects could occur, the authors have collaborated and shared data to inform the other assessments.

9.1.2 Where possible, empirical data, relating to the existing plant has been used in order to provide a 'real-world' baseline. None of the assessments has indicated a significant effect would occur and it is anticipated that planning conditions will be imposed to confirm the design and operational parameters that have been used for assessment purposes, as maxima. No significant adverse effects have been identified.

9.2 Policy compliance

9.2.1 The proposed development is in compliance with all Policy and guidance with the exception of the strictest elements of TAN 15 for the raising of all floors above the 1 in 200 year event with climate change however, justification for this situation has been provided such that TAN 15 is satisfied. The proposal lifts a waste up the waste hierarchy and provides a more sustainable cement source than standard Portland cement.

9.2.2 The proposal is in compliance with the Development Plan, with Planning Policy Wales, the relevant guidance and Technical Advice Notes.

9.3 Sustainability

9.3.1 Concrete is a very valuable building material but the cement component, if produced directly from virgin materials, is a high producer of carbon emissions. TAN 18 seeks to minimise transport contribution to climate change and the emissions from transport are balanced by the reduction of emissions from the production of 'green' cement with significantly lower emissions.

9.4 Conclusions

9.4.1 There are no significant environmental impacts and the development matches the description of sustainable development. It provides economic stimulus through investment and social benefit through the provision of employment opportunities.

9.4.2 The development complies with policies in the local Plan and in the wider Policy environment, particularly with contributions towards 'Towards Zero Waste' and achieving Carbon reduction targets whilst facilitating growth in other industries.

9.4.3 Planning conditions can control the impacts of the development which are all considered to be minor in scale.

Waste Planning Assessment

	Document references	Outcome
Time Scale	Planning Statement Para 4.1.2	The periods of each phase are set out in para 4.1.2 but the final phase is intended as a permanent use of the land. The operation is intended to be ongoing, 24 hours per day and 7 days per week, excluding planned maintenance. The planning application is for a permanent use which will only cease when the recycle feedstock becomes unavailable or a cheaper, more sustainable source of cement substitute becomes available to the market.
Types and quantities of waste to be managed	Planning Statement Para 4.1.2	<p>The types of waste re specified in para 4.1.2 and both fall within the EWC of 10 02 01 or 10 02 02 which are non-hazardous.</p> <p>Following a period of development of the local market using the finished product imported under Phase 2, the mill will be constructed and waste throughput will rise up to an annual maximum of 1,000,000 tonnes.</p>
Design, layout, buildings and plant	Planning Statement Chapter 5	<p>Waste Management development is not subject to the requirement for submission of a Design and Access Statement. However, design has been considered throughout the planning process. That design has been principally informed by the intended function of the mill, the experience of running the existing mill and the site dimensions.</p> <p>There is a simple flow from the import of the raw material to the storage, blending, drying and mechanical crushing, grinding and milling to produce the final product.</p> <p>The areas required for storage are defined by the delivery medium of shiploads. The conveyors are enclosed to prevent noise and dust emissions. The positioning of silos is a combination of the feed conveyor from the mill and the swept paths of vehicles collecting the product.</p> <p>The stack height is determined by the need to be above the roof height so that steam/water vapour is carried away.</p> <p>Following consultation and adherence to recommended Policy mitigation the design has been altered to include for the capture and use of clean roof water.</p> <p>Some aspects, such as landscaping and cladding, are to be resolved through agreement with the LPA.</p>
Amenity and Nuisance	Supporting Appendices	The various Appendices contain assessments relating to noise, air quality and visual impacts. The findings are that there are no impacts that, with appropriate

		mitigation, cannot be managed to acceptable levels. All mitigation is dependent upon adequate maintenance and the operator is also acutely aware of their H&S obligations to their workforce.
Air pollution	Air Quality Assessment Biodiversity Assessment Air Quality	<p>Appendices 10 and 10A to the Planning Statement have considered impacts on human health and ecological resources.</p> <p>The drying process is not a 'specialist' treatment and the output from the burning of natural gas are carbon dioxide and</p>
Energy Efficiency	Whilst not an incineration process the drying of the feedstock requires it to be heated and then cooled, producing waste heat.	The cooling process involves a heat exchanger and the operator is examining opportunities to use the recovered heat for the welfare areas and to provide an initial elevation in temperature at the beginning of the drying process in order to minimise energy consumption.

Declaration

This statement sets out how the waste hierarchy has been considered in developing the proposals currently forming this planning application.

Signed: Richard Hunt, MRTPI

Date: XX November 2024