

Notice of Decision



E Bubnicka-Gyde
AWW
Pivot _ Mark
48-52 Baldwin Street
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BS1 1QB

TOWN AND COUNTRY PLANNING ACT 1990 [as amended]

Application No: **21/1217**
Application Type: **Full Application**
Proposal: **REPLACEMENT OF RETAINING WALL**
Site/Location: **Land South Of Visitor Centre Transporter Bridge, Brunel Street, Newport, South Wales**
Decision Date: **6th July 2022**

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 25th November 2021. The application has been:-

Granted with Conditions

STANDARD CONDITIONS

The development must begin not later than the expiration of FIVE YEARS from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990

ADDITIONAL CONDITIONS

1. The development shall be implemented in accordance with the following plans and documents:
 - 3896-AWW-ZZ-XX-DR-A-6001 rev A - Proposed Retaining Wall
 - CC1991-CAM-ZZ-XX-DR-C-0602 P02 - Proposed Retaining wall levels Plan
 - CC1991-CAM-ZZ-XX-DR-C-0603 P02 - Proposed Retaining wall levels Sections
 - 3896-AAA-ZZ-XX-DR-A-6003 - Retaining Wall Junction
 - 3896-AWW-ZZ-ZZ-DR-A-0126 - Proposed Site Plan
 - 3896-AWW-ZZ-ZZ-DR-A-0116 - Site Location Plan

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.
2. Pre- commencement conditions
No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following as a minimum:
 - a) Construction methods: details of materials, how waste generated will be managed.
 - b) General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
 - c) Biodiversity Management: species and habitats protection, avoidance and mitigation measures.
 - d) CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
 - e) Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.

- f) Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management.
- g) Traffic Management: details of site deliveries, plant on site, wheel wash facilities.
- h) Pollution Prevention Plan: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan. Particular emphasis needs to be taken on pollution prevention in or near watercourses.
- i) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- j) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The approved CEMP shall be implemented during the site preparation and construction phases of the development.

Reason: To protect residential amenity, 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 River Usk SAC, in accordance with policies SP9, GP2, GP4 and GP5 of the Newport Local Development Plan and the Wales Marine Plan.

3. Prior to the commencement of development a piling method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall detail the type of piling and the timing, duration and frequency of that piling method. The development shall take place in accordance with the approved method statement.
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 River Usk SAC, in accordance with policies SP9 and GP5 of the Adopted LDP and the Wales Marine Plan.
4. General conditions
Unless otherwise agreed by condition 3, piling shall only take place during the period from 1 July to 30 September inclusive.
Reason: 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, in accordance with policies SP9 and GP5 of the Adopted LDP and the Wales Marine Plan.
5. No construction work shall take place between one hour prior to sunset and one hour after sunrise respectively.
Reason: To ensure no disturbance is caused to otters migrating up or down the river, in the interests of safeguarding the features of the River Usk SAC, in accordance with policies SP9 and GP5 of the Newport Local Development Plan and the Wales Marine Plan.

NOTE TO APPLICANT

The development shall 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. For advice on obtaining relevant permissions from the Highway Authority, please contact streetscene@newport.gov.uk

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.

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.

1. This decision also relates to: Preliminary Ecological Appraisal rev 2 (Ecological Services Ltd, February 2019), Ecological Impact Assessment rev 3 (Ecological Services Ltd, February 2020) and Soft Landscape Maintenance and Management Plan (Nicholas Pearson Associates, June 2021).
2. The development plan for Newport is the Newport Local Development Plan 2011 - 2026 (Adopted January 2015). Policies SP8, SP9, GP2, GP5, GP6 and CF8 were relevant to the determination of this application.
3. The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.
4. It is considered that the decision has been made in conformity with the Marine Policy Statement (2011) and in accordance with marine national planning policy contained within the Welsh National Marine Plan (2019) as demonstrated in the assessment of this proposal.

Signed on behalf of the Council



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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: <http://www.gov.wales/planningappeal> (or <https://llyw.cymru/apelio-yn-erbyn-penderfyniad-cynllunio>).
If you are unable to access the online appeal form, please contact Planning and Environment Decisions Wales to obtain a paper copy of the appeal form on tel: 0300 0604400.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning and Environment Decisions Wales (PEDW.Casework@gov.wales) at least 10 days before submitting the appeal. Further information is available on <https://gov.wales/appeal-planning-decision>.