

# Notice of Decision



Revision 3

D Wardle  
24 Bridge Street  
Newport  
NP20 4SE

## TOWN AND COUNTRY PLANNING ACT 1990 [as amended]

*Application No:* 19/0599

*Application Type:* Renewals and Variation of Conditions

*Proposal:* VARIATION OF CONDITIONS 1 (APPROVED PLANS) OF PLANNING PERMISSION 17/1185 FOR THE VARIATION OF CONDITIONS FOR BULK DRYING AND PELLETING FACILITY WITH ONSITE ENERGY CENTRE, OPEN STORE BAYS, SITE ACCESS AND PARKING, SECURITY GATE HOUSE, SITE OFFICE AND WORKSHOP AND ELEVATED CONVEYOR TO THE QUAY. APPLICATION ACCOMPANIED BY AN ADDENDUM TO ORIGINAL ENVIRONMENTAL STATEMENT

*Site/Location:* Land To South Of Baldwins Crane Hire, West Way Road, Alexandra Docks, Newport

*Decision Date:* 12-Sep-2019

In pursuance of its powers under the above Act the Council of the City of Newport notifies you of its decision in respect of your application, registered by them on 12-Jun-2019. The application has been:-

### Granted with Conditions

#### STANDARD CONDITIONS

- (a) The development to which this permission relates must be begun not later than the expiration of **FIVE YEARS** from the date of this permission.

**Reason:** To conform to the requirements of Sections 91 and 92 of the Town and Country Planning Act 1990.

#### ADDITIONAL CONDITIONS IMPOSED BY THE COUNCIL

1. The development shall be implemented in accordance with the following plans and documents: L011/2019, L012/2019, L013/2019, L014/2019, L015/2019, L016/2019, Location Plan, Environmental Statement (January 2011), Design and Access Statement (November 2010), Cultural Heritage Addendum (received 6 April 2011), Highways Addendum (6 April 2011), Air Quality Cumulative Assessment – Technical Note (received 19 April 2011) and Supplementary Design and Access Statement (with Environmental Statement) (June 2019).  
**Reason:** In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

#### 20/1040 Non Material Amendment approved on 7<sup>th</sup> January 2021 by Newport City Council

2. Notwithstanding works to the site access, no part of the development hereby permitted shall commence until an Environment Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall include details of the following:
  - pollution prevention and contingency measures during construction and operation;
  - dust mitigation measures during construction and operation;
  - details of temporary lighting during construction works and
  - details of enclosure of working areas during construction.Construction works and the operation of the development hereby approved shall be implemented in accordance with the approved Environmental Management Plan.  
**Reason:** To prevent pollution of the water environment and to protect the ecological interests of the area and in the interest of safeguarding the features of the Severn Estuary European SPA and the River Usk SAC. In accordance with policies SP1, SP9, GP5 and GP7.

#### 19/1144 Partial discharge approved on 30<sup>th</sup> April 2020 by Newport City Council

3. Notwithstanding works to the site access, no part of the development hereby permitted shall commence until a drainage management plan has been submitted and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved plan prior to the beneficial use of the development.  
Reason: To prevent pollution of the water environment and to protect the ecological interests of the area and in the interest of safeguarding the features of the Severn Estuary European SPA and the River Usk SAC. In accordance with policies SP1, SP9, GP5 and GP7.

**19/1144 Partial discharge approved on 30<sup>th</sup> April 2020 by Newport City Council**

4. Notwithstanding the works to the site access, no part of the development hereby approved shall commence until a scheme to install oil and petrol interceptors has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the operation of development.  
Reason: To prevent pollution of the water environment and to the ecological interests of the area and in the interest of safeguarding the features of the Severn Estuary European SPA and the River Usk SAC. In accordance with policies SP1, SP9, GP5 and GP7.

**19/1144 Partial discharge approved on 30<sup>th</sup> April 2020 by Newport City Council**

5. Notwithstanding the works to the site access, no part of the development hereby permitted shall commence until:  
(a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.  
(b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report (BS10175/2001), containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.  
(c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.  
Prior to the operation of the development hereby permitted:  
(d) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.  
(e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.  
Reason: To ensure that the site is comprehensively investigated, the presence of contamination clearly identified and its impacts appropriately mitigated to prevent pollution and to protect the ecological interests of the area and in the interest of safeguarding the features of the Severn Estuary SPA and the River Usk SAC and to ensure that any potential risks to human health are satisfactorily addressed. In accordance with policies SP1, SP9, GP5 and GP7.

**19/1144 Discharge of parts a, b and c approved on 30<sup>th</sup> April 2020 by Newport City Council**

6. Notwithstanding the works to the site access, no part of the development hereby permitted shall commence until details of and including the size, number and location of disabled parking spaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first beneficial use of the development.  
Reason: To ensure the development is accessible to all. In accordance with policy GP4.

**19/1144 Partial discharge approved on 30<sup>th</sup> April 2020 by Newport City Council**

7. Notwithstanding the works to the site access, no part of the development hereby permitted shall commence until a Construction Management Plan which includes details of wheel wash facilities, contractor parking and a traffic management plan for delivery routes has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan.  
Reason: In the interests of highway safety, in accordance with policy GP4.

**19/1144 Partial discharge approved on 30<sup>th</sup> April 2020 by Newport City Council**

8. Notwithstanding the works to the site access, no part of the development hereby permitted shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.  
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, in accordance with policy CE6.

**19/1144 Partial discharge approved on 30<sup>th</sup> April 2020 by Newport City Council**

9. Notwithstanding the works to the site access, no part of the development hereby permitted shall commence until track testing of the internal roads of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.  
Reason: In the interest of highway safety, in accordance with GP4.

**19/1144 Partial discharge approved on 30<sup>th</sup> April 2020 by Newport City Council**

10. Notwithstanding the works to the site access, no part of the development hereby permitted shall commence until details of cycle storage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
Reason: To ensure the development is accessible to all, in accordance with GP4.

**19/1144 Partial discharge approved on 30<sup>th</sup> April 2020 by Newport City Council**

11. Pre – construction conditions

Prior to the construction of any buildings details/samples of the colours of materials and finishes to be used on the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details/samples.  
Reason: In the interests of visual amenity, in accordance with GP6.

**21/0091 Partial discharge approved on 11<sup>th</sup> March 2021 by Newport City Council**

12. Prior to the construction of any buildings, a scheme for the eradication of Japanese Knotweed on the site shall be implemented in accordance with a scheme which shall have first been submitted to and agreed in writing by the Local Planning Authority.  
Reason: In the interests of ecology, in accordance with GP5.

**21/0091 Partial discharge approved on 11<sup>th</sup> March 2021 by Newport City Council**

13. Pre –installation conditions

Prior to its installation, full details of external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The lighting shall be installed and maintained in accordance with the approved details.

Reason: To allow the Local Planning Authority to control the level of light spill from the development, in accordance with GP2 and GP5.

14. Prior to the installation of any plant or machinery an Operational Noise Assessment Report shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the recommendations of the report.  
Reason: To protect the amenities of nearby residents from noise during operation, in accordance with policies GP2 and GP7.

15. Prior to the first operation of any plant or machinery the approved fire water pump house and fire water tank (as shown on drawing no L011/2019) shall be constructed and be operational.

Reason: To ensure adequate fire prevention and protection measures are in place before the development is operational, in accordance with policy GP7.

16. Pre - decommissioning

Prior to any decommissioning works a survey of the site to identify any protected species or nesting birds shall be undertaken and the results submitted to the Local Planning Authority. Should any protected species or nesting birds have colonised then appropriate mitigation shall be agreed in writing with the Local Planning Authority and decommissioning shall take place in accordance with the agreed mitigation.

Reason: In the interests of protected species and nesting birds, in accordance with policy GP5.

17. General conditions

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank/storage body plus an additional 10% of that capacity. All filling points, vents, gauges and sight glasses shall be located within the bund and the drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed so as to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and to the ecological interests of the area and in the interest of safeguarding the features of the Severn Estuary European SPA and the River Usk SAC. In accordance with policies SP1, SP9, GP5 and GP7.

18. No construction work involving piling shall be carried out on the site other than between the hours of 08:00 and 17:00 Mondays to Fridays and no construction work involving piling shall be carried out on Saturdays, Sundays or Bank Holidays, where it would create noise audible at the boundary of any residential property.

Reason: To protect the amenities of nearby residents from noise during construction, in accordance with policies GP2 and GP7.

19. Any construction work which does not involve piling shall not be carried out other than between the hours of 08:00 and 18:00 Monday to Friday and between the hours of 08:00 and 13:00 on Saturdays, where it would create noise audible at the boundary of any residential property. Prior approval in writing will be required from the Local Planning Authority for any construction to take place outside permitted times and on Sundays and

Bank Holidays, where it would create noise audible at the boundary of any residential property.

Reason: To protect the amenities of nearby residents from noise during construction, in accordance with policies GP2 and GP7.

20. The development shall be carried out in accordance with the Junction Modelling Addendum submitted and approved against application no. 11/0790.

Reason: In the interests of highway safety, in accordance with GP4.

**NOTE TO APPLICANT**

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The development should be carried out fully in accordance with the proposals shown in the application and in the plans and particulars accompanying such application as varied and amended by this permission.

This decision notice is issued in respect of Planning Permission only and does not convey any approval which may be required under any other legislation or provisions, such as, but not limited to, Highways and Building Regulations. For advice on the requirements of the Building Regulations and allied legislation, and/or whether there is a need for a Building Regulations submission, please contact the Council's Building Control Section on 01633 656656 or email [building.control@newport.gov.uk](mailto:building.control@newport.gov.uk). For advice on obtaining relevant permissions from the Highway Authority, please contact [streetscene@newport.gov.uk](mailto:streetscene@newport.gov.uk)

1. The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP4, SP9, SP16, SP20, GP1, GP2, GP4, GP5, GP6, GP7, CE6, EM2, T2, T4 and W3 were relevant to the determination of this application.
2. This application was accompanied by an Environmental Statement Addendum.

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

Where there are conditions which require details to be approved prior to the commencement of development, failure to submit these details prior to commencement of development may result in the permission being invalidated.

The Local Planning Authority has a target to determine Discharge of Condition applications within 8 weeks of receipt of the details, and so you are advised to programme any work accordingly.

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Signed on behalf of the Council

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



**Keir Duffin**  
**Head of Regeneration, Investment and Housing / Pennaeth Adfywio Buddsoddi a Thai**  
**Cyngor Dinas Casnewydd / Newport City Council**

**Application Number: 19/0599**

**Decision Date: 12-Sep-2019**

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

# Notes for Applicants

## TOWN AND COUNTRY PLANNING ACT 1990

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- **If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).**