

rAsk for/Gofynnwch Jacob Cooke
am
Our Ref/Ein Cyf PRELET/ PS/24/0031
Your Ref/Eich Cyf
Tel/Ffôn 01633 656656
Direct Dial/Rhif 01633 851385
DX 99463 Newport (Gwent) 3
E-Mail/E-Bost planning@newport.gov.uk



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

10th June 2024

Dear Mr Hunt

PROPOSAL:

PRE-APPLICATION PLANNING ENQUIRY FOR THE REDEVELOPMENT OF THE SITE FOR THE IMPORTATION, STORAGE AND ONWARD DISTRIBUTION OF CEMENT/CEMENT SUBSTITUTES AND IMPORTATION OF RAW MATERIALS SUCH AS CEMENT CLINKER AND SLAG, CONSTRUCTION AND OPERATION OF MILL FOR PROCESSING, MANUFACTURE OF CEMENT SUBSTITUTES AND ONWARD DISTRIBUTION. SUBSTATION AND HYDROGEN STORAGE TO BE INVESTIGATED

SITE:

South Dock East Way Road Alexandra Docks Newport South Wales

APPLICATION TYPE:

Pre-app Stat Enquiry

I refer to your recent request for pre-application advice in respect of the above. In formulating this response I have had regard to comments obtained from the parties listed below:

Head of Environment & Public Protection (Ecology Officer): The footprint of the site is not likely to support any nature conservation interest that I would be concerned about. However the site and the adjacent Alexandra Docks are connected to the River Usk SAC, so a Habitats Regulations Assessment (HRA) would need to take place.

Potential impacts arising from this project include noise and visual disturbance to otters, mobilisation of existing ground contaminants which then leach into the dock, spillage of stored materials which may be toxic to the aquatic environment, and emission of airborne contaminants and dust.

Any full application should provide sufficient information to allow us to undertake a HRA. Alternatively the Applicant could provide a draft HRA which we adopt as our own, if we agree with its methodology and conclusions.

Head of Environment & Public Protection (Landscape Officer): As indicated in the submission, the project is subject to EIA screening opinion.

If an EIA is required, I would recommend landscape impacts are scoped in ie. a Landscape and Visual Impact Assessment (LVIA) is provided. If an EIA is not required, due to the scale of the proposals an informal Landscape and Visual Appraisal (LVA) would be required.

In either case, both construction phase and operational residual impacts should be assessed and used to inform mitigation measures. Discussion with the local authority should be undertaken to agree the receptors and view-points for analysis. All elements of the proposal should be incorporated.

Given the location adjacent to the dock with industrial context on all sides there will be little change to the landscape character, it is the impact on visual amenity that needs to be assessed by the applicant, and whether the tall structures proposed eg mill up to 55m, 4 storage silos up to 45m across a large 5 hectare site will break the sky-line from mid-distance views. The key receptors may be users of the Wales Coast Path to the east (at around 0.7km) and west of the River Usk, users of the Transporter Bridge (at around 1.8km), and views from users of the River Usk itself.

An indicative ZTV should be produced based on the largest parameters (using the Rochdale Envelope Approach) with heights of nearby buildings, silos, stacks estimated to enable comparison of impacts.

The following will be required at planning application stage:

1. A Landscape and Visual Appraisal (LVA) or LVIA (if EIA required), focussed on visual impacts from the height of the proposed building. A computer generated Zone of Theoretical Visibility (ZTV) should be refined by site survey. Discussion with the local authority will be required to agree view-points for analysis once the ZTV is available.

2. Professional landscape architect input to identify site assets and constraints, including:

- ♣ input to the layout to allow sufficient space in the right location for planting

- ♣ hard landscape plan covering level changes, retaining structures, surfacing, boundary treatment, street furniture etc. Good practice requires hedgehog highways are identified to be shown on boundary plans and incorporated into the Ecological Management Plans.

- ♣ a green infrastructure plan to show how the proposals will link to and enhance existing green infrastructure through the site and adjoining the site, including objectives and rationale for planting detail based on the site context.

- ♣ soft landscape plan covering planting detail to include tree pits, planting schedule to show species, size, density, seed mixes etc. and soft landscape maintenance and management plan for five years to cover new planting until established and to include existing site vegetation to be retained

3. A joined up landscape-drainage plan would help to demonstrate sufficient space at suitable locations can be allocated for above ground SUDs to meet the Sustainable Drainage Regulations 2018 Standards 4 [Amenity] and 5 [Biodiversity].

4. A soil resource plan may be relevant to ensure all reusable topsoil and subsoil resources are identified, recovered and protected as part of the development planning process.

5. Site photos in addition to LVA/LVIA photos should be submitted to show views out from the site in all compass directions and to show all site boundaries.

Head of Infrastructure (Highways): Access is via East Way Road which is not adopted highway. Nevertheless, Highways would expect to see provision for cyclists and pedestrians to access the site and this should be detailed in any subsequent application. Particular attention should be paid to any potential conflict between pedestrians / cyclist and HGVs.

It is not clear if there would be any change of use or intensification of use of East Way Road. Subject to clarification we would request a transport statement / assessment to describe the following.

Staffing levels/shift patterns.

Volume, distribution and frequency of HGVs anticipated and, if there is a change in use, an assessment of the extant use and difference resulting from the development. If there is a difference between the extant and proposed uses, we would expect to receive an assessment of the impact on the junction between East Way Rd and the A48. This should include consideration of pedestrian facilities and collision data.

It is possible that other junctions would need to be scrutinised, but at this time we do not fully understand the extent of the impact. Highways would welcome a scoping discussion with the applicant's agents to assist further.

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.

Head of Environment & Public Protection (Environmental Health): No objection to proposed Noise Assessment methodology.

Head of Environment & Public Protection (Senior Scientific Officer): The data submitted appears to show dust emissions should be controlled within prescribed limits however there is no permit or control in place as of yet and this needs to be implicit in any planning permission.

Notwithstanding the above all development needs to address the matters of air quality and climate change in view of Newport City Councils declared climate change emergency. To this end we would expect to see further details regarding much of the following as proposed mitigation identified as part of any proposed new development and good design:

- Demonstrable contributions to lowering emissions in the locality through reducing emissions from vehicles, heating systems and temporary and permanent plant.
- ULEV infrastructure including but not limited to EV charging points in accordance with NCC guidance.
- Choosing green infrastructure that promotes clean air through species choices in plantings.
- An anti-idling scheme where any non ULEV vehicles are attending the development during construction phases; and subsequent adoption during operational phases.
- During construction phases HGVs serving the site would need to avoid the nearby AQMAs and as such have routing plans agreed with the LPA.

Based on the above the following conditions are recommended:

ULEV Infrastructure condition

No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained. ULEV Infrastructure shall be available to staff during the construction phase in so far as this is reasonably practicable.

Reason: To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2) Space heating within the proposed retail should use the lowest emission systems possible if not zero emission which in turn would contribute to emission. An informative is suggested below which could form a condition or informative.

Sustainable heating condition

No development shall take place until a sustainable heating strategy and associated system has been submitted to the LPA. The sustainable heating system shall be implemented prior to occupation of the development and retained thereafter.

Reason: To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2)

Green infrastructure condition

No development shall commence on site until a scheme of Green Infrastructure including but not limited to street scene and landscaped areas has been submitted which identifies plantings which use species which are known to be beneficial to air quality. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

Reason: To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2)

Anti Idling condition

Prior to commencement of the use hereby permitted an anti-idling scheme aimed at all vehicles using the site shall be submitted to the LPA for approval and thereafter be permanently retained.

Reason: To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2)

Head of Infrastructure (Waste Manager): This is a full scale specialist industrial development and as such we will not be offering a waste and recycling service.

Outlined below is a preliminary assessment of the proposal, including an indication of the main issues that should be addressed should you choose to submit a formal application. Please note that the views expressed in this letter represent officer opinion only and cannot be taken to prejudice any formal decision of the Council in respect of any application, on which a more extensive consultation would be carried out which may raise additional issues. In addition, the depth of analysis provided corresponds with the scope of information made available to officers.

Relevant Site History

Application Number	Proposal Description	Decision
24/0198	EIA SCREENING OPINION FOR THE IMPORTATION OF CEMENT AND CEMENT SUBSTITUTES AT SOUTH DOCK AND CONSTRUCTION AND OPERATION OF MILL FOR PROCESSING, MANUFACTURE OF CEMENT AND CEMENT SUBSTITUTES AND ONWARD DISTRIBUTION	ES Not Required 26.04.2024
23/1149	LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED USE OF LAND FOR METALS SHIPPING	Refused 22.02.2024
18/0771	SCOPING OPINION FOR PROPOSED PORT RELOCATION PROPOSAL. DEVELOPMENT PRIMARILY CONSISTING OF: RELOCATION OF VARIOUS BUILDINGS IN NORTHERN	Scope 20.09.2018

	<p>END OF DOCK TO LAND AT SOUTH DOCK, NEW ABP CENTRAL WORKSHOPS, STORES AND MEDICAL CENTRE, NEW CARGO STORAGE AREAS, RECONFIGURATION OF EXISTING PREMISES IN DOCKS, NEW QUAY WORKS CONSISTING OF 303M OF NEW QUAY ON NORTH SIDE OF SOUTH DOCK, DREDGING AND DISPOSAL OF MATERIAL, REPURPOSING OF 250M OF EXISTING QUAY IN SOUTH SIDE OF SOUTH DOCK, CONSTRUCTION OF NEW SWING BRIDGE, PROVISION OF UTILITY INFRASTRUCTURE AND ACCESS ROADS</p>	
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Site Constraints / Designations

- Potentially contaminated site
- Developed coastal zone
- Flood Zone 3
- Flood Zone 2
- Mineral Wharf
- Newport Docks
- Parking Zone 6
- Urban Boundary

Relevant Policy Context and material considerations

Newport Local Development Plan (2011 – 2026)

The relevant policies of the adopted Newport Local Development Plan (2011 – 2026) are outlined below:

- SP1 – Sustainability
- SP3 – Flood Risk
- SP4 – Water Resources
- SP21 – Minerals
- GP2 – General Amenity
- GP3 – Service Infrastructure
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- CE9 – Coastal Zone
- EM2 – Newport Docks
- T2 – Heavy Commercial Vehicle Movements
- T4 – Parking
- M4 – Wharves and Rail
- W3 – Provision for Waste Management Facilities in Development

Officer Assessment

Principle of Development

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. The enquiry is supported by very little information and this will impact the scope of this response. The recent EIA screening opinion has been considered.

Flood Risk The application site is located within Flood Zone B and C2 on the Development Advice Maps. The Flood Map for Planning (FMfP) represents the most up-to-date data with regard to flood risk; as set out in the Chief Planners letter of the 15th December 2021, the FMfP is a material planning consideration in the determination of planning applications. The FMfP shows the majority of the site lying within Flood Zone 3 – this zone is the highest possible risk of flooding during a flood event. The site is located within the Alexandra Docks and is previously developed land that has been used in a scrap recycling capacity. The application site consists of an existing berth, and previously developed land with ship loading equipment, rail sidings, small built structures, a pond and scrubland. The site contains 20m lighting columns around the perimeter and along to rail lines.

According to Technical Advice Note 15, the type of development proposed is likely to be considered as a *less vulnerable development*. As the proposal is located within an established flood zone, development needs to be justified in this location. The justification tests are set out in *Section 6.2* of Technical Advice Note 15. It is considered that the proposal is likely to meet the tests as outlined in 6.2 (i), (ii) and (iii). In order to meet the final (iv) test, any future planning application would need to be supported by a Flood Consequences Assessment.

Water Resources

The application site is in excess of 100sqm, therefore any application would require separate consent for a scheme of sustainable drainage through the Flood and Water Management Act 2010. This process is separate to planning legislation, however the sustainable drainage scheme will impact site layout, therefore consideration should be given to this at an early stage.

Given the proposed development includes the import and export of granular and dust creating materials, this has the potential to impact the efficient use of any drainage scheme through potential blockages occurring over time. Therefore, methods of mitigation are likely to be needed to ensure the sustainable drainage scheme remains functional for the duration of the use.

Minerals

The proposal seeks to continue the use of wharf as per the existing arrangements. Therefore, the proposal is considered to accord with Policy SP21.

Amenity

There are no residential properties in close proximity to the application site, therefore the proposal's impact on any nearby residential properties would be minimal. The nearest residential estate is at Tredegar Park, approximately 1.8km to the west, although the nearest individual property is approximately 1km away, and farm properties, approximately 1.9km to the east. Road access to the site is gained via East Way Road security station (GR ST 315860) giving access directly from and onto the A48, Usk Way (Southern Distributor Road).

A noise assessment should accompany any future application in order to demonstrate what noise levels would be emitted by the site operations and details of hours of operation. This will require assessment by the Council's Environmental Health Officer to ensure the level of noise generated would not result in harm on the amenity of any nearby residential properties.

Should a scheme of floodlighting be proposed, a lighting assessment should be submitted in order to demonstrate any light spill is controlled appropriately.

The proposed development involves the movements of aggregates and fine particle materials from ships to rail or road vehicles for further transport inland. The movement from loading and unloading, plus wind speeds have the potential to increase levels of dust experienced in the locality. Upon submission of a planning application, supporting information will be required in order to demonstrate how this will be controlled and managed to limit any impact on air quality. It is recommended that an application is accompanied by both a Dust Management Plan and a Construction Environmental Management Plan (CEMP). The Landscape Architect has outlined that any planning application would need to be supported by a Landscape Visual

Impact Assessment (LVIA) which takes account of the proposed built form in its context. Given the scale of the proposed silos and proximity to the Grade I Listed Transporter Bridge, consideration through the landscape assessments would need to demonstrate that the proposed development would not impact the appearance or setting of the Transporter Bridge. The industrial context contains a number of high structures, and these break the sky-line from mid-distance views. Given the location adjacent to the dock with industrial context on all sides there will likely be little change to the landscape character, but the impact on visual amenity is more difficult to assess based on the lack of information provided with this enquiry.

It would generally be expected that a development at this scale would require landscape assessment. It is the higher elements that will impact visually beyond the site rather than storage areas although noted that the site location is within rather than at the edge of the wider industrial use landscape.

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

The Landscape and Visual Appraisal (LVA) is required as a minimum and should have regard to these factors and the full comments of the Landscape Officer cited at the start of this response. At full application stage, the Council's Conservation Officer will also comment on the Landscape Visual Impact Assessment.

Service Infrastructure

It is noted that the proposed layout plan includes a staff/office area; it is anticipated that this area would also include staff facilities which require a form of foul drainage. Due to the site's location, it is assumed that the site could not be served by a mains sewerage connection. Therefore, any new foul drainage shall need to address the Circular letter 008/2018 with particular emphasis on section 2.6 which sets out the information required to support a new private drainage facility.

Highways and Parking

The Highways Officer has highlighted in their response the national aim to increase the provision of active travel infrastructure to promote these modes of transport. The proposed development represents an opportunity to improve and highlight active travel modes for utility journeys. Therefore, any future submission should include details of the pedestrian and cycleways to be incorporated into the scheme; please note these will need to be separated from the main carriageway to minimise the chance of a conflict with a HGV vehicle.

A Transport Statement should identify the baseline HGV movements to and from the site and a modelled HGV movements following completion of the proposal at full operational phase. This is to identify whether the proposed development would increase the intensity of the use and its impact on the wider highway network and affected junctions. Any additional loading of junctions modelled as at theoretical or actual capacity are unlikely to be supported without suitable mitigation.

The Highways Officer has suggested an informal scoping discussion to aid with the formulation of information to be submitted with the full planning application. Therefore, I would advise the applicant take advantage of this offer by way of follow up pre application discussion and advice.

Turning to parking, the site should be served by adequate levels of onsite parking, turning and cycle storage. The Council's Parking Supplementary Planning Guidance document provides generic parking standards, however the Highways Officer has outlined that parking provided in line with actual staff numbers will be acceptable.

Biodiversity

The Council's Ecologist has confirmed that due to the existing site context, it is unlikely to support any nature conservation interests. The main concern would be the impact of the proposed scheme upon nearby and immediately adjacent habitats which are protected by designations such as the Severn Estuary SAC/SPA/Ramsar site, the River Usk SAC, and the

Gwent levels SSSI/SINC/NNR. The site is linked to the River Usk Special Area of Conservation warranting a Habitats Regulations Assessment (HRA). It is noted that a separate Environmental Impact Assessment screening application determined that an Environmental Statement was not required. Any HRA will be subject to consultation with NRW and will need to be acceptable to this statutory consultee. I recommend you submit a Shadow HRA with any full application.

Please also note that all new developments must result in a net gain in biodiversity. Therefore, in addition to any possible biodiversity impact mitigation or compensation, a scheme of enhancements would also be required.

Design

The submission does not include any specific details about the design of buildings, structures or plant and equipment. Regarding the character of the site, this is typically heavy industrial therefore the type of development proposed is acceptable given its context in the docks area. The most pertinent issue is the impact of the scheme on the wider landscape setting as set out within the amenity section above.

Environmental and Public Health

The comments from the Council's Senior Scientific Officer have highlighted dust emissions are a key factor for this site and how this will be controlled will need to be confirmed. Dust impacts both residential and environmental amenity.

The comments also outline that information should be submitted to demonstrate how the proposal would contribute toward lower emissions – whether this is through the type of heating system proposed or how the site will operate overall.

On commercial developments, 10% of the available parking should cater for electric vehicles. Please ensure the onsite infrastructure can provide this within the submitted drawings, or this can be secured by way of condition.

As this is a major type of development, an air quality assessment would be required with specific reference made to how the routing of vehicles would avoid any existing air quality management areas.

Coastal Zone

The marine environment is a key characteristic of the site context. The proposed development is located within a developed coastal zone area; therefore, this accords with the aims of the Newport Local Development Plan which seeks to encourage development in established coastal zones. National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is also of relevance to the determination of this application and any development will need to have regard to the Plan's primary objectives. It is considered that in this case, the proposal meets several of this Plan's objectives.

Newport Docks

The proposed development is complimentary with the existing operational use of the port.

Furthermore, Policy M4 specifically supports the sustainable transport of aggregates, and the existing wharfs shall be safe guarded. The proposal aligns with these aims.

Waste

The proposed development includes staff facilities; therefore, a form of waste and recycling storage shall need to be included in any site layout going forward. As the site would be a commercial development, any future occupier would need to have their own waste carrier contract in place.

Drainage

Dŵr Cymru Welsh Water is a statutory consultee in the planning process and we would encourage all developers to engage with Welsh Water as early as possible in order to address any issues that may arise during the planning/construction process. Dŵr Cymru operates a pre-planning advisory service in order to assess the impact of the proposed development on drainage interests and a written response will be provided. This service operates for a fee and

can be submitted via an online enquiry form at <http://www.dwrcymru.com/en/Developer-Services>. Further information can be obtained from the dedicated team of planning officers at Dŵr Cymru on 0800 917 2652.

In May 2018, Schedule 3 of the Flood & Water Management Act will be implemented. Schedule 3 will require sustainable drainage (SuDs) on all new developments serving 2 properties or more and local authorities are to become a Sustainable Drainage Approving Body (SAB).

Schedule 3 of the Act requires surface water drainage for new developments to comply with mandatory National Standards for SuDs. It also requires surface water drainage systems to be approved by the SAB before construction work with drainage implications may begin. Provided National Standards are met, the SAB would be required to adopt and maintain the approved SuDs that service more than one property.

Your proposals will need to be accompanied by information detailing the sustainable drainage system to serve the development.

Conclusion

The principle of redeveloping the site is acceptable, but additional supporting information and details will be critical to the success of any planning application. It is likely that separate regulatory controls will be exercised by NRW, and permits required from this separate regulatory body. Please note that all major developments will require statutory pre application consultation and the submission of a Pre application Consultation Report with any planning application.

While the Council will endeavour to keep pre-application enquiries confidential you should be aware that if for any reason any request for submitted information to remain confidential is subsequently found to be inadequate by the Information Commissioner, following any request under the Freedom of Information Act 2000, the Council will not be held responsible.

E-planning

We strongly encourage you to submit your applications to the planning department online via the 'Planning Portal' (www.planningportal.gov.uk). This will save money on printing costs and travelling/postage together with speed up the processing of your submission. You can attach drawings and supporting documents, including a professional quality site location plan; downloading the appropriate Ordnance Survey map and calculate the fees as part of submitting your application online.

Please contact myself to discuss any of the above further.

Yours sincerely
Jacob Cooke
Jacob Cooke