

Dwaine Henderson
John Perkins Construction Ltd
Unit 22 Dragon Court
Bristol
BS5 7XX

Our ref: **DFR/S/2022/0127**

Date: **13 October 2022**

Dear Sir

Your new Flood Risk Activity Permit

Permit reference: **DFR/S/2022/0127**
Scheme: **Replacement of existing retaining wall and construction of new visitors Centre**
Location: **Newport Transporter Bridge Visitors Centre Brunel Street Newport NP20 2JY**

Our determination of your application for a permit is complete. We're satisfied that you can carry out your activities in accordance with the enclosed permit.

Rights of appeal

You have a right of appeal to the Welsh Ministers against NRW's decision to impose condition(s) on your environmental permit pursuant to Regulation 31 of the Environmental Permitting (England and Wales) Regulations 2016. Any appeal must be made not later than 6 months after the date of NRW's decision or deemed decision.

If you intend to make an appeal, you must send the Welsh Ministers written notice of the appeal and the documents specified below. At the same time, you must send NRW copies of the notice and documents to DFRSouthPermitting@cyfoethnaturiolcymru.gov.uk

The documents that must accompany your notice of appeal are:

- a statement of the grounds of appeal;
- a copy of any relevant application;
- a copy of any relevant environmental permit;
- a copy of any relevant correspondence between the appellant and the regulator;
- a copy of any decision or notice which is the subject matter of the appeal; and
- a statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You can contact the Welsh Ministers to enquire about making an appeal at: Planning and Environment Decisions Wales (PEDW), Crown Buildings, Cathays Park, Cardiff, CF10 3NQ or by email at PEDW.Casework@gov.wales and telephone on 0300 060 4400.

You may withdraw an appeal by notifying the Welsh Ministers in writing and sending a copy of that notification to us.

Please ensure that on completion of the activity as listed in the permit on page 3, documentation evidencing the activity must be sent to DFRSouthPermitting@cyfoethnaturiolcymru.gov.uk within 1 month of completion. This must include photographic evidence of the activity. Failure to comply will be deemed non-compliance with a permit condition.

If you have any questions about this permit, please phone **Becky Loder** on **0300 065 3377**.

Yours faithfully



Rachel Thomas
Team Leader – Development & Flood Risk (South Area)

Other Information

Pollution Prevention

Applicant must ensure that [NetRegs GPP5](#) is followed at all times.

Refuelling – a minimum distance of 10m should be stated to be on safe side. Any polluting materials (e.g. diesel / oils) must be stored at least 10m from the watercourse and kept in a locked and bunded store when not in use.

A Pollution Prevention Plan should be written (in accordance with [GPP22](#)) and pollution control equipment should always be on site, including absorbents & booms. Should pollution occur, Natural Resources Wales should be notified immediately on 03000 653000.

All waste generated as part of the development should be disposed of in accordance with the Duty of Care requirements of Section 34 the Environmental Protection Act 1990

Fisheries

Where applicable, you are strongly advised to inform the relevant Angling Club/Association of your proposals before commencing work. The issue of a Flood Risk Activity Permit (FRAP) by NRW will not protect you from any claim for nuisance or damage which may be attributed to your works. The relevant contacts may be obtained by using this link: [Fishing In Wales | The official website for Welsh angling!! \(fishingwales.net\)](http://Fishing In Wales | The official website for Welsh angling!! (fishingwales.net))

Biodiversity

Any work undertaken should take account of biosecurity risks, and mitigation measures should be put in place. The most important measure is to ensure that all equipment (plant, tools, footwear etc) that come to site, arrive clean, and are cleaned again before leaving site. This applies to all sites, not just those where an invasive non-native species (INNS), pest or disease has been previously identified. Information on how to assess biosecurity risks; simple steps to reduce risks; and specific measures for higher risk activities can be found on the [GBNNS website](#) for INNS, or for tree health on [our website](#). If you need any further help, please feel free to contact our [INNS and Biosecurity](#) team or our [Tree Health](#) team.

Ffôn/Tel	0300 065 3377
E-bost/E-mail	Rebecca.loder@cyfoethnaturiolcymru.gov.uk
	Rebecca.loder@naturalresourceswales.gov.uk

Cyfeiriad/Address

Gwefan/Website www.cyfoethnaturiolcymru.gov.uk
www.naturalresourceswales.gov.uk

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

Conditions within Appropriate Assessment undertaken by Newport City Council (for planning application reference 19/1164) must be fully implemented to avoid adverse impacts on the features of the River Usk SAC.

Additional Advice

Following the UK's departure from the EU on 31 January 2020 and the end of the transition period on 31 December 2020, the legal obligations relating to compliance with environmental permits and legislation will continue to apply. NRW will continue to issue and regulate all permits and licences in line with our current practice. If you have any questions about flood risk activity permits, please contact DFRSouthPermitting@cyfoethnaturiolcymru.gov.uk

This Permit does not free you from the need to obtain other licences, consents, approvals (including bye-law consents) or permissions (including planning permission) which may be required in law, or to comply with any duties or responsibilities for conservation or protection of the environment.

Natural Resources Wales does not accept any responsibility for the design and construction of the works referred hereto and any liability for any loss or damage which may arise out of their design, construction, maintenance or use.

Prior to the commencement of the works, you are advised to contact the Local Authority Planning Department to check whether planning permission is required.

Any future remedial work necessary, as a result of the Applicant's proposals, shall be undertaken at the Applicant's expense and carried out to Natural Resources Wales satisfaction.

The above information must be brought to the attention of your contractor.

Ffôn/Tel	0300 065 3377
E-bost/E-mail	Rebecca.loder@cyfoethnaturiolcymru.gov.uk Rebecca.loder@naturalresourceswales.gov.uk

Cyfeiriad/Address
Gwefan/Website www.cyfoethnaturiolcymru.gov.uk
www.naturalresourceswales.gov.uk

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

Flood Risk Activity Permit with introductory note

The Environmental Permitting (England & Wales) Regulations
2016

Operator name

John Perkins Construction
Ltd

**Scheme Name/Location of
Regulated Facility**

Newport Transporter Bridge
Visitors Centre
Brunel Street
Newport
NP20 2JY

Permit number

DFR/S/2022/0127

**Newport Transporter Bridge Visitors Centre Brunel
Street Newport NP20 2JY
Permit Number: DFR/S/2022/0127**

Introductory note

This introductory note does not form a part of the permit

The main features of the permit are as follows.

The existing timber retaining wall is in poor condition and will be replaced with a new sheet piled steel wall, approximately 300mm in front of the existing wall. The location of this wall starts at circa 8m from the high tide line, and at one point coincides with the high tide line as it rounds the corner. The new visitors centre will be constructed to the west of the river. The closest point of the new building to the high tide line is approximately 8 metres.

The status log of the permit sets out the permitting history, including any changes to the permit reference number.

Status log of the permit		
Description	Date	Comments
Application DFR/S/2022/0127	Received 08/07/2022	Application for the replacement of existing retaining wall and construction of new visitors centre
	Duly made 26/07/2022	
Extension Agreed	15/09/2022	HRA undertakings required further time for completion and review.
Permit determined	13/10/2022	Permit issued to John Perkins Construction Ltd

End of introductory note

Permit

The Environmental Permitting (England and Wales) Regulations 2016

Permit number

DFR/S/2022/0127

The Natural Resources Body for Wales ("Natural Resources Wales") hereby authorises, under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016

John Perkins Construction Ltd ("the operator"- Permit holder),

whose registered office is

Unit 22 Dragon Court

Bristol

BS5 7XX

company registration number 2758627

to carry out the replacement of existing retaining wall and construction of new visitors centre at

Watercourse: **River Usk**

Regulated Facility: **Newport Transporter Bridge Visitors Centre Brunel Street
Newport NP20 2JY**

Map reference: **ST 31674 86268**

As detailed on plans and sections:

- **3896 - 6000 - Existing Retaining Wall - elevation of the existing timber retaining wall**
- **Wall cross section - proposed cross section of the new wall**
- **3896 - 6001 - Proposed Retaining Wall - elevation of the proposed new retaining wall**
- **CC1991-CAM-ZZ-00-DR-C-90-0102-P02_External Works Layout - external works layout plan**
- **3896-1101_C_Proposed Site Plan - Proposed site plan**
- **3896-1000_A_Site Location Plan - site location plan**
- **Construction Environmental Management Plan Rev 0 – 15-6-22**

to the extent authorised by and subject to the conditions of this permit.

Name

Date

	13/10/2022
Rachel Thomas Team Leader – Development and Flood Risk (South Area)	

Authorised on behalf of Natural Resources Wales

Conditions

1 Management

1.1 General management

- 1.1.1 The operator (permit holder) shall manage, undertake and operate (where appropriate) the activities specified in the permit on page 3.
- 1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.
- 1.1.3 Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of the permit.
- 1.1.4 All reasonable care will be taken to ensure that the watercourse is kept free of foreign matter and floating debris during the construction period and on completion.
- 1.1.5 Works will be carried out in such a way as to ensure minimum obstruction to flows in the watercourse at all times.
- 1.1.6 These works will be carried out in such a way as to minimise disturbance to the existing banks and bed of the watercourse.
- 1.1.7 On completion of the works all debris and surplus material shall be removed from the banks of the watercourse.
- 1.1.8 The integrity of any flood defence infrastructure that may be affected by the works must always be maintained.

2 Operations

2.1 Permitted activities

- 2.1.1 The only activities authorised by the permit are the activities specified on page 3.

2.2 The regulated facility (Site)

- 2.2.1 The flood risk activities shall take place at the point marked on the plan at schedule 1 to this permit, and as listed in the permit on page 3.

2.3 Timing

- 2.3.1 At least 14 working days' prior written notice of commencement of the works and notification of completion must be given to Natural Resources Wales.
- 2.3.2 On completion of the activities as listed in the permit on page 3, documentation evidencing the activities must be sent to Natural Resources Wales within 1 month of completion. This must include photographic evidence of the activities.

2.4 Temporary works

- 2.4.1 This permit relates to permanent works only. Any temporary works affecting the watercourse required for construction may require a separate prior permit. The Operator should contact **(Becky Loder on 03000 653377)** in the Development and Flood Risk Team before commencing works to discuss and agree this.

2.5 Surrender

- 2.5.1 This permit will be surrendered by notification.

3 Regulatory Facility specific

3.1 Activity

- 3.1.1 There shall be no stock piling or storing of materials in the floodplain unless in broken heaps parallel to the direction of flood flow
- 3.1.2 The line and level of the proposed retaining wall must not encroach any further than stated on supporting plans and must follow the existing profile of the riverbank.

3.2 Environment

- 3.2.1 Oils and chemicals must be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please visit <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>
- 3.2.2 If waste material is to be used for construction purposes, the activity must be registered with Natural Resources Wales. For further information please visit the website Using waste: waste exemptions - GOV.UK (www.gov.uk) and contact the local Environment team (ET.NewportCaerphilly&BlaenauGwent@cyfoethnaturiolcymru.gov.uk).
- 3.2.3 Any movement of waste material must be accompanied by a waste transfer notes in order to comply with the Waste duty of Care regulations.
- 3.2.4 If vegetation and trees are to be removed (as suggested by the proposed site plans) then this will need to be undertaken outside of the breeding bird/nesting season which runs from March-August.
- 3.2.5 No tree/shrub felling and scrub removal shall take place during the specified bird breeding season (March-August) unless an approved survey confirms that the works can be safely carried out without harm to breeding birds and their nests and young. The survey format and report must be agreed with NRW prior to works taking place. (Breeding birds are protected under the Wildlife and Countryside Act 1981 (as amended))
- 3.2.6 Otters are known to use the River Usk. All work must cease one hour prior to sunset and one hour after sunrise respectively unless otherwise agreed in writing. Otters are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). A survey, carried out by a suitably qualified person, must be carried out to identify any protected species or habitats in the vicinity of the works prior to commencement on site. If surveys have been previously carried out as part of the permit application process but works have not commenced within 1 year of the date of the survey, this must be reviewed prior to commencement on site. Please contact Sarah Revill on 07825 504574 for further advice.
- 3.2.7 If otter/s are seen within the area of works, work will cease immediately, and the ecologist be contacted to provide advice. Work will only recommence once the ecologist is content that the otter has moved away from the area and the works would not pose any risk to the health and wellbeing of the animals. The same shall apply if bird or fish species are seen to be in distress in/close to the works area.
- 3.2.8 To avoid disturbance during the main Shad and Lamprey spawning and migration period in the interests of protecting the integrity of the River Usk SAC, complying with policies GP5 of

the Adopted LDP and the Wales Marine Plan, no works within the River or associated with piling shall be undertaken during the period from 1 March to 30 June.

- 3.2.9 Any lighting of construction compounds erected as part of the development works will only be lit during night-time for safety reasons. All lighting will be switched off at the end of each day to ensure wildlife is not disturbed.
- 3.2.10 Any excavations that have a depth in excess of 1m and that are left open over night will have a means of escape left for any mammals that may fall into them. A wooden board or equivalent will be left from the bottom to the top of the hole. This will allow a mammal to escape and avoid increased stress from being trapped.
- 3.2.11 All plant, machinery, tools and excavations must be kept in such a manner as to prevent mammals from becoming trapped, particularly during periods where the site is unsupervised.
- 3.2.12 No machinery or equipment will be left within the river channel or on the riverbank overnight.
- 3.2.13 Double bunded and secured storage containers will be kept in the site storage area. Fire extinguishers will be available in the area, and drip trays will be utilised for refuelling. Spill kits will be available for use if required.
- 3.2.14 All refuelling operations to be undertaken at the site compound, away from the watercourse. No refuelling operations will take place within 10m of the river.
- 3.2.15 Hay bales will be utilised at the highest point of the retaining wall to ensure any water runoff does not carry debris into the river.

4 Notifications and interpretation

4.1 Notifications

- 4.1.1 Natural Resources Wales shall be notified as soon as reasonably practicable following detection, within the site of:
 - (a) any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance causing or may cause significant pollution; and
 - (b) any other significant adverse effects on the environment or flood risk, which may have been caused by the activity, shall also be notified to Natural Resources Wales as soon as reasonably practicable following detection.

- 4.1.2 Natural Resources Wales shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:

Where the operator holder is a registered company:

- a) any change in the operator's trading name, registered name or registered office address; and
- b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

Where the operator is a corporate body other than a registered company:

- a) any change in the operator's name or address; and
- b) any steps taken with a view to the dissolution of the permit holder.

- 4.1.3 For the activity as listed in the permit on page 3, where the operator proposes to make a change in the nature of the activity that could have an adverse effect on the environment or flood risk, the permit holder should contact Natural Resources Wales and if necessary, apply for a variation of the permit.

4.2 Interpretation

- (a) In this permit the expressions used shall have the meaning given in Schedule 2.

Schedule 1 – Plan(s) of Regulated Facility



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Schedule 2 - Interpretation

“Activity” means a flood risk activity and includes:

- Erecting any structure (whether temporary or permanent) in, over or under a main river.
- The carrying out of any work of alteration or repair on any structure (whether temporary or permanent) in, over or under a main river if the work is likely to affect the flow of water in the main river or to impact on any drainage work.
- Erecting or altering any structure (whether temporary or permanent) designed to contain or divert the floodwaters of any part of a main river.
- Any dredging, raising or taking of any sand, silt, ballast, clay, gravel or other materials from or off the bed or banks of a main river (or causing such materials to be dredged, raised or taken), including hydrodynamic dredging and desilting.
- Any activity which is likely to divert the direction of the flow of water into or out of a main river or alter the level of water in a main river.
- Any activity within 8 metres of a non-tidal main river (or within 8 metres of any flood defence structure or culvert on that river) or any activity within 16 metres of a tidal main river (or within 16 metres of any flood defence structure or culvert on that river) which is likely to:
 - cause damage to or endanger the stability of the banks of that river or of any culvert;
 - cause damage to any river control works;
 - alter, reconstruct, discontinue or remove any river control works;
 - divert or obstruct flood waters or impact on the drainage of that river; or
 - interfere with Natural Resources Wales’ access to and along that river.
- Any activity (other than an allowed activity (see below for definition)) on a flood plain that is:
 - more than 8 metres from a non-tidal main river or more than 16 metres from a tidal main river; or
 - more than 8 metres from any flood defence structure or culvert on a non-tidal main river or more than 16 metres from any flood defence structure or culvert on a tidal main river, which is likely to divert or obstruct floodwaters, to damage any river control works or to impact on drainage.
- Any activity within 16 metres of the base of a sea defence which is likely to:
 - endanger the stability of, cause damage to or reduce the effectiveness of that sea defence; or
 - interfere with Natural Resources Wales’ access to and along that sea defence.
- Any activity within 8 metres of the base of a remote defence which is likely to
 - endanger the stability of, cause damage to or reduce the effectiveness of that defence, or
 - interfere with Natural Resources Wales’ access to and along that defence.
- Any quarrying or excavation within 16 metres of the base of a remote defence which is likely to cause damage to or endanger the stability of that defence.
- Any quarrying or excavation within 16 metres of a main river or any flood defence structure or culvert on that river which is likely to cause damage to or endanger the stability of the banks of that river.

“Annually” means once every year.

“Application” means the application for this permit, together with any additional information supplied by the permit holder as part of the application and any response to a notice served under Schedule 5 to the EP Regulations.

“Bank” means any bank, berm, wall or embankment that adjoins or confines any main watercourse and includes the side of the bank that stretches down to the mean low-water mark (in the case of a watercourse in which tidal waters flow) or to the bed of the watercourse (in any other case).

In the case of a watercourse in which tidal waters flow, the bank includes any wall or

embankment constructed or maintained by the regulator in the sea or an estuary for the purposes of or in connection with a river.

“Operator” means the person/organisation/company who has been granted a permit to undertake a regulated activity.

“Natural Resources Wales” means the Natural Resources Body for Wales established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012. The Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

“Regulated Facility” means the Flood Risk Activity and the location of the Activity.

“Watercourse” means a main river which is a watercourse shown as such on a main river map and includes any structure or appliance for controlling or regulating the flow of water into, in or out of the channel which:

- a) is a structure or appliance situated in the channel or in any part of the banks of the channel;
and
- b) is not a structure or appliance vested in or controlled by an internal drainage board.

“year” means calendar year ending 31 December.

END OF PERMIT