

Welsh Government

M4 Corridor around Newport

December 2016 Environmental
Statement Supplement Appendix
SS 2.2

Hazardous Installations Affected
by the Scheme

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1 Introduction

1.1 Background

1.1.1 A new section of motorway is proposed by Welsh Government. The selected option will be approximately 23 km in length, passing to the south of Newport and crossing Newport Docks on an elevated section and bridge over the docks ('the Scheme'). The road is subject to planning approval under the Highways Act 1980.

1.1.2 This document identifies industrial installations which are currently consented under the Planning (Hazardous Substances) (Wales) Regulations 2015 ('the 2015 Regulations') and under the Dangerous Goods in Harbour Areas Regulations 2016 ('the 2016 Regulations') that handle, manage store or process hazardous substances within the proximity of the Scheme. The document focusses on those industrial installations whose consents and licences are affected by the Scheme and which may require amendments or revocation.

1.2 Objectives

1.2.1 The objective of this report is to provide an assessment for all consented and licenced sites regulated under health and safety regulation that could be affected by the Scheme. The report will:

- identify all sites likely to be affected by the Scheme;
- identify the need for potential amendments to and revocations of existing consents and licences in order to allow the Scheme to proceed;
- identify other regulatory documents and plans which may require review or amendment and consultation as a result of construction of the Scheme; and
- discuss consultation during the Scheme's design with the Health and Safety Executive (HSE) and Newport City Council in relation to relevant industrial sites, consents and licences.

2 Legislation and Policy Context

2.1 Introduction

2.1.1 This section sets out the key legislation and planning policy that applies to development that may impact on or be impacted by industrial operations that handle, manage, process or store specified quantities of hazardous substances including explosives.

2.2 Relevant Legislation

Hazardous Substances

2.2.1 Sites which want to hold certain quantities of hazardous substances at or above defined limits must obtain hazardous substance consent, in Wales this is in accordance with the Planning (Hazardous Substances) (Wales) Regulations 2015. These regulations are made in accordance with the Planning (Hazardous Substances) Act 1990. They also implement the land-use aspects of Directive 2012/18/EU of the European Parliament and the Council on the control of major accident hazards involving dangerous substances.

2.2.2 Sites which want to hold certain quantities of hazardous substances at or above defined limits must obtain hazardous substance consent (HSC). This is a planning control enabling the hazardous substances authority to decide on whether the presence of hazardous substances are appropriate in relation to the residual risk to the community.¹ The relevant hazardous substance authority (HSA) in the council of the district, Welsh county, county borough or London borough in which land is situated. In relation to the Scheme the relevant hazardous substance authority is Newport City Council.

2.2.3 HSE is a statutory consultee on applications for HSCs. HSE will consider the hazards and risks which the hazardous substance may present to people in the surrounding area, and take account of existing and potential developments, in advising the HSA on whether or not consent should be refused on the grounds of safety. HSE's advice is aimed at mitigating the effects of a major accident on the population around a major hazard site.

2.2.4 In assessing the application for consent, HSE will produce a map with three risk zones, representing defined levels of risk or harm which any individual would be subject to. Should the HSA grant consent, this map defines the consultation distance within which HSE must be consulted over any relevant future planning applications.

2.2.5 The HSE use a simple matrix to decide whether or not they will advise the local planning authority against the proposed development within a consultation zone. The matrix assigns an 'advise against' or 'don't advise against' based on which zone the development will fall in (inner (IZ), middle (MZ) or outer (OZ)) and the level of sensitivity of the development. A motorway development is listed in the HSE land use planning methodology² as Level 2 sensitivity. The methodology

¹ The residual risk is the risk which remains after all reasonably practicable preventative measures have been taken to ensure compliance with the requirements of the Health and Safety at Work etc Act 1974 and its relevant statutory provisions.

² Planning Advice for Developments near Hazardous Installations: <http://www.hse.gov.uk/landuseplanning/methodology.pdf>

suggests any development within the inner zone, would result in a HSE consultation advice of 'advise against' development.

- 2.2.6** Even if an installation ceases its operations on site, once granted a HSC remains with the land until the HSA revokes it or there is a change in the person in control of part of the land to which it relates, and no prior application is made to the HSA for continuation of the consent. If HSE is informed that a HSC has been revoked, the three-zone map will be removed, freeing up land for development without the need to consult HSE for its land use planning advice.

Control of Major Accidents Hazards (COMAH) Sites

- 2.2.7** All sites that hold a HSC are also COMAH sites and are regulated under the Control of Major Accidents Hazards Regulations 2015. The COMAH Regulations aim to prevent major accidents and, should one happen, require businesses to limit the effects on people and the environment.
- 2.2.8** The HSE and Natural Resources Wales, acting jointly, are the competent authority in relation to industrial sites to which the COMAH Regulations apply in Wales.
- 2.2.9** The COMAH Regulations distinguish between lower tier establishments and upper tier establishments.
- 2.2.10** Lower tier establishment means:
'an establishment where a dangerous substance is present in a quantity equal to or in excess of the quantity listed in the entry for that substance in column 2 of Part 1 or in column 2 of Part 2 of Schedule 1, but less than that listed in the entry for that substance in column 3 of Part 1 or in column 3 of Part 2 of Schedule 1, where applicable using the rule laid down in note 4 of Part 3 of that Schedule'.
- 2.2.11** Upper tier establishment means:
'an establishment where a dangerous substance is present in a quantity equal to or in excess of the quantity listed in the entry for that substance in column 3 of Part 1 or in column 3 of Part 2 of Schedule 1, where applicable using the rule laid down in note 4 of Part 3 of that Schedule'.
- 2.2.12** All COMAH sites are required to send a notification to the competent authority prior to commencement of construction of a new establishment. This must include basic information about the establishment as well as the information about the substance(s) to be present and the site and the activities that will take place.³
- 2.2.13** All operators of COMAH sites must also prepare and retain a written major accident prevention policy. This must comply with regulation 7 and Schedule 2 of the COMAH Regulations. It must be implemented through a safety management system.
- 2.2.14** For upper tier establishments there are further requirements on both the operator and the local authority in whose area the COMAH site is located. The operator must prepare a safety report in compliance with regulation 8.
- 2.2.15** Further, in accordance with regulation 13(1):

³ COMAH Regulations 2015 reg 6
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‘... a local authority in whose administrative area an upper tier establishment is situated must prepare an external emergency plan specifying the measures to be taken outside the establishment.’

2.2.16 The operator must provide the local authority with the information necessary to enable it to prepare an external emergency plan and the local authority must consult with a number of parties when preparing the plan including the operator and Natural Resources Wales.

2.2.17 Lower tier establishments are not required to produce any off site plans in relation to their activities. They are therefore mainly unaffected by the Scheme in relation to the COMAH Regulations. In some limited circumstances an operator’s major accident prevention policy may need to be reviewed. The external emergency plans of upper tier establishments may need to be modified to accommodate the Scheme both during the construction phase and the operational phase.

Explosives

2.2.18 Any person wishing to: bring any explosive into a harbour or harbour area; carry or handle any explosive within a harbour or harbour area; or load or unload any explosive in a harbour or harbour area must obtain an explosives licence from the Health and Safety Executive in accordance with the Dangerous Goods in Harbour Areas Regulations 2016 (previously the Dangerous Substances in Harbour Areas Regulations 1987). The HSE is the appropriate authority in relation to these licences unless the harbour forms part of a site regulated by the Office of Nuclear Regulation. That is not the case here and the HSE is the appropriate authority.

2.2.19 Explosives controls in the 2016 Regulations are set out in ‘Part 5 Explosives’ and Schedule 3. These include the need for a licence and also the keeping of records of explosives shipments through the licensed area and retaining these records for 3 years. The regulations give no prescribed form of licence or standard conditions of licence.

2.2.20 Explosives licences under these regulations contain a schedule with prescribed safeguarding distances. There are 3 zones described as SD1, SD2 and SD3. The licence specifies the types of development that will be allowed within each SD⁴. The types of developments described within these schedules are known as ‘protected works’. The Explosives Regulations⁵ have standardised the classes of ‘protected works’. In these regulations there are 8 classes of ‘protected works’ and the required separation distances depend on the type and quantity of explosive held in a specific location.

2.2.21 Schedule 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) requires that the HSE be consulted on any planning application for development including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequences of a major accident.

⁴ Under the Explosives Regulations 2014 these zones are known as separation distances. Guidance has been published in relation to the types of development that will be considered within the relative separation distances. Although this is a separate regime it is likely that the HSE would follow a similar approach in relation to an explosives license granted under the Dangerous Goods in a Harbour Area Regulations. Guidance available at: <http://www.hse.gov.uk/pubns/priced/l150.pdf>

⁵ Explosives Regulations 2014 Schedule 5

- 2.2.22** Under the 2016 Regulations an explosives licence granted under Part IX of the 1987 Regulations continues to have effect in accordance with any terms, conditions and limitations that applied to that grant.

2.3 Other Legislation

- 2.3.1** Other relevant legislation includes (but is not limited to):

- The Town and Country Planning Act 1990 (as amended)
- Planning (Hazardous Substances) Act 1990 (as amended)
- Planning (Wales) Act 2015
- The Explosives Regulations 2014
- Well-being of Future Generations (Wales) Act 2015
- The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)

- 2.3.2** This document meets the requirements of the EU 2014 EIA Directive⁶. Article 5, 1(f) of that Directive states that the developer of a project must provide any additional information specified in Annex IV relevant to the specific characteristics of a particular project. Annex IV 5(d) specifies:

‘a description of the likely significant effects of the project on the environment resulting from...the risks to human health, cultural heritage or the environment (for example due to accidents or disasters)’.

- 2.3.3** This Directive has not yet been transposed into national legislation⁷ and is not therefore binding. However, the Welsh Ministers have committed to following these requirements in relation to the Scheme as they are considered best practice.

2.4 Planning Policy Context

National Planning Policy

- 2.4.1** Planning Policy Wales (PPW 9) (Welsh Government, November 2016) states that establishments that hold hazardous substances have an important role in the economy. When considering the location of new development, authorities should ensure appropriate separation between major hazard sites and the public are maintained to manage the risks to people and the environment of a major accident.

- 2.4.2** PPW recognises that the planning system has an important part to play in ensuring that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development so as to minimise risk to human health and the environment and prevent pollution at source.

⁶ Directive 2014/52/EU of the European Parliament and of the Council amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, April 2014

⁷ The deadline for transposition of this Directive is 16 May 2017 (Art 2)

Local Planning Policy

2.4.3 The assessment has had regard to the following local policy documents. It should be noted that whilst these documents provide context, they are not determinative.

2.4.4 The Local Development Plan (LDP) for Newport was adopted on 27 January 2015 (Newport City Council, 2015). The LDP sets out a number of objectives to achieve the overall goals of the Plan. Most pertinent is Objective 9 which relates to Health and Wellbeing.

2.4.5 General Development Principle GP7 relates to Environmental Protection and Public Health and states that:

'Development will not be permitted which would cause or result in unacceptable harm to health because of land contamination, dust, instability or subsidence, air, heat, noise or light pollution, flooding, water pollution, or any other identified risk to environment, local amenity or public health and safety'.

Statutory Consultees

2.4.6 When a planning application is made which is within either a hazardous substance consultation zone or an explosives licence safeguard distance the HSE will be a statutory consultee. The role of HSE in these circumstances is set out in Circular 04/00: Planning controls for hazardous substances⁸ (DCLG, May 2000) at Annex A. It states as follows:

'HSE's role is an advisory one. It has no power to direct refusal of planning permission or of hazardous substances consent. Where HSE advises that there are health and safety grounds for refusing, or imposing conditions on, an application, it will, on request, explain to the local planning or hazardous substances authority the reasons for their advice. Where that advice is material to any subsequent appeal, it is prepared to provide expert evidence at any local inquiry...'

In view of their acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from HSE that planning permission should be refused for development for, at or near to a hazardous installation or pipeline, or that hazardous substances consent should be refused, should not be overridden without the most careful consideration. Where a local planning or hazardous substances authority is minded to grant planning permission or hazardous substances consent against HSE's advice, it should give HSE advance notice of that intention, and allow 21 days from that notice for HSE to give further consideration to the matter. During that period, HSE will consider whether or not to request the Secretary of State for Environment Transport and the Regions to call-in the application for his own determination.'

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7684/155160.pdf

3 Methodology

- 3.1.1** A desktop review has been undertaken, assessing the route of the new section of motorway and identifying hazardous industrial installations which have Health and Safety Executive (HSE) consultation zones and safety distances in the proximity of the Scheme associated with installations with Hazardous Substance Consent (HSC) or Explosives Licence.
- 3.1.2** The desktop review focussed on existing consented sites whose inner consultation zones fall within the line of the proposed new section of motorway such that the HSE would 'advise against' the construction of the Scheme in accordance with HSE Guidance⁹. The study also considered the potential effects on the explosives licence held by Associated British Ports (ABP) as a consequence of the Scheme. It has also reviewed the potential effects and requirements relating to COMAH sites in proximity to the Scheme.
- 3.1.3** In addition, consultation has taken place with the HSE and also Newport City Council (NCC) in their role as Hazardous Substance Authority.

⁹ HSE land use planning methodology: <http://www.hse.gov.uk/landuseplanning/methodology.pdf>

4 Baseline Environment

4.1 Overview

4.1.1 Table 1.1 shows all sites with a HSC in the vicinity of the Scheme. This is illustrated on Figure 1.

Table 1.1: Hazardous Installations in proximity to the Scheme

Hazardous Substance Consent Ref.	HSE HID CI5 Ref	HSE Site ID	Operator	Grid Ref	Consultation Zone
HSC1	H1416 (99/1135)	N/A	Corus Strip Products	ST 369 867	IZ
HSC2	H3472 (96/0240) deemed consent	1037655	IAWS Fertilisers UK Ltd (Origin UK Operations Limited)	ST 317 850	IZ
HSC3	H0109	1032220	Air Products (BR) Ltd	ST 377 860	MZ
HSC4	H3681	N/A	Cardiff Stevedoring & Cargo Handling T/A Bird Port	ST 333 853	MZ
HSC5	H3715 Rev1	1031692	SOLUTIA UK LTD	ST 337 856	MZ
HSC6	H0736	N/A	Gas On Ltd	ST 305 863	>OZ
HSC7	H0739	1025514	Flogas Britain Limited	ST 325 858	>OZ
HSC8	H1523	N/A	Transco PLC	ST 309 862	>OZ
HSC9	H4322	4058509	International Rectifier Newport Ltd	ST 292 857	>OZ
HSC10	15/1109	N/A	ABP	ST 316 849	IZ

4.1.2 Table 1.2 below shows hazardous pipelines in the vicinity of the Scheme, which are also illustrated on Figure 1.

Table 1.2: Pipelines in proximity to the Scheme

Pipeline Ref.	HSE Ref.	Transco Index No.	Operator	Location	Grid Ref - Start	Grid Ref - Finish
P1	7267	1535	Wales and West Utilities	Llanwern / Magor	ST 366872	ST 419879
P2	7268	1536	Wales and West Utilities	Llanwern / Nash Road	ST 419879	ST 345855
P3	7275	1543	Wales and West Utilities	Rhiwderin / Marshfield	ST 265878	ST 254809
P4	7575		Air Products (UK) Ltd	Air Products Llanwern Coke Oven Gas Pipeline	ST 376862	ST 325862

4.1.3 There is one explosives licence in operation in proximity of the Scheme. This is licence number 31/91 granted to Associated British Ports at Alexander Docks, Newport and the corresponding safeguarding distances are shown on Figure 1.

5 Installations Potentially Affected by the Scheme

5.1 Introduction

- 5.1.1** The proposed route will directly pass through the inner consultation zones of both Corus Strip Products and Associated British Ports HSCs. Based upon the HSE land use methodology guidance, the HSE would 'advise against' any development within the inner zone of the HSC consultation zone.
- 5.1.2** Associated British Ports also holds an explosives licence at their facility in Newport issued under the Dangerous Substances in Harbour Areas Regulations 1987. The Scheme passes through SD2 and SD3.
- 5.1.3** The Scheme passes through the middle zone of the Solutia UK Ltd HSC and Air Products Ltd HSC.
- 5.1.4** The following sections describe the installations and amendments made due to the effect of the Scheme on the licences and consents.

5.2 Associated British Ports

- 5.2.1** The Associated British Ports (ABP) hold two Hazardous Substance Consents (HSC) 15/1109 and 96/0240. HSC 15/1109 has recently been issued by Newport HSA. ABP also holds an explosives licence.

Deemed Consent (96/0240)

- 5.2.2** Hazardous substance consent 96/0240 (HSC2) is operated by IAWS Fertilisers UK Ltd and is known as a deemed consent. It allows the operator to co-store materials such as ammonia nitrate and urea. Without restrictive conditions in place, the operations regulated by the deemed consent fall into a higher risk category, resulting in a larger consultation distance set by the HSE around the major hazard site. Thus meaning the alignment will impact the deemed consent (96/0240).
- 5.2.3** A telecom was held with Mr Harvey Tucker of HSE on 12 January 2016 where this consent was discussed.¹⁰ It was confirmed that the deemed hazardous substance consent provides little restriction in terms of tonnage or materials stored on site and co-storage of materials such as ammonia nitrate and urea increases the likelihood of an event. The HSE have looked into whether imposing conditions on the consent may reduce the size of the consultation zones, without a negative impact on the operations. Conditions they have assessed include:
- prevention of co-storage (ammonia nitrate and urea); and
 - a limit on total throughput of chemicals.
- 5.2.4** The HSE carried out a review of the existing consultation zone map currently active at ABP, producing a draft, three zone consultation map accounting for the above conditions. Inclusion of the above conditions would reduce the size of the consultation zones, but the proposed alignment of the new section of motorway

¹⁰ Email dated 12 January 2016 from Amy Powell (RPS) to Harvey Tucker (NCC)
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would still impact the inner zone. This means the HSE will still “advise against” the proposed Scheme.

- 5.2.5** If storage operations changed on site, i.e. moved southwards, the new section of motorway would not impact the inner consultation zone, and on-site operations could continue un-affected by the development. To do this the consent would require modification. Alternatively the HSC could be revoked by Newport City Council.

New Consent (15/1109)

- 5.2.6** The consent dated 10 December 2015 allows ABP to store up to 4,999 tonnes of fertiliser grade ammonium nitrate at both land and buildings encompassing sheds 8 and 9C, West Way Road Alexandra Docks. The recently issued consent will not be impacted by the new section of motorway.

Explosives Licence (Licence No. 31/91)

- 5.2.7** Explosives are licensed to be handled at:

- South Quay 5,
- South Quay 6,
- South Dock, North Side, Centre Berth
- South Dock, North Side, East Berth
- Anchorage A at latitude 51° 27.2' North and longitude 3° 00.8' West
- Anchorage B at latitude 51° 28.6' North and longitude 2° 59.1' West

- 5.2.8** The route of the new section of motorway as shown on Figure 1 is almost completely outside the SD1 for the 4 berths in the dock, but within SD2. Public traffic routes such as roads have traditionally only required SD1 separation. However the guidance to the Explosives Regulations 2014¹¹ distinguishes between a 'Minor road and railway' and a 'Major road and place of public resort' in the tables at Appendix 5 (of the guidance).¹² The latter classification receiving the same safeguarding distance as buildings generally, that is safeguarding distance 2.

- 5.2.9** The safeguarding distances are set out in schedules of the licence.

- 5.2.10** A letter from Dr Khan of HSE dated 9 May 2016 states that based on the information provided regarding the proposed Scheme, revised limits of explosive quantities would need to be placed on the explosives licence in order to accommodate the Scheme:

- North Quay Berth – 6,800kg of HD1.1¹³ (current limit 50,000kg)
- South Quay Berth – 12,000kg of HD1.1 (current limit 110,000kg)

- 5.2.11** The letter states further:

¹¹ Explosives Regulations 2014 - Safety provisions - Guidance on Regulations, L150, Published 2014:
<http://www.hse.gov.uk/pubns/priced/l150.pdf>

¹² Schedule 5 of the Explosives Regulations 2014

¹³ UN Hazard Division - HD 1.1 An explosive which has a mass explosion hazard.
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‘when permission is granted and before construction activity commences HSE will have to review the licence and take appropriate action to reduce the permitted quantities that can be handled at the said berths.’

- 5.2.12** Based on HSE’s letter this will mean smaller consignments of explosives would be allowed at a berth at any one time for vessels coming direct to port. However, this may be accommodated by a greater number of smaller shipments arriving either directly at a berth or following transshipment at anchorage A or B.

5.3 Corus Strip Products Ltd

- 5.3.1** This consent (HSC1) dated 20 October 1999 is for the storage of coal tar, oxygen, benzole and natural gas.
- 5.3.2** The Scheme passes through the inner zone of the HSC consultation zone and therefore the HSE are likely to ‘advise against’ the Scheme while the HSC is in place based upon the HSE’s Land Use Planning Tool.
- 5.3.3** A large proportion of Corus Strip Products HSC Inner Zone is currently under development as a housing scheme. The HSC’s land use planning tool is clear that the HSE would ordinarily have ‘advised against’ the housing development. However, the development has been consented and construction is underway in accordance with planning permission 06/0471 and indicative masterplan A011 provided in Annex B.
- 5.3.4** The HSE’s land use planning tool designates housing of the type being developed by St Modwens at Llanwern to be a level 3 sensitive use which is a higher level of sensitivity than a motorway or dual carriageway. As such the proposed Scheme may not lead to NCC revoking the HSC.
- 5.3.5** NCC has confirmed¹⁴ that the consent has not been revoked to enable the housing development to go ahead, however they have not been able to provide a copy of the consent. They have also confirmed that there is no record of a response from HSE to the consultation.
- 5.3.6** The HSC appears to be centred around the now demolished part of Llanwern steelworks and therefore it is possible that operations have changed or ceased and that this consent requires amendment or revocation by NCC.
- 5.3.7** It will also be necessary for Tata who operate the steelworks to review its major accidents management policy and internal emergency plan and it may be necessary for NCC to review its external emergency plan.

5.4 Solutia UK Ltd

- 5.4.1** This consent (HSC5) is listed as an upper tier establishment consented for: chemicals manufacture/production and/or disposal – general. Relevant dangerous substances are listed in the HSC as dangerous substances/mixtures that react adversely with water and flammable liquids and gases.
- 5.4.2** The proposed route of the Scheme runs through the middle zone of the Solutia UK Ltd site (also known as Eastman). It is not, therefore, necessary to consider

¹⁴ Email from Geraint Roberts (NCC) to Amy Powell (RPS) dated 14 March 2016
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the consent in relation to the Scheme. However, in accordance with Regulation 13 of the COMAH Regulations an Off-site Emergency Plan is in place for this site.

5.4.3 This is required as Eastman is an upper tier establishment under the COMAH Regulations due to the capacity to store dangerous substances above the upper-tier threshold levels.

5.4.4 The Off-site Emergency Plan is complementary to the Gwent Major Emergency Response Arrangements and existing procedures of the emergency services and dovetails with the Eastman's on-site emergency plan. It is the responsibility of the local authority (in this case NCC) to review the plan.

5.4.5 This plan will need to be amended to reflect both the construction and post-construction phases of the Scheme. In particular, sections 7.12 and 7.13 relate to traffic management in the event of an emergency. These sections will need to be reviewed to include appropriate arrangements for diversions and traffic management in relation to the Scheme.

5.4.6 Solutia will also need to review its major accident management policy and its internal emergency plan to accommodate the construction of the new section of motorway.

5.5 Air Products Ltd

5.5.1 Air Products own and operate the existing oxygen, nitrogen and hydrogen mains. These pipelines are in close proximity to the new section of motorway at two locations illustrated on Figure 1 (P4).

- At the tie-in with the A4810 where a protection slab already covers the pipelines would need to be checked for loadings and then extended.
- South of Solutia the pipelines are above ground and are currently affected by the temporary works requirements. The methods for the lifting of the steel pier head beam over the PCB cell using a crane within the available space have been reviewed and an optimum crane position has been identified.

5.5.2 Air Products is also a lower tier COMAH establishment. The proposed route does not pass through the inner zone of the HSC (HSC3) and as such the HSC will not be affected. However, the permanent works are within the middle zone of the HSC and the temporary land take to the north of the proposed motorway falls within the inner and middle zone of the HSC.

5.5.3 Discussions with Air Products are ongoing to develop protection measures, and the major accident prevention policy will be developed for the new section of motorway. Where necessary the construction of the new section of motorway may need to incorporate Air Products requirements within safe system of work and method statement during construction of the scheme.

5.6 Birdport Ltd

5.6.1 This consent (HSC4) dated 2 February 2004 with reference 03/1678 relates to the storage of ammonium nitrate. The Scheme passes through the middle zone of the HSC. As such the HSC itself is not affected by the Scheme.

- 5.6.2** This consent is time limited under condition 1 and expired on 30 June 2008. The reason for the limitation was:

‘To ensure the Welsh Assembly Government’s proposals for construction of the M4 Relief Road are not prejudiced.’

- 5.6.3** There is no record on NCC’s website that an application has been made to renew or extend this consent.¹⁵ The consent itself remains in place until revoked by NCC however, in this case the time limitation has elapsed. There is also no record of the site on the COMAH website.¹⁶

- 5.6.4** It is not therefore considered likely that any action will be required in relation to this HSC.

5.7 Other Gas (Hazardous) Pipelines

- 5.7.1** There are several gas pipelines in the proximity of the Scheme and a number of these will be crossed by the proposed alignment. Working near and in proximity of gas pipelines is a routine occurrence on highway projects and construction projects. Notwithstanding this the design and construction methodologies of the scheme have taken into them into account.¹⁷

Wales and West Utilities

- 5.7.2** Wales and West Utilities own and operate three high pressure mains in the vicinity of the new section of motorway. The design of the new section of motorway avoids the need for diversion of two of these mains by utilising protection slabs designed in agreement with Wales and West Utilities. The third main crosses the proposed Meadow Road side road diversion. Wales and West Utilities have indicated that no diversion would be necessary.
- 5.7.3** Consultation with the utility companies has been undertaken during the Scheme’s design stage and construction works will be undertaken in such a manner that satisfies the utility companies permit to work protocols and to protect the workforce and general public.¹⁸

5.8 Summary of Effects

- 5.8.1** There are likely to be five industrial installations (higher hazard sites) affected by the proposed alignment of the Scheme.
- 5.8.2** The explosives licence at ABP will need to be amended so that reduced amounts of explosives are held on the site at any one time or other suitable explosive handling restrictions are put into place. Should this not be possible the HSE will revoke the licence.
- 5.8.3** The HSCs at both ABP and Corus Strip Products will need to be reviewed to consider whether they require either amendment or revocation. Alternatively, the industrial operation at ABP associated with HSC2 could be relocated nearby such

¹⁵ <http://www.newport.gov.uk/en/Planning-Housing/Planning/Planning-permission/Planning-applications/Planning-applications.aspx>

¹⁶ <https://notifications.hse.gov.uk/COMAH2015/Search.aspx>

¹⁷ Environmental Statement – Appendix 3.1: Buildability Report s6.1.11 and 6.1.17

¹⁸ Environmental Statement – Appendix 3.1: Buildability Report s6.1.17

that the revised inner consultation zone for the site would be beyond the Scheme.

5.8.4 The Off-site Emergency Plan in place for the Solutia (Eastman) site (HSC5) will need to be reviewed by NCC. The onsite emergency plan will need to be reviewed by Solutia to take account of the Scheme during construction and its operation. The onsite emergency plan for Air Products Ltd will also need review to accommodate the Scheme during the construction phase.

5.8.5 Pipelines will need to be taken into account during the construction phase of the Scheme and the methodologies set out in the Buildability Report will be followed.

6 Conclusions

- 6.1.1** Three hazardous installations have been identified as potentially being affected by the Scheme.
- 6.1.2** A HSC exists in relation to the former steelworks at Llanwern. A recent planning permission has been granted for a large housing development within the inner consultation zone of the HSC. The HSC may need to be revoked or modified for the Scheme, however given the previous permission this may not be necessary.
- 6.1.3** The Solutia (Eastman) site is classified as an upper tier COMAH site and therefore NCC are required to maintain an external emergency plan. This plan may need to be amended to account for the Scheme both during construction and operation. Air Products Ltd is classified as a lower tier COMAH site however, as the construction phase of the Scheme will impact on the inner zone of the HSC the major accident prevention policy will need to be reviewed to accommodate the construction phase of the Scheme.
- 6.1.4** It is not considered likely that any action will be required in relation to the Birdport HSC.
- 6.1.5** ABP hold a deemed HSC relating to storage of ammonia and urea. This may need modification by NCC either in terms of quantities of hazardous substances or the location where the hazardous substances are handled. ABP also holds an explosives licence which may require modification by HSE.
- 6.1.6** Pipelines in proximity to the Scheme will need to be considered during the construction phase of the Scheme.

Figures

Annexes

Annex A

Hazardous Substance Consents and Explosives Licence

Notice of Decision



N. Newton - HSE Manager,
Eastman
Solutia Uk Ltd, Traston Road
Newport
NP19 4XF

TOWN AND COUNTRY PLANNING ACT 1990 [as amended]
PLANNING (HAZARDOUS SUBSTANCES) ACT 1990
PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1992
THE PLANNING (Control of Major-Accident Hazards) REGULATIONS 1999

Application No: 14/0270

Application Type: **Hazardous Substances**

Proposal: **HAZARDOUS SUBSTANCES CONSENT APPLICATION FOR THE STORAGE OF HAZARDOUS SUBSTANCES (PARTIAL AMENDMENT TO 13/0219)**

Site/Location: **Solutia UK Ltd, Traston Road, Newport, NP19 4XF**

Decision Date: **04-Sep-2014**

In pursuance of its powers under the above Acts and Regulations, the Council of the City of Newport notifies you of its decision in respect of your application for hazardous substances consent, registered on 20-Mar-2014. The Council confirms that the application is:-

Granted with Conditions

ADDITIONAL CONDITIONS:-

1. The Hazardous Substance(s) shall not be kept or used other than in accordance with the particulars provided on the application forms nor shall be kept outside the area(s) marked for storage of the Substance(s) on maps/plans which formed part of the application.
Reason: In the interests of public safety.

NOTE TO APPLICANT

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

This decision notice is in respect of **Hazardous Substances Consent** and does not convey and decision which may be required under Town and Country Planning legislation or The Building Regulations. Advice on these issues may be obtained from the Head of Regeneration and Regulatory Services, at Newport City Council.

If the applicant is aggrieved by this decision he may appeal to the Secretary of State under Section 21 of the above Act within 6 months of the date of this notice, or such longer period as the Secretary of State may at any time allow.

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.

01 This decision relates to plan Nos: 58053-012 Revision H, 58053-002 Revision G, 59818-001, 59820-001.

02 The development plan for Newport is the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006). Policy U11 was relevant to the determination of this application.

03 The applicant is advised that the vessels used for storage of phosphorus trichloride and phosphoryl trichloride shall be kept in a good state of repair so as to prevent rain ingress.

Signed on behalf of the Council



Julie Vellucci
Head of Regeneration and Regulatory Services
Pennaeth Gwasanaethau Rheoli ac Adfywio

Newport City Council
Regeneration & Regulatory Services
Civic Centre
NEWPORT
South Wales
NP20 4UR

Application Number: 14/0270

Decision Date: 04-Sep-2014

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



Notes for Applicants

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Welsh Government

If you are aggrieved by the decision of your Local Planning Authority to refuse an application or to grant it subject to conditions, you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Welsh Government, Planning Inspectorate at Crown Buildings, Cathays Park, Cardiff CF10 3NQ, or online at www.planningportal.gov.uk/pcs

The Welsh Government 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 Welsh Government will not consider an appeal if it seems that the Local Planning Authority could not have granted permission for the proposed development or could not have granted it without the condition they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Welsh Government does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by them.

The Choice of Appeal Procedure

The appeal procedures available are:

- a) by written representations which you and the Local Planning Authority make, normally followed by an unaccompanied site inspection
- b) by Hearing, when both parties make oral representations to an Inspector appointed by the Welsh Government. A Hearing is conducted on a less formal basis than a Public Inquiry.
- c) by Public Inquiry which takes the form of a formal hearing by an Inspector appointed by the Welsh Government.

Purchase Notices

If either the Local Planning Authority or the Welsh Government refused planning permission or listed building consent or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the local planning authority in whose area the land is situated.

This Notice will require the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990. (The Local Planning Authority may accept the notice and proceed to acquire the land; or reject the notice in which case they must refer the notice to the Welsh Government.)

COUNTY BOROUGH OF NEWPORT

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (HAZARDOUS SUBSTANCES) ACT 1990
PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1990

Notice of Decision

Application number. 96/0240/HSC

To:

ASSOCIATED BRITISH PORTS
ALEXANDRA DOCK
WESTWAY ROAD
NEWPORT
GWENT

APPLICATION TYPE. **HAZARDOUS SUBSTANCES CONSENT**

PROPOSAL **ERECTION OF BUILDING FOR THE STORAGE AND BLENDING OF FERTILIZERS INCLUDING HAZARDOUS SUBSTANCES (AMMONIUM NITRATE)**

SITE/LOCATION **ALEXANDRA DOCK WESTWAY ROAD NEWPORT GWENT**

In pursuance of its powers under the above Acts and Regulations, the Council of the County Borough of Newport notifies you of its decision in respect of your application, registered by them on 19th March 1996. The application has been

GRANTED WITH CONDITIONS

CONDITIONS

01

There shall be no open storage of the Ammonium Nitrate

Reason: In the interest of safety

02

Details of the means of transfer from the ships to the store of the ammonium nitrate shall be submitted to and approved by the Hazardous Substance Authority and any transfer shall only be carried out in accordance with the approved details

Reason: To control potential dust emissions in the interest of the amenities of the nearby residential properties.

03

No storage of the Ammonium Nitrate shall take place until dust arrestment equipment has been installed

Reason: In the interest of the amenities of nearby residential properties

04

Hazardous substances shall not be kept or used other than in accordance with the application particulars provided in Form 1 nor outside the area named for storage of the substances on the plan which forms part of the application

Reason: In the interest of safety

NOTE TO APPLICANT

a.

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

b

This decision notice is in respect of **Hazardous Substances Consent** and does not convey any decision which may be required under Town and Country Planning legislation or The Building Regulations. Advice on these issues may be obtained from the Planning Services Division, at Newport County Borough Council.

c

If the applicant is aggrieved by this decision he may appeal to the Secretary of State under section 21 of the above Act within 6 months of the date of this notice, or such longer period as the Secretary of State may at any time allow

01

This decision relates to the following plan nos, S 656(04)02, 1995/229/1

Signed on behalf of the Council

Planning Services Division
Civic Centre
Newport
Gwent NP9 4UR

W L Mitchell
Head of Planning Services

Application No 96/0240/HSC

Decision Date. 21st August 1996

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



[Home](#) > [Search Criteria](#) > [Search Results](#) > [Application Details](#)

Application Details

Application Ref:	99/1135
Application Submitted Date:	20-Oct-1999
Application Valid Date:	20-Oct-1999
Decision Date:	20-Oct-1999
Decision:	Prior App Not Reqd(Agric Det)
Application Type:	Hazard Subs(Deemed)
Case Officer:	Joanne Vaughan
Community Council:	Llanwern Community Council
Ward:	Llanwern
Main Location:	LLANWERN STEEWORKS LLANWERN NEWPORT View Location Map
Short Application Description:	CLAIM FOR DEEMED CONSENT FOR STORAGE OF COAL TAR, OXYGEN, BENZOLE AND NATURAL GA Show full description
Application Description:	CLAIM FOR DEEMED CONSENT FOR STORAGE OF COAL TAR, OXYGEN, BENZOLE AND NATURAL GAS
Status:	Decision Issued (Complete)
Status Description:	Application 99/1135 was decided via Delegated decision. The application was Prior App Not Reqd(Agric Det).
Comment:	planning@newport.gov.uk

[Address Details](#) |
 [View Documents](#) |
 [Appeal Details](#) |
 [Consultees](#) |
 [Neighbours](#)

Applicant Details

Title:	
Forename/Initial:	
Surname/Company Name:	BRISTISH STEEL LLANWERN
Company Contact Name:	
Address:	LLANWERN STEELWORKS NEWPORT

Agent Details

Title:
Forename/Initial:
Surname/Company Name:
Company Contact Name:
Address:

Newport City Council, Civic Centre, Newport, South Wales, NP20 4UR

Telephone: 01633 656656 | [contact us online](#)

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TOWN AND COUNTRY PLANNING ACT 1990((6;s,7))
PLANNING (HAZARDOUS SUBSTANCES) ACT 1990
PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1992
THE PLANNING (Control of Major-Accident Hazards)REGULATIONS 1999

To:

BIRDPORT LTD
CORPORATION ROAD
NEWPORT
SOUTH WALES
NP19 4RE

Application number: **03/1678**

Application Type: **HAZARDOUS SUBSTANCES CONSENT**

Proposal: **HAZARDOUS SUBSTANCE CONSENT APPLICATION FOR STORAGE OF AMMONIUM NITRATE**

Site/location: **BIRDPORT LTD CORPORATION ROAD NEWPORT**

In pursuance of its powers under the above Acts and Regulations, the Council of the City of Newport notifies you of its decision in respect of your application for hazardous substances consent, registered by them on 02/12/2003. The Council confirms that the application is :-

GRANTED WITH CONDITIONS

CONDITIONS

01 This permission shall be for a limited period expiring on 30th June 2008 when the open storage shall be discontinued and the land restored to its former condition.

Reason: To ensure the Welsh Assembly Government's proposals for construction of the M4 Relief Road are not prejudiced.

02 The Ammonium Nitrate shall be stored in sealed bags at all times.

Reason: To safeguard the special interests of the River Usk candidate Special Area of Conservation and Site of Special Scientific Interest.

03 The Ammonium Nitrate shall only be stored on a concrete (non-combustible) surface with any drains sealed to prevent any ingress of water into the drainage system.

Reason: To safeguard the special interests of the River Usk candidate Special Area of Conservation and Site of Special Scientific Interest.

04 The Ammonium Nitrate shall be stored fully in accordance with the 'Major Accident Prevention Policy' (December 2003) prepared by S. Constance.

Reason: To safeguard the special interests of the River Usk candidate Special Area of Conservation and Site of Special Scientific Interest.

NOTE TO APPLICANT

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 in respect of **Hazardous Substances Consent** and does not convey any decision which may be required under Town and Country Planning legislation or The Building Regulations. Advice on these issues may be obtained from the Head of Planning and Economic Regeneration, at Newport County Borough Council.

If the applicant is aggrieved by this decision he may appeal to the Secretary of State under section 21 of the above Act within 6 months of the date of this notice, or such longer period as the Secretary of State may at any time allow.

This decision relates to plan Nos :- 01 and the information contained in the Major Accident Prevention Policy (December 2003) received on 2nd December 2003.

Signed on behalf of the Council

Newport City Council

Civic Centre
Newport
South Wales
NP20 4UR

Head of Planning and Economic Regeneration

Application No: 03/1678

Decision Date: 02/02/2004

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

DEVELOPMENTS IN THE VICINITY OF EXPLOSIVES FACTORIES AND MAGAZINES GUIDANCE
TO PLANNING AUTHORITIES ON THE NEED FOR CONSULTATION WITH HSE.

Explosives factories and magazines are licenced by HSE under section 4 of the Explosives Act 1875. In the licence, distances are stipulated that must be preserved between each building or place where explosives may be held and certain "protected works" outside the premises. These distances are not stipulated in the licence if they are not large enough to reach outside the premises. The nature of "protected works" is given in the headings to columns 2 and 3 of the attached, blank, Distance Schedule.

In order to simplify the process of identifying which developments should be consulted upon, only one distance is used for consultation purposes. This distance is to be taken as being measured from any point on the boundary of the premises. In order to reduce the number of unnecessary consultations the following types of development should be consulted upon in the distance bands stated.

- a) Band 3 (40-100% of consultation distance).
Large buildings of curtain wall or other lightweight, easily detachable construction, such as large sports centres, shopping centres etc.
- b) Band 2 (20-40% of consultation distance)
The "protected works" given in the heading to column 3 of attached Distance Schedule plus the developments stated for Band 3.
- c) Band 1 (0-20% of consultation distance)
The "protected works" given in the heading to column 2 of the attached Distance Schedule plus the developments stated for Bands 2 and 3

It should be borne in mind when deciding whether to consult that the aims of the Distance Schedule and the consultation procedure is to preserve the safety of persons and any development which does not bring persons nearer the explosives installation need not be consulted upon.

Some of the larger explosives factories keep site plans on which are marked the "protected works" distances corresponding to individual buildings. These plans are often referred to as safeguarding plans. They give more precise information than a single consultative distance, it is in the interests of both the planning authority and the licenced site that such plans are kept up to date and available to the planning authority.

A list of Explosives Factories and Magazines together with the corresponding consultation distances is held by the Area Executive at each area office of HMF1. Requests for advice on planning matters should be sent to the Area Executive.

The HSE does not issue particulars of types and quantities of explosives held at explosives installations as it does for premises subject of the Notification of Installations Handling Hazardous Substances Regulations 1982.

HA4

Licence No. 31/91

Rec'd from ABP
- Richard Jones
Ass Port Manager
12/3/94 File Ref: XI 4811/116/1

THE DANGEROUS SUBSTANCES IN HARBOUR AREAS REGULATIONS 1987

EXPLOSIVES LICENCE

1. The Health and Safety Executive hereby grants to

Associated British Ports

a Licence for the purposes of Part IX of the Dangerous Substances in Harbour Areas Regulations 1987, permitting explosives to be brought into and carried and handled within the harbour area known as

Alexandra Docks, Newport, Gwent

as defined in The Alexandra (Newport) Dock Act, 1865 and The Alexandra (Newport & South Wales) Docks and Railways Act, 1882.

2. The Licence is subject to the conditions in the Terms hereto.

3. In this Licence, including the Terms, the "Regulations" means the Dangerous Substances in Harbour Areas Regulations 1987, and words and expressions used in this Licence shall, unless the context otherwise requires, have the same meanings as in the Regulations.

4. This Licence revokes all previous Licences issued under the Regulations in respect of this place and shall remain in force until revoked by the Health and Safety Executive in writing.

Dated this

19 day of

June 1992

W. J. Jones

The holder of the post designated
H.M. Chief Inspector of Explosives,
a person authorised by the Health and
Safety Executive to act in that behalf.

TERMS OF LICENCE

1. Nothing in this Licence shall prohibit

- (a) the entry of explosives into; or
- (b) the handling of explosives at;

any other place within this harbour area at which explosives may be handled under the Regulations.

2. Nothing in this Licence shall prohibit the passage of a vessel carrying explosives through this harbour area where such passage is solely for the purpose of access to or egress from another place at which explosives may be handled under the Regulations.

3. Except as permitted by the above terms, the licensee shall not permit any person to bring into the harbour area any explosives of such a type or quantity that may not be handled under the provisions of this Licence.

4. A vessel containing explosives shall only be anchored or berthed at such places as are specified in the Schedule to this Licence.

5. Explosives shall only be handled at such places as are specified in the Schedule to this Licence.

6. In respect of a place so specified;

(a) the quantity of explosives present shall not exceed that specified (for the Division of explosives concerned) in column 1 of the Schedule, except that where the explosives include those in Compatibility Groups A, B or F the aggregate quantity present shall not exceed one third of the quantity so specified, unless the explosives in Compatibility Groups A, B or F

(i) are separated from any other explosives so as to prevent communication of explosion to those other explosives; and

(ii) do not exceed one third of the quantity so specified

(b) no handling of explosives shall take place while

(i) any person not involved in the explosives handling operation is present in any building within the distance specified (for the Division and quantity of explosives concerned) in column 2 of the schedule; or

(ii) any passenger vessel is berthed or anchored within the distance specified (for the Division and quantity of explosives concerned) in column 3 of the Schedule; or

(iii) any other vessel or vehicle containing an unrelated consignment of explosives, or any person not required to be involved with the handling operation, is within the distance specified (for the Division and quantity of explosives concerned) in column 4 of the Schedule;

(c) any Special Conditions in the Schedule shall be complied with.

7. Where the quantity of explosives present is not specified in column 1 of the relevant part of the Schedule, then for the purposes of ascertaining the distances referred to in the previous term, that quantity shall be rounded up, that is to say, the explosives shall be treated as being of a quantity equal to the next higher quantity specified in that column.

8. Where explosives in different Divisions are carried together then;

(a) for the purpose of applying the schedule, they shall all be deemed to be in the Division amongst them which comes highest in the following list, that is Division 1.1 (highest), 1.2, 1.3, and 1.5 (lowest);

(b) except that where explosives in Division 1.5 are carried or handled with explosives in Division 1.2 then, for the purpose of applying the schedule, they shall all be deemed to be in Division 1.1.

9. Distances referred to in the Schedule shall be measured between that part of the explosives and that part of the passenger vessel, other vessel or vehicle, or other place, as the case may be, which gives the smallest distance.

10. (a) As soon as practicable after the Licence has been granted, the licensee shall prepare and send to the Health and Safety Executive and to the local planning authority, a plan showing each place where explosives are allowed to be handled under this Licence.
- (b) There shall be delineated on the plan the area of land which is within the safeguarding distances from that place as specified in the relevant part of the Schedule.
- (c) The plan shall be prepared in accordance with the guidance issued by the Health and Safety Executive entitled "The Preparation of Safeguarding Plans".
- (d) Where the safeguarding distances are altered pursuant to a variation of the Licence, the licensee shall prepare and send a revised plan to the above mentioned bodies as soon as is practicable after that alteration.
11. (a) Where after this Licence has been granted there is any development, subsequent to the date of the survey on which the Licence was based, within the relevant safeguarding distances referred to above which is likely to materially affect either the probability of an accident with the explosives or the magnitude of the consequences of such an accident, the licensee shall, before the development is commenced or as soon as is practicable thereafter, give written notice of it to the Health and Safety Executive.
- (b) Without prejudice to the generality of part (a) of this term, any development within the safeguarding distances involving a material increase of the population or in the numbers of buildings shall be so notified.
12. Notwithstanding Regulation 9, Regulations 6 and 8 of the 1987 Regulations shall apply to ferry boats operating entirely within smooth or partially smooth waters within the meaning of the Merchant Shipping (Smooth and Partially Smooth Waters) Rules 1977.
13. In these Terms and in the Schedule -
- (a) reference to explosives is a reference to explosives that are not exempted from the licensing provisions of Part IX of the Regulations.
- (b) references to quantities of explosives are references to net explosives quantities, that is to say, excluding any packaging or inert parts of explosives.
- (c) "local planning authority" means
- (i) in England and Wales, the local planning authority within the meaning of the Town and Country Planning Act 1971,
- (ii) in Scotland the authority responsible for planning functions within the meaning of section 172 of the Local Government (Scotland) Act 1973;
- for the area within the safeguarding distances referred to above. Where the area is within the jurisdiction of more than one planning authority then the phrase shall mean them all.
- (d) "passenger vessel" means a vessel carrying more than twelve passengers;
- (e) a "passenger" is any person defined as such in the Merchant Shipping Act.
- (f) "normal working period" means any time from 0700 hrs on Monday until 1800 hrs on the following Friday, excluding Bank and Public Holidays, providing that the relevant conditions of Columns 2, 3 and 4 of the relevant Schedule are met.

SCHEDULE

Name of place (as shown on plan): South Quay 5

Safeguarding distances :

SD1 : 536 metres

SD2 : 805 metres

SD3 : 1610 metres

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Maximum aggregate quantity (in kilograms) of explosives of each Division of Class 1 allowed to be present if distance limitations are met.	Distance from berth within which buildings may only be occupied by persons essential to the handling operation.	Limiting distance to a passenger vessel.	Limiting distance to persons in the open or other explosives.
1.1 or 1.2 or 1.3 or 1.5	metres	metres	metres
500 500 3500 500	200	72	24
1000 1000 12000 1000	200	113	38
2500 2500 65000 2500	200	194	65
5000 13000 180000 5000	260	272	91
10000 50000 U/L 10000	340	356	119
25000 U/L U/L 25000	490	490	163
50000 U/L U/L 50000	590	619	206
75000 U/L U/L 75000	590	708	236
110000 U/L U/L 110000	750	805	268

NOTE: Where the entry in column 1 is U/L, this means that unlimited quantities of that Division of explosive may be loaded, unloaded or handled at that place.

SPECIAL CONDITIONS: Provided that in a normal working period (see Term 13(f)) no more explosives shall be handled than:-

- 3000 kg of Divisions 1.1 or 1.5
- or - 3800 kg of Division 1.2
- or - 85000 kg of Division 1.3

SCHEDULE

Name of place (as shown on plan): South Quay 6

Safeguarding distances :

SD1 : 327 metres

SD2 : 490 metres

SD3 : 980 metres

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Maximum aggregate quantity (in kilograms) of explosives of each Division of Class 1 allowed to be present if distance limitations are met.	Distance from berth within which buildings may only be occupied by persons essential to the handling operation.	Limiting distance to a passenger vessel.	Limiting distance to persons in the open or other explosives.
1.1 or 1.2 or 1.3 or 1.5	metres	metres	metres
500 500 3500 500	150	72	24
1000 1000 12000 1000	150	113	38
2000 2000 45000 2000	150	172	57
5000 13000 180000 5000	300	214	74
10000 50000 U/L 10000	300	356	119
25000 U/L U/L 25000	300	490	163

NOTE: Where the entry in column 1 is U/L, this means that unlimited quantities of that Division of explosive may be loaded, unloaded or handled at that place.

SPECIAL CONDITIONS: Provided that in a normal working period (see Term 13(f)) no more explosives shall be handled than:-

- 3000 kg of Divisions 1.1 or 1.5
- or - 3800 kg of Division 1.2
- or - 85000 kg of Division 1.3

AND that buildings within 170 metres are evacuated.

SCHEDULE

Name of place (as shown on plan): South Dock, North Side, Centre Berth

Safeguarding distances :

SD1 : 461 metres

SD2 : 692 metres

SD3 : 1384 metres

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Maximum aggregate quantity (in kilograms) of explosives of each Division of Class 1 allowed to be present if distance limitations are met.	Distance from berth within which buildings may only be occupied by persons essential to the handling operation.	Limiting distance to a passenger vessel.	Limiting distance to persons in the open or other explosives.
1.1 or 1.2 or 1.3 or 1.5	metres	metres	metres
500 500 3500 500	430	72	24
1000 1000 12000 1000	430	113	38
2000 2000 45000 2000	430	172	57
5000 13000 180000 5000	430	214	74
10000 50000 U/L 10000	430	356	119
20000 U/L U/L 20000	430	454	151
25000 U/L U/L 25000	480	490	163
50000 U/L U/L 50000	520	619	206
70000 U/L U/L 70000	520	692	231

NOTE: Where the entry in column 1 is U/L, this means that unlimited quantities of that Division of explosive may be loaded, unloaded or handled at that place.

SPECIAL CONDITIONS: Provided that in a normal working period (see Term 13(f)) no more explosives shall be handled than 25000 kg of Divisions 1.1 or 1.5 of Class 1 explosives.

SCHEDULE

Name of place (as shown on plan): South Dock, North Side, East Berth

Safeguarding distances :

SD1 : 412 metres

SD2 : 619 metres

SD3 : 1237 metres

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Maximum aggregate quantity (in kilograms) of explosives of each Division of Class 1 allowed to be present if distance limitations are met.	Distance from berth within which buildings may only be occupied by persons essential to the handling operation.	Limiting distance to a passenger vessel.	Limiting distance to persons in the open or other explosives.
1.1 or 1.2 or 1.3 or 1.5	metres	metres	metres
200 200 500 200	350	39	13
500 500 3500 500	350	72	24
1000 1000 12000 1000	350	113	38
2000 2000 45000 2000	350	172	57
5000 13000 180000 5000	350	214	74
10000 50000 U/L 10000	350	356	119
16000 U/L U/L 16000	420	420	140
18000 U/L U/L 18000	440	438	146
20000 U/L U/L 20000	440	454	151
40000 U/L U/L 40000	520	574	191
50000 U/L U/L 50000	520	619	206

NOTE: Where the entry in column 1 is U/L, this means that unlimited quantities of that Division of explosive may be loaded, unloaded or handled at that place.

SPECIAL CONDITIONS: Provided that in a normal working period (see Term 13(f)) no more explosives shall be handled than 18000 kg of Divisions 1.1 or 1.5 of Class 1 explosives.

SCHEDULE

Name of place: Anchorage A at latitude 51 27.2' North and longitude 3 00.8' West.

Safeguarding distances :

SD1 : 2300 metres

SD2 : 3450 metres

SD3 : 6900 metres

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Maximum aggregate quantity (in kilograms) of explosives of each Division of Class 1 allowed to be present if distance limitations are met.	Distance from berth within which buildings may only be occupied by persons essential to the handling operation.	Limiting distance to a passenger vessel.	Limiting distance to persons in the open or other explosives.
1.1 or 1.2 or 1.3 or 1.5 8600000 U/L U/L 8600000	metres 3450	metres 3450	metres 1150

NOTE: Where the entry in column 1 is U/L, this means that unlimited quantities of that Division of explosive may be loaded, unloaded or handled at that place.

SPECIAL CONDITIONS: None.

SCHEDULE

Name of place: Anchorage B at latitude 51 28.6' North and longitude 2 59.1' West.

Safeguarding distances :

SD1 : 1870 metres

SD2 : 2800 metres

SD3 : 5600 metres

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Maximum aggregate quantity (in kilograms) of explosives of each Division of Class 1 allowed to be present if distance limitations are met.	Distance from berth within which buildings may only be occupied by persons essential to the handling operation.	Limiting distance to a passenger vessel.	Limiting distance to persons in the open or other explosives.
1.1 or 1.2 or 1.3 or 1.5 4600000 U/L U/L 4600000	metres 2800	metres 2800	metres 940

NOTE: Where the entry in column 1 is U/L, this means that unlimited quantities of that Division of explosive may be loaded, unloaded or handled at that place.

SPECIAL CONDITIONS: None.

Annex B

Planning Permission 06/0471

Notice of Decision



TOWN AND COUNTRY PLANNING ACT 1990

GVA GRIMLEY LLP
ONE KINGSWAY
CARDIFF
SOUTH WALES
CF10 3AN

Application No: **06/0471**

Application Type:

Outline with Environmental Statement

Proposal:

REDEVELOPMENT OF SITE TO CREATE A MIXED USE URBAN EXTENSION COMPRISING: A RANGE OF NEW HOMES (APARTMENTS, HOUSES AND SOME SHELTERED ACCOMMODATION FOR THE ELDERLY - USE CLASSES C2&C3); NEW OFFICES, WORKSHOPS, FACTORIES AND WAREHOUSES (USE CLASSES B1, B2&B8); COMMUNITY FACILITIES INCLUDING NEW SCHOOLS AND COMMUNITY CENTRES (USE CLASSES D1&D2); A LOCAL CENTRE INCORPORATING SHOPS, OFFICES AND COMMERCIAL LEISURE FACILITIES INCLUDING NEW BARS, CAFES AND LICENSED PREMISES (USE CLASSES A1, A2, A3&D2); A NETWORK OF OPEN SPACES INCLUDING PARKLAND, FOOTPATHS, SPORTS PITCHES AND AREAS FOR INFORMAL RECREATION; NEW ROADS, ACCESSES AND PATHS; HEALTHCARE AND FITNESS FACILITIES (USE CLASSES D1&D2); PROVISION FOR A NEW RAILWAY HALT/STATION; OTHER ANCILLARY USES AND ACTIVITIES; AND REQUIRING: SITE CLEARANCE, TREATMENT AND PREPARATION; THE INSTALLATION OF NEW SERVICES AND INFRASTRUCTURE; THE CREATION OF NEW WATER BODIES AND DRAINAGE CHANNELS; IMPROVEMENTS/WORKS TO THE HIGHWAYS NETWORK AND OTHER ANCILLARY WORKS AND ACTIVITIES

Site/Location:

LAND FORMERLY PART OF LLANWERN STEELWORKS QUEENSWAY LLANWERN NEWPORT SOUTH WALES NP19 4QZ

Decision Date:

01/04/2010

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 29/03/2006. The application has been:-

Granted with Conditions

subject to the following conditions:

STANDARD CONDITIONS

- (a) The matters set out in the conditions below are reserved for the submission and approval of details.
- (b) In the case of any reserved matter, application for approval must be made not later than the expiration of **FIFTEEN YEARS** beginning with the date of this permission.
Reason: The application is in outline only and the further details are required to ensure that a satisfactory form of development takes place.
- (c) No development shall be carried out on any parcel of the site as referred to in Condition 04 until details of the reserved matters have been approved for that parcel, and the development shall be carried out in accordance with these details.
Reason: The application has been submitted in outline only. Further details are required to ensure that a satisfactory form of development takes place.
- (d) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-
(i) the expiration of **FIVE YEARS** from the date of this permission; or
(ii) the expiration of **TWO YEARS** from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: To conform to the requirements of Sections 91 and 92 of the Town & Country Planning Act 1990.

ADDITIONAL CONDITIONS

(1) Approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority. These details shall accord with the parameters and objectives laid out in the Development Framework Rev.F (January 2007) and the Sub-Area Masterplan relating to the particular development parcel as required to be approved under Condition 04.
Reason: To safeguard the rights of control of the Local Planning Authority in respect of the reserved matters and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and with the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

(2) The development shall not take place other than in accordance with the principles, parameters and objectives of the Indicative Masterplan (drawing A011 Rev.F), the Development Framework Rev.F (January 2007), and the Sub-Area Masterplans for each phase of development as required to be approved under Condition 04.
Reason: To clarify the scope of the outline planning permission and to ensure a comprehensive and coordinated development of the site.

(3) The development of the land shall proceed sequentially in accordance with the approved Phasing Plan (drawing No A003 Rev.C) and the phasing programme set out in email from GVA Grimley dated 15 May 2007 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of controlling the phased development of the site.

(4) Prior to the submission of any reserved matters applications (unless otherwise agreed in writing by the Local Planning Authority in relation to specific advanced works) in respect of the relevant phase of the development as defined by Condition 03, a Sub-Area Masterplan for that phase (including development parcels and infrastructure) shall be submitted to and approved in writing by the Local Planning Authority. Each Sub-Area Masterplan shall accord with the parameters and objectives laid out in the Development Framework Rev.E (January 2007) and shall clearly indicate the works for (i) development parcels and (ii) infrastructure. Each Sub-Area Masterplan shall include, where appropriate to that phase or sub-area, the following details for each phase: (a) details of how the phase is broken down into development parcels; (b) in the case of phase 2 onwards a full and detailed design analysis of the built form of adjacent previous phases and their key characteristics; (c) a design approach for each development parcel which reflects and builds on these identified characteristics; (d) the approximate number of residential units within each development parcel and identification of development blocks with an indication of building heights; (e) the location of landmark buildings and key frontages; (f) approximate housing numbers, mix and density within each development parcel; (g) the approximate location, number and mix of affordable housing within each development parcel; (h) off-street parking arrangements; (i) landscaping and planting proposals and boundary treatments; (j) areas of public open space/recreation space within each development parcel (including the lakes), indicating their function and facilities to be provided and their location; (k) the hierarchy of access and circulation including roads, footpaths and cycleways and how these link with the surrounding area and previous phases; (l) sustainable development standards and measures to achieve such standards within each development parcel; (m) details of sustainable urban drainage systems/flood compensatory/mitigation works including lakes and drainage channels. All applications for reserved matters shall accord with the relevant Sub-Area Masterplan unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a coordinated approach to the detailed development of the site and to ensure a high quality design.

(5) No development shall commence in relation to each phase (as defined by Condition 03), unless otherwise agreed in writing by the Local Planning Authority in relation to specific advanced works, until a detailed Infrastructure Phasing Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Infrastructure Phasing Plan shall include the sequence and trigger dates for the provision of the following infrastructure (including for the individual development parcels, links between parcels and phases, and links with the wider external network): highways and drainage, pedestrian and cycleways, public transport services including interim measures for temporary services during the course of construction, recreation areas and all formal and informal open spaces (including a landscaping implementation timetable), and flood mitigation measures. The development shall be implemented in accordance with the approved Infrastructure Phasing Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the necessary infrastructure and facilities to accommodate the development are provided.

(6) The reserved matters referred to in Condition 01 shall include where relevant details of all formal and informal recreation areas (details to include siting, design, external appearance, landscaping, means of access and play equipment). These areas shall be provided in accordance with the approved details and the Infrastructure Phasing Plan required by condition 05 and maintained as such in perpetuity.

Reason: To ensure that adequate levels of recreation facilities are provided to serve the development.

(7) Each landscaping scheme (which shall be accompanied by a management plan detailing future maintenance) submitted in pursuance of Condition 01 (which in relation to tree/shrub planting shall include inter alia grass mixtures and the number, species, heights on planting and positions of all trees and shrubs as well as details of trees to be retained and measures to protect them during construction) shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the associated development. Thereafter, the trees and shrubs shall be adequately maintained for a period of 5 years (or as agreed in the management plan) from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner.

(8) No work shall commence on the construction of any buildings within any development parcel as defined under condition 04 until details/samples of materials and finishes to be used on the external surfaces of the buildings for that parcel have been submitted to and approved in writing by the Local Planning Authority. The development of that parcel shall then be carried out using the agreed materials.

Reason: To ensure that the development is completed in a manner compatible with its surroundings.

(9) No work shall commence on the construction of any development parcel as defined under condition 04 until details/samples of materials and finishes to be used on any proposed hard landscaped areas for that parcel have been submitted to and approved in writing by the Local Planning Authority. The development of that parcel shall then be carried out using the agreed materials.

Reason: To ensure that the development is completed in a manner compatible with its surroundings.

(10) No work shall be commenced on the construction of any buildings within any development parcel as defined under Condition 04 until full details of all boundary treatments for that parcel have been submitted to and approved in writing by the Local Planning Authority. In relation to any dwelling or building the details shall be implemented in accordance with the approved scheme prior to first occupation of that dwelling or building and shall be maintained as such thereafter.

Reason: To ensure adequate security and privacy and that the scheme is completed in a compatible manner to its surroundings.

(11) No development shall commence (unless otherwise agreed in writing by the local planning authority in relation to specific advanced works) in relation to any phase of development as defined under condition 03 until a Management Strategy for the maintenance of all areas of formal and informal open space for that phase, not subject to adoption by the Local Authority, has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details of any Management Company proposed and its terms of reference. The Management Strategy shall be implemented in accordance with the approved details.

Reason: To ensure that adequate safeguards are provided to ensure the future provision of recreation facilities.

(12) The reserved matters referred to in Condition 1 shall include details of off-street parking and covered cycle parking. These facilities in relation to any development parcel as referred to in Condition 04 shall be provided in accordance with the approved details prior to first occupation of any development associated with the particular development parcel and thereafter maintained as such.

Reason: In the interests of highway safety.

(13) Any garages or parking spaces associated with residential uses on the site shall be used for the parking of domestic vehicles only and for no other purposes including, in the case of the garages, additional living accommodation.

Reason: To ensure the retention of adequate parking in the interest of highway safety.

(14) The reserved matters referred to in condition 01 shall include details of the emergency access/pedestrian footway and cycleway linking the north-west corner of the site to the SDR as shown on the Indicative Masterplan (drawing A011 Rev.F). The emergency access/pedestrian footway and cycleway shall be completed in accordance with the approved details prior to first occupation of the development and maintained as such thereafter.

Reason: In the interests of safety in the event of a flood and to facilitate direct pedestrian access to the SDR.

(15) The reserved matters referred to in condition 1 shall, in relation to each phase of development (as defined by condition 3), include details of all emergency access proposals for that phase. The emergency accesses for each phase of development shall be completed in accordance with the approved details and the Infrastructure Phasing Plan required by condition 5 and maintained as such thereafter.

Reason: In the interests of highway safety.

(16) Roads/cycleways/footways on the site in relation to each parcel of development as referred to in Condition 04 shall be constructed in accordance with plans submitted to and approved in writing by the local planning authority prior to commencement of development of the relevant development parcel and completed in accordance with the approved details prior to first occupation of the particular development parcel unless an alternative timescale has been approved in writing with the local planning authority.

Reason: In the interests of highway and pedestrian safety.

(17) A Green Travel Strategy for each phase of development as defined under condition 03 (including provision for a Travel Plan Co-ordinator) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any development relating to the relevant phase unless an alternative timescale is otherwise agreed in writing by the Local Planning Authority. Green Travel Plans shall be submitted to and approved in writing by the Local Planning Authority for individual development parcels prior to commencement of development of the relevant parcel. The Green Travel Strategy and Green Travel Plans shall be implemented and maintained thereafter in accordance with the approved details.

Reason: In the interests of reducing the need to travel by car and encouraging use of alternative modes of transport.

(18) The development shall be served by estate roads laid out and constructed in accordance with details, including means of surface water disposal, previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the road works are completed to an adoptable standard.

(19) The reserved matters referred to in condition 1 shall include, where relevant to noise sensitive development, a detailed noise assessment and mitigation measures relating to relevant (depending on the nature and location of the reserved matters application) external noise sources pertaining to the particular reserved matters application including, where relevant, the railway line to the north of the site, Queensway to the south and the commercial area to the east, together with a noise assessment relating to any adjacent completed noise sensitive development within the outline planning application site, which shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be implemented in accordance with the approved details prior to first occupation of any dwelling to which the measures apply.

Reason: In the interests of residential amenity.

(20) Prior to commencement of development (including site preparation) of any development parcel defined under Condition 04 a construction management plan for that parcel relevant to the nature and location of the reserved matters application including details where relevant of the means of mitigation against construction noise and vibration, provision of a noise management plan, details of any temporary site access/parking and the likely position of haul roads, details of the location of compounds for the storage of plant and materials, measures to prevent dust pollution and suitable plant and wheelwash facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the approved measures shall remain in operation for the duration of the development of the parcel concerned.

Reason: In the interests of residential amenity and highway safety.

(21) No construction work shall be carried out on the site other than between the hours of 8.00 am – 6.00 pm (8.00 am - 5.00 pm for works involving piling) Monday-Friday and 8.00 am - 1.00 pm Saturdays (but no work on Saturday involving piling) unless otherwise first agreed in writing by the Local Planning Authority. No construction or piling works shall take place on Sundays or Bank Holidays unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

(22) The reserved matters referred to in condition 01 shall include details of all street lighting and lighting of any parking areas, including the trigger times for implementation, which shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be implemented in accordance with the approved details.

Reason: In the interests of residential amenity, highway and pedestrian safety and the security of the site.

(23) Prior to commencement of development relating to each phase of development as defined by Condition 03 an ecological management plan shall be prepared for that phase and be submitted to and agreed in writing by the local planning authority. The plan shall cover the construction, operation and management stages for each phase and include or specify:

- a) details of a comprehensive pre-construction schedule of wildlife survey work to be carried out in each phase;
 - b) the features to be protected;
 - c) the means of ensuring their protection, including the appointment of an ecological clerk of works and environmental liaison officer and a method statement detailing measures to be taken to ensure that the features are not damaged during construction.
 - d) mitigation measures where appropriate and specific provisions for the wet woodland areas and protected species including bats, amphibians and reptiles;
 - e) details of habitat enhancement;
 - f) methodologies for the incorporation of biodiversity features/objectives into the design and management of new open and landscaped areas (including the lakes and surface water drainage channels;
 - g) implementation and monitoring provisions for a 10 year period to include a clear feedback mechanism for evaluation of the management plan.
- The development within each phase of development shall be implemented in accordance with the approved details contained within the ecological management plan relevant to that phase.

Reason: In the interests of preserving the ecological integrity of the site.

(24) Each development parcel defined under Condition 04 shall be developed in accordance with the approved Flood Consequences Assessment, the infrastructure phasing plan covered by Condition 05, the Phasing Plan (drawing No A003 Rev.C) and the phasing programme set out in email from Tim Gent of GVA Grimley dated 15 May, 2007, and in accordance with a comprehensive set of levels and cross sectional drawings that shall first be submitted to and approved in writing by the Local Planning Authority in relation to the reserved matters referred to in Condition 01. These drawings shall clearly show finished ground levels, finished floor levels of

buildings and the manner in which raised ground will be graded down to existing ground levels along the perimeter of the site.

Reason: To safeguard against flooding and protect the amenities of future users of the site and neighbouring residents.

(25) Prior to the commencement of construction of any watercourse details of the management of that watercourse and adjacent open space to avoid obstructions to water flows shall be submitted to and approved in writing by the Local Planning Authority. The watercourses and adjacent open spaces shall thereafter be managed in accordance with the approved details.

Reason: To safeguard against flooding and protect the amenities of future users of the site and neighbouring residents.

(26) Should the proposals forming part of the reserved matters applications include any infilling of reens, the developers shall provide compensatory measures to compensate for the loss of storm water storage and habitat including trigger times for implementation. Such measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development relating to the relevant reserved matters application. The measures shall be implemented in accordance with the approved details.

Reason: To safeguard against flooding and in the interests of preserving the ecological integrity of the site.

(27) Prior to the commencement of each phase of development as defined by Condition 03 (or at such other date or stage in development or for such specified activities or works as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination relating to that phase or activity shall each be submitted to and approved, in writing, by the Local Planning Authority:

(1) A preliminary risk assessment which has identified:

(a) all previous uses;

(b) potential contaminants associated with those uses;

(c) a conceptual model of the site indicating sources, pathways and receptors;

(d) potentially unacceptable risks arising from contamination at the site.

(2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority.

Reason: To ensure that the proposed development will not cause pollution of the environment or harm to human health.

(28) Prior to the commencement of each phase of development as defined by Condition 03 (that is any development excluding that required as part of the remediation strategy), unless an alternative timescale for the component parts of that phase and/or for specific remediation works has firstly been agreed in writing by the Local Planning Authority, a verification report demonstrating completion of the works set out in the approved remediation strategy for that phase (or each part of the phase if an alternative timescale has been agreed by the Local Planning Authority for the component parts) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan for that phase to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site and in the interests of residential amenities and human health.

(29) Reports on monitoring, maintenance and any contingency action for each phase of development defined by Condition 03 carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme for each phase of development a final report demonstrating that all long-term site remediation criteria have been met for that phase and documenting the decision to cease monitoring for that phase shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site, and in the interests of residential amenities and human health.

(30) If during development of a particular phase, as defined by condition 3, contamination not previously identified is found to be present at the site then no further development of that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy for that phase detailing how this unsuspected contamination shall be dealt with.

Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated, and in the interests of residential amenities and human health.

(31) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To prevent pollution of the water environment.

(32) Prior to commencement of any piling works or any other foundation designs using penetrative methods, details of these operations shall be submitted to and approved in writing by the local planning authority. Such details shall include evidence that there would be no resultant unacceptable risk to groundwater. The piling and foundation operations concerned shall be implemented in accordance with the approved details.

Reason: To prevent pollution of the water environment.

(33) No development relating to each phase defined by condition 03 shall be commenced until a scheme for the disposal of surface waters for that phase has been submitted to and approved in writing by the Local Planning Authority. Such scheme as approved shall then be implemented in accordance with the approved details and the Infrastructure Phasing Plan required by condition 5.

Reason: To prevent pollution of the water environment.

(34) No development relating to each phase defined by condition 03 shall commence until details of the foul and surface water drainage and storage system for that phase including means of discharge into the drainage network, have been submitted to and approved in writing by the Local Planning Authority. The drainage works for each phase of development shall be completed in accordance with the approved details and the Infrastructure Phasing Plan required by condition 5.

Reason: In the interests of, and to prevent pollution of, the water environment.

(35) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor, the capacity and design of which must be submitted to and approved in writing by the Local Planning Authority prior to its installation. The approved interceptors shall be retained as such thereafter.

Reason: To prevent pollution of the water environment.

(36) Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Planning Authority prior to import of the material to site. No other fill material shall be imported onto the site.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

(37) Any facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by imperious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of inter-connected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

(38) No development shall take place in relation to any development parcel as defined under Condition 04 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 for that parcel which has first been submitted to 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.

(39) The reserved matters referred to in condition 01 for each development parcel as defined under Condition 04 shall include a Carbon Reduction Strategy and Sustainability Statement for that development parcel which shall be submitted to and approved in writing by the local planning authority. Each development parcel shall be implemented in accordance with the approved Carbon Reduction Strategy and Sustainability Statement.

Reason: in the interests of the sustainable development of the site.

(40) The Local Centre located within phase 2 of the development shall only include the mix of uses described in the description of development for this Centre.

Reason: To ensure an appropriate range of uses in the interests of the amenities of prospective residents of the development.

(41) No single retail unit on the site shall exceed a gross floor area of 2000 square metres (inclusive of any mezzanine floorspace).

Reason: To safeguard the viability and vitality of the adjoining District Shopping Centre.

(42) The reserved matters referred to in Condition 01 where this relates to A3 uses (as defined under the Town and Country Planning (Use Classes) Order 1987 as applicable to Wales on the date of this planning permission) on the site shall include details of ventilation and extraction equipment for A3 uses. Prior to first use of any such A3 unit, the ventilation and extraction equipment shall be installed in accordance with the approved details and thereafter maintained as such.

Reason: To protect the amenities of adjacent occupiers.

(43) The reserved matters referred to in Condition 01 shall include, where relevant, details of provision for permanent and unobstructed access for fire fighting appliances to the open water supplies on the site. Such access in relation to any development parcel as referred to in condition 4 shall be provided prior to first occupation of that development parcel.

Reason: In the interest of fire safety on the site.

(44) The reserved matters referred to in Condition 01 relating to the proposed Sports Park in Phase 3 of the development (phasing as defined by condition 3) shall include details of changing facilities.

Reason: In the interests of the amenities of prospective users of these leisure facilities.

NOTE TO APPLICANT

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 decision which may be required under any other legislation or provisions, such as the 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 414504 or 01633 414505 or email building.control@newport.gov.uk.

(1) This decision relates to plan Nos: A011 Rev.F, A003 Rev.C and the following documents:

- Environmental Statement (February 2006) by Halcrow Group Ltd on behalf of St Modwen Developments Ltd (including letter dated 22 January 2007 from Halcrow Group Ltd relating to the changes to amended masterplan drwg A011 rev.F in relation to the Environmental Statement and Flood Risks);
- Development Framework Rev.F (January 2007) with amended Landscape Character Zones plan to reflect the indicative layout of plan no. A011 rev.F;
- Planning Statement (March 2006) by GVA Grimley on behalf of St. Modwen Developments Ltd;
- Phasing programme set out in email from Tim Gent of GVA Grimley dated 9/5/07;
- Transport Assessment (February 2006) by Halcrow Group Ltd;
- Flood Consequences Assessment (December 2005) by Halcrow Group Ltd on behalf of St. Modwen Developments Ltd;
- Ground Conditions Report (February 2006) by Halcrow Group Ltd;
- Ground Investigations and Remediation Options Appraisal (October 2006) and Quantitative Risk Assessment and Outline Remediation Strategy (December 2006) both by Halcrow Group Ltd.

(2) The development plan relating to Newport is the Newport Unitary Development Plan 1996-2011 (Adopted May 2006). Policies SP1, SP2, SP10, SP11, SP13, SP14, SP15, SP16, SP17, SP18, SP24, U6, SP26, SP27, CE4, CE6, CE7, CE9, CE10, CE30, CE36, CE38, CE44, CE45, H1, H2, H5, T1, T5, T7, T10, ED2, ED5, R9, R11, CF2, CF4, CF7, CF9, CF16, U3, U4, U5, U8 and U13 were relevant to the determination of this application.

(3) The Council's Supplementary Planning Guidance, the East Newport Development Framework Plan adopted May 2007, was relevant to the consideration of this application.

(4) This permission is subject to a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

(5) The Environment Agency recommends that developers should: -

(i) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination.

(ii) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, eg human health.

(iii) Refer to EA website at www.environment-agency.gov.uk for more information.

(6) Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Recovery and disposal operations require a waste management licence or Pollution Prevention and Control permit. If contaminated soil is to be re-used on-site as part of a soil recovery operation then either a waste management licence will be required or the applicant will need to register an exemption to licensing with the Environment Agency. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

(7) Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes: -

(i) Duty of Care Regulations 1991.

(ii) Hazardous Waste (England and Wales) Regulations 2005.

(iii) Waste Management Licensing Regulations 1994 (as amended).

(iv) Pollution Prevention and Control Regulations (England and Wales) 2000.

(v) Landfill (England and Wales) Regulations 2002.

(8) Network Rail need to be consulted on any alterations to ground levels. No excavations should be carried out near to railway embankments, retaining walls or bridges. Also require Network Rail's approval for detailed lighting proposals and should be consulted on tree planting schemes.

(9) The developer should hold joint discussions with Dwr Cymru – Welsh Water or the Environment Agency and the Fire Authority to ensure that adequate water supplies are available on the site in case of fire.

(10) Under the Wildlife and Countryside Act 1981 bird species are protected whilst nesting. Therefore, any vegetation to be removed to facilitate the application development should be cleared outside of the peak bird-breeding season (considered to be March through to August inclusive) or within the breeding season only if a pre-clearance survey shows no breeding birds to be present nesting or commencing nesting within the vegetation affected.

(11) The applicant will be required to enter into a Section 278 Agreement for proposed highways works to Queensway to form the Eastern Extension to this SDR [EDR] and to Queensway Meadows links.

(12) Prior to submission of any reserved matters applications relating to the proposed Primary Schools on the site, the specification for these buildings will need to have been agreed in writing by Newport City Council.

(13) The application was accompanied by an Environmental Statement.

Signed on behalf of the Council



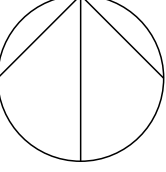
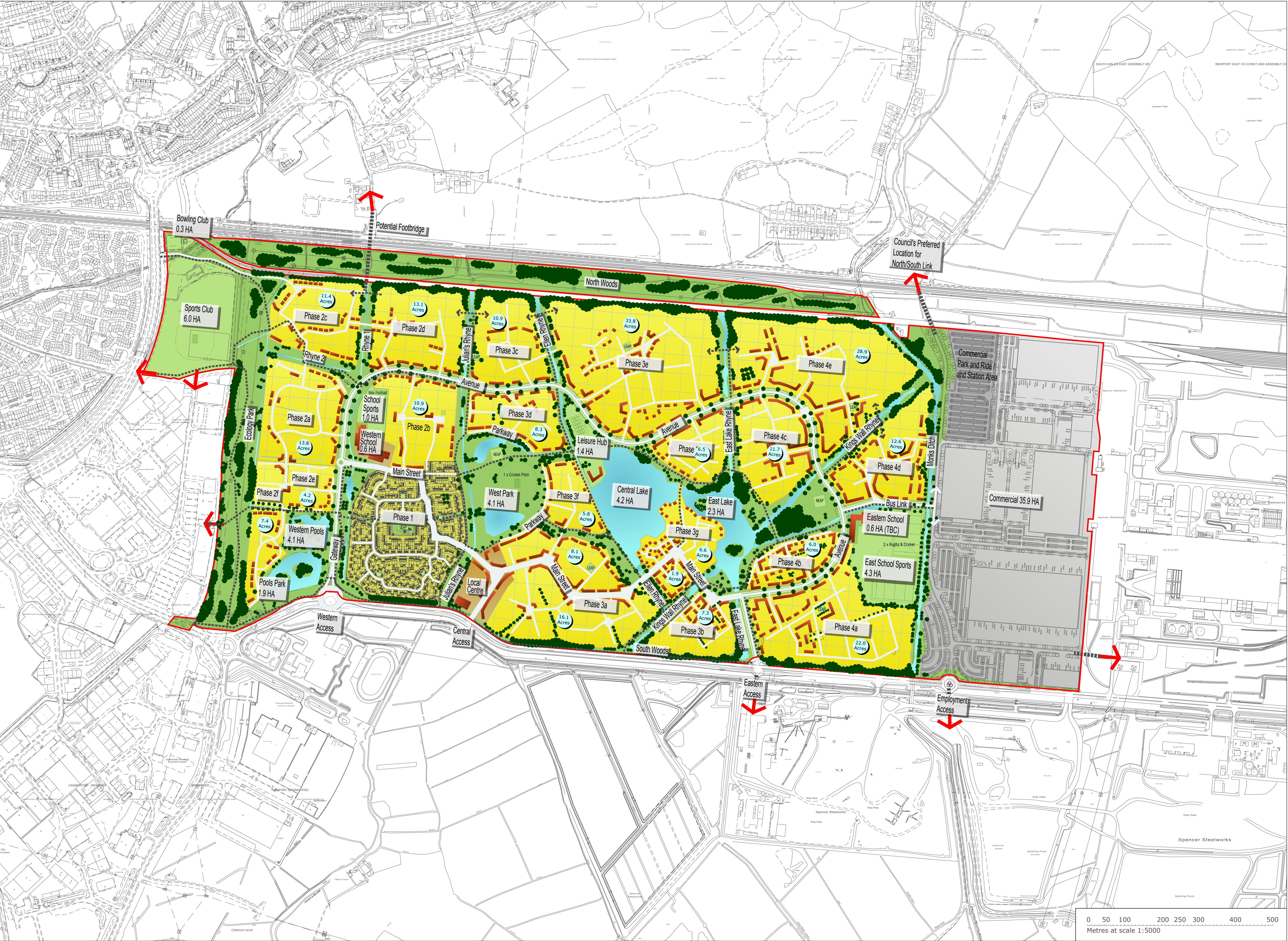
Andy Evans
Head of Planning, Regeneration and Strategic Housing

Newport City Council
Environment and the Economy
Civic Centre
NEWPORT
South Wales
NP20 4UR

Application Number: 06/0471

Decision Date: 01/04/2010

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



Notes:
Residential areas quoted are approximate gross site areas and include Leaps, Laps and on plot road infrastructure

Project:	Glan Llyn, Newport
Title:	Indicative Master Plan
Drawn by:	IY
Date:	Sept 2005
Scale:	1:5000 @ A1
Project no.:	8111
Cad Reference:	8111A011
Feasibility no.:	
Drawing no.:	A011
Revision:	AC



Annex C

Consultation Correspondence



Dr Qamar Khan

Health and Safety Executive, Explosives Inspectorate
Redgrave Court, Merton Road
Bootle, Merseyside, L20 7HS

26th November 2015

Dear Dr Khan,

M4 Corridor around Newport
HSE Consultation regarding Explosive Licences

I am Welsh Government's Project Director for the M4 Corridor around Newport Project. I have been advised that you had a teleconference call with Paul Snook of Costain and others representing the Welsh Government's appointed Construction Joint Venture (CJV) for the Project on 12th November 2015. The main purpose of the teleconference was to seek advice on an active Explosive Licence (Licence No 31/91), held by Associated British Ports at Newport.

As was explained by Paul I can confirm that the Welsh Government (WG) are proposing to construct a new section of motorway to the south of Newport with two intermediate strategic junctions which link into the existing highway network at Glan Llyn and Docks Way which are located on the east and west sides of the river Usk and will pass over the docks at Newport on a viaduct.. The proposals also include the reclassification of the existing motorway to the north of Newport as a trunk road. This project has been around a number of years under various descriptions but now has a high political profile and is being urgently progressed towards the publication of draft Statutory Orders in March 2016. The project is known as M4 Corridor around Newport (M4 CaN).

It has been recognised for some years that the protected route alignment of the M4CaN would affect an active Explosive Licence (Licence Number 31/91), held by the Associated British Ports (ABP). The proposed route passes through the edge directly through the licence's associated Safeguarding Distance 1 and through Safeguarding Distances 2 and 3 (see Drawing M4CaN - DJV - EAC - ZG_GEN - DR-EN-0001).

During your teleconference you indicated the active Explosive Licence 31/91 would require review by the HSE and modification if Welsh Ministers decide to proceed with the project. A modification to the existing licence may have a direct impact on the business operating at the site and further consequences for associated third parties. As such on behalf of Welsh Minister's I formally request the HSE to undertake an early review of the impact of the project on the explosive licence such that Welsh Government officials are better able to understand the potential implications of any changes to the licence. It would be appreciated if this review could be completed before the planned publication of the project's draft Statutory Orders and Environmental Statement in March 2016. I presume that as part of your review you will be contacting ABP and therefore you will wish to be aware that WG and the CJV are already in discussion with them about various aspects of the project. Our main contact point at present is



Mr Rhys Morgan who is ABP's Property Manager, South Wales. Out of courtesy I am copying this letter without attachments to Mr Morgan

For your information the current headline programme for this project is tabulated below

Activity	Key Date
Publication of draft Statutory Orders and an Environmental Statement	Spring 2016 (March 2016)
Anticipated Public Local Inquiry (length unknown)	Autumn 2016
Welsh Ministers' Decision to make the Statutory Orders	Autumn/Winter 2017
Commence Construction	Spring 2018
New section of motorway open	Autumn 2021

I would be grateful if you would advise Welsh Government of the outcome of your review at the earliest opportunity especially the implications of any changes to the existing explosives licence

Also attached is a copy of the CJV's note to me on your teleconference. If you have any comments on them I would appreciate receiving them so that they can formally recorded as correct

If you have any queries please do not hesitate to contact me preferably by email.

I look forward to hearing from you

Yours sincerely

Martin W Bates
Project Director
Infrastructure Delivery
Transport

cc letter only by Email to Rhys Morgan of ABP

Enc
Drawing M4CaN - DJV - EAC - ZG_GEN - DR-EN-0001. Plan showing ABP Explosive Licence

Minutes of Teleconference on 12th November 2015

Mr Martin W Bates
Project Director
Infrastructure Delivery Transport
Welsh Government
Cathays Park 2
Cardiff CF10 3NQ

Date 9th May 2016

Reference

Hazardous Installations Directorate

Dr Qamar Khan
HM Principal Specialist Inspector
(Explosives)

Chemicals, Explosives, Microbiological
Hazards Division 7A
5S.2 Redgrave Court,
Merton Road,
Stanley Precinct, Bootle,
Merseyside, L20 7HS.

Tel: 0151 951 4512
Fax: 0151 951 3891
Qamar.khan@hse.gov.uk

<http://www.hse.gov.uk/>

Dear Mr Bates,

Re: M4 Corridor around Newport (M4CaN)

HSE has completed an initial review to determine the impact on ABP Newport DSHAR explosive licence 31/91 as a result of the proposed route for M4CaN. The proposed route is based on plans supplied by Construction Joint Venture. Based on the drawings provided the impact on the ABP Newport licence will be as follows:

- North Quay Berth: The nearest point to the proposed route is 410m. This will limit the quantity of explosives that can be handled to 6800kg of HD 1.1. The current maximum limit for HD 1.1 explosives for this berth is 50000kg
- South Quay Berth: The nearest point to the proposed route is 510m. This will limit the quantity of explosives that can be handled to 12000kg of HD 1.1. The current maximum limit for HD1.1 explosives for this berth is 110000kg

The above quantities are based on affording the M4CaN 4R_B protection, this is applicable to high volume traffic and high density populations and the proposed structure is not of a vulnerable construction.

When permission is granted and before construction activity commences HSE will have to review the licence and take appropriate action to reduce the permitted quantities that can be handled at the said berths. Please can you keep me informed and importantly once a timetable is known so that HSE can plan the next steps. If there should be any queries in connection with the above matter please do not hesitate to contact me.

Yours sincerely



Dr Qamar Khan
HM Principal Specialist Inspector (Explosives)

From: Harvey.Tucker@hse.gsi.gov.uk
To: [Amy Powell](#)
Cc: [Paul.Snook@costain.com](#); [Andy Clifton](#); [John.Birch@hse.gsi.gov.uk](#)
Subject: RE: M4CaN Telecon Update: HSC Consultation Zones
Date: 19 January 2016 15:30:33
Attachments: [image007.png](#)
[image002.jpg](#)
[image006.png](#)
[decision notice.pdf](#)
Importance: High

Hi Amy,

As promised we have carried out a review of the assumptions underpinning the deemed consent assessment and so it is now appropriate to respond to your original email. Please see my comments/typos below ,

Kind regards

Harvey

Harvey Tucker
HSE HID CEM HD5 Principal Specialist Inspector
Major Hazards Risk Assessment Unit
Tel 0151 951 3858

From: Amy Powell [mailto:Amy.Powell@rpsgroup.com]
Sent: 12 January 2016 18:53
To: Harvey Tucker
Cc: 'Paul Snook'; Andy Clifton
Subject: M4CaN Telecon Update: HSC Consultation Zones

Evening Harvey,

Thank you once again for taking the time to discuss Hazardous Substance Consents within close proximity to the M4 Corridor around Newport Motorway alignment. As agreed this email is to confirm our understanding of the conversation, please let me know if I have misunderstood our discussion.

On the call we reviewed each of the Hazardous Substance Consents Consultation Zones which lie within close proximity to the M4 Corridor around Newport Motorway alignment using drawing M4CaN-DJV-EGT-ZG-GEN-DR-EN-005 P1.04 (attached) as reference.

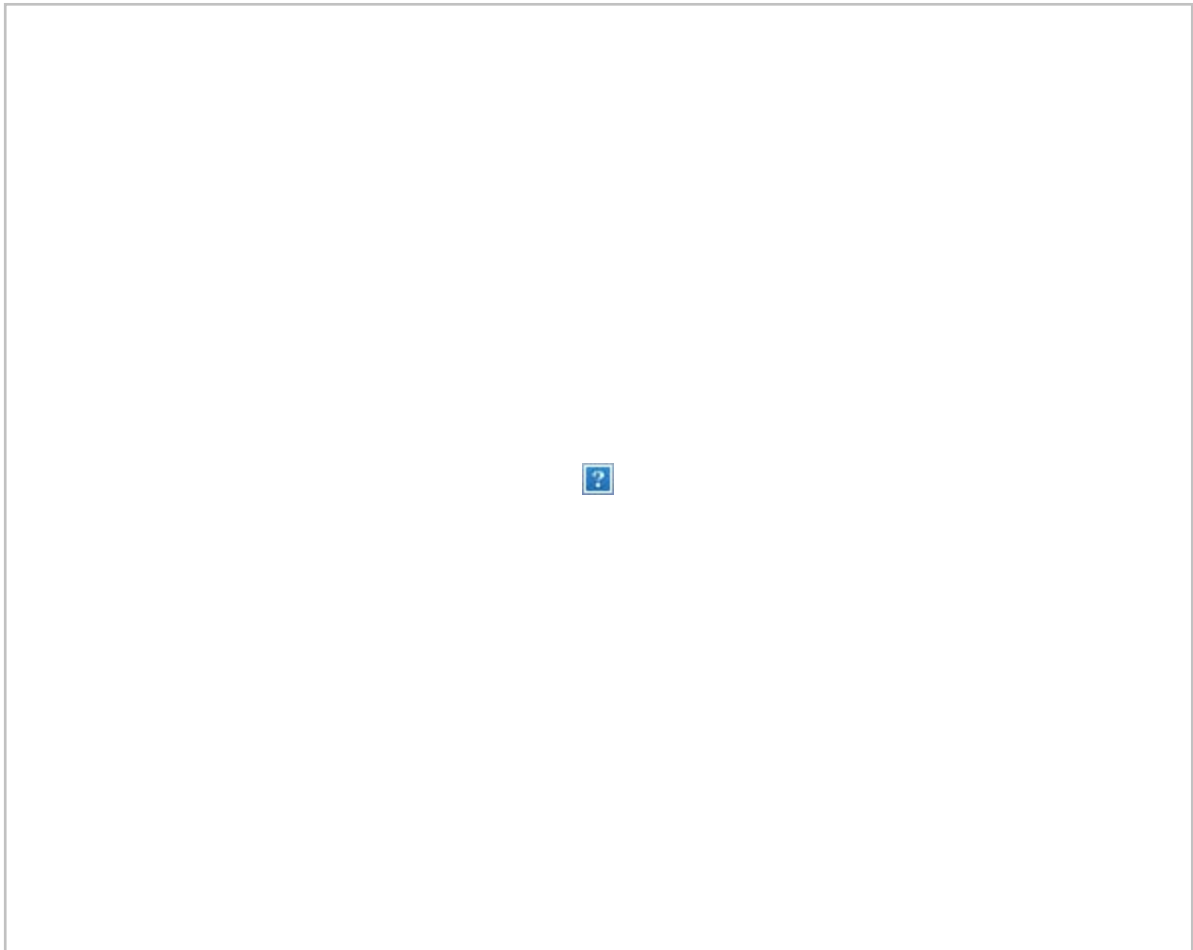
Where the alignment passes through an Inner Consultation Zone, the HSE will advise against the proposed development. Where the alignment passes through Middle and Outer Consultation Zones, the HSE consultation response will follow PADHI guidance and respond with a "Do Not Advice Against" the proposed development.

The route alignment passes through both HSC1 (Corus Strip Products) and HSC2 (ABP) Inner Consultation Zone. A large proportion of HSC1 Inner Zone is currently under development as a housing scheme. It was suggested the consent may be partially surrendered or revoked by Newport HSA, for the housing development to go ahead. If the consent licence is partially surrender or revoked the HSE will be prompted to review the existing consultation zones active on site. M4CaN team will confirm the consent status with Newport HSA.

ABP operate under [two consents](#) at HSC2 ([Deemed claim HSC 96/0240 and Express consent granted HSC 15/1109 – Decision notice attached](#)). The deemed consent provides little restrictions in terms of tonnage or materials stored on site, co-storage of materials such as ammonia nitrate and urea increases the likelihood of an event. Imposing conditions on the consent, may reduce the size of the consultation zones, without a negative impact on the site's operations. Conditions include;

- Prevention of co-storage (ammonia nitrate and urea).
- Limit on total throughput.

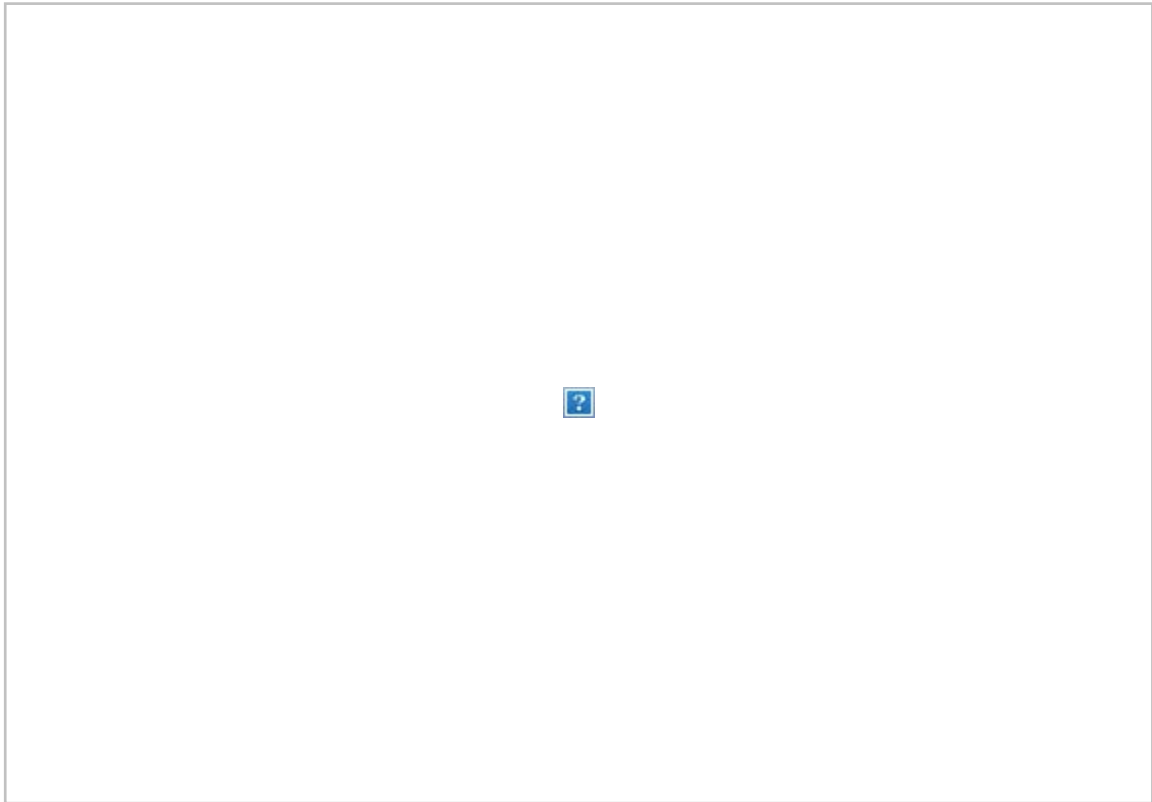
HSE [has reviewed](#) the existing consultation zone maps currently active at HSC2, producing a draft [combined \(Deemed claim HSC 96/0240 + Express consent granted HSC 15/1109\) 3 zone map](#) in light of adding the two new conditions ([See below](#)).



The suggested conditions do not appear to reduce the extent of the inner zone sufficiently and part of the development remains in the Inner zone. HSE acts as a statutory consultee in the processing of Hazardous Substance Consents, discussions to agree amendments/additions to existing consents are led by the Hazardous [Substances](#) Authority with the [Consent](#) holder.

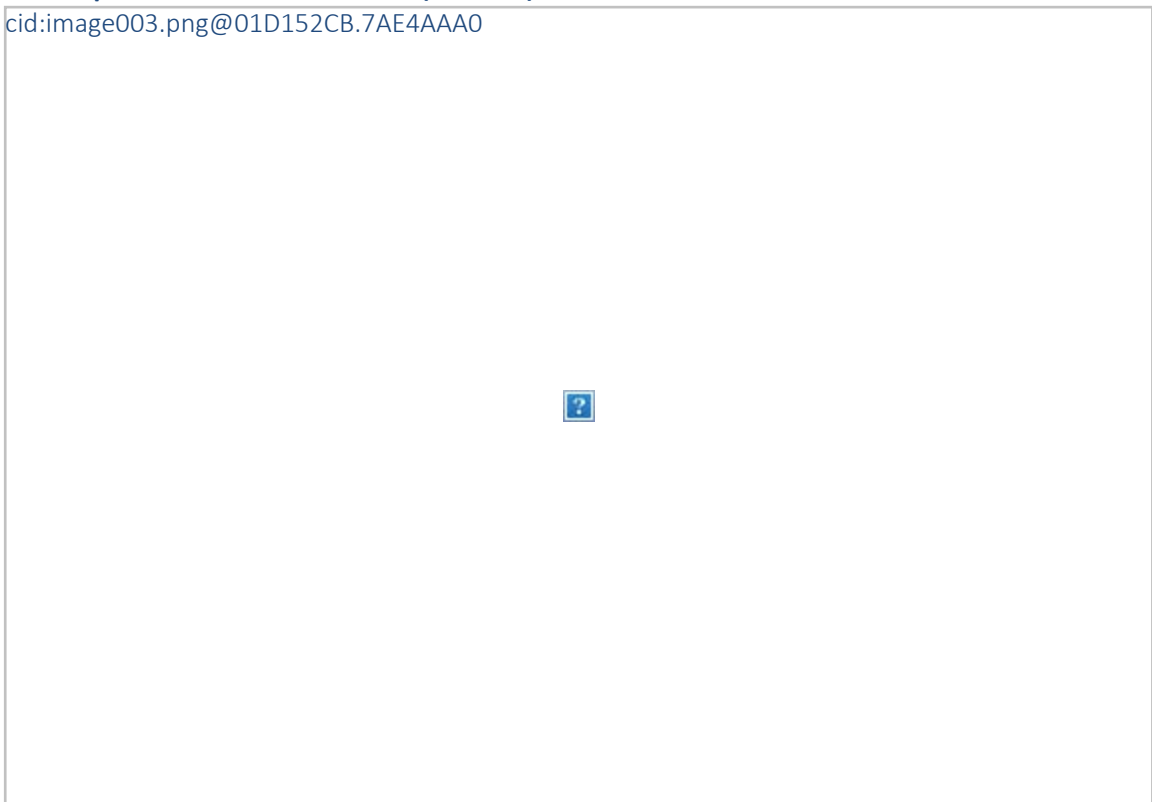
Individual Consents

Deemed claim HSC 96/0240 with suggested conditions (draft)



New express consent HSC 15/1109 (Granted)

cid:image003.png@01D152CB.7AE4AAA0



The HSE recognise pipelines inevitably will be underground, with active transport connections overlaid, subject to appropriate controls, construction over HSC pipelines (P1-P5) are deemed low risk by the HSE [providing the MAH Pipelines are constructed/installed/maintained to appropriate industry standards for road crossings](#). Utility providers are required to inform the HSE of proposed works.

HT confirmed HSE will not advise against temporary earthworks with soil movements at HSC3. Welsh

Government have provisions in The Planning (Hazardous Substances) Regulations 2015 to amend and revoke [consents](#). M4CaN team will confirm provision. All decisions made will be subject to a six month appeal process.

Best regards,

Amy

|

Amy Powell

Senior Consultant - Cardiff - SW Environment Team

Cardiff - P&D SW Environment Team, Park House, Greyfriars Road,
Cardiff, CF10 3AF.

United Kingdom

Tel: +44 (0)29 2066 8662

Fax: +44 (0)29 2066 8622

Email: Amy.Powell@rpsgroup.com

www: www.rpsgroup.com

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www.hse.gov.uk

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Notice of Decision



Porta Planning
67-69, George Street
London
W1U 8LT

TOWN AND COUNTRY PLANNING ACT 1990 [as amended]
PLANNING (HAZARDOUS SUBSTANCES) ACT 1990
PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1992
THE PLANNING (Control of Major-Accident Hazards) REGULATIONS 1999

Application No: 15/1109

Application Type: **Hazardous Substances**

Proposal: **HAZARDOUS SUBSTANCES CONSENT FOR THE STORAGE OF UP TO 4,999 TONNES OF FERTILISER GRADE AMMONIUM NITRATE**

Site/Location: **Land And Buildings Encompassing Sheds 8 And 9B And 9C, West Way Road, Alexandra Docks, Newport**

Decision Date: **10-Dec-2015**

In pursuance of its powers under the above Acts and Regulations, the Council of the City of Newport notifies you of its decision in respect of your application for hazardous substances consent, registered on 09-Sep-2015. The Council confirms that the application is:-

Granted with Conditions

ADDITIONAL CONDITIONS:-

1. The development shall be implemented in accordance with the following plans and documents; Supporting statement dated September 2015, 1:500 Site Location Plan and 1:10,000 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. The Hazardous Substances shall not be kept or used other than in accordance with the particulars provided in the application, nor outside the areas marked for storage of the substances on the plan which formed part of the application.
Reason: In the interests of Health and Safety
3. The maximum throughput of ammonium nitrate shall not exceed 10,000 tonnes per annum through each building known as Shed 8, Shed 9B and Shed 9C.
Reason: In the interests of Health and Safety
4. There shall be no co-storage of urea in buildings known as Sheds 8, 9B and 9C.
Reason: In the interests of Health and Safety

NOTE TO APPLICANT

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

This decision notice is in respect of **Hazardous Substances Consent** and does not convey and decision which may be required under Town and Country Planning legislation or The Building Regulations. Advice on these issues may be obtained from Head of Regeneration, Investment and Housing, at Newport City Council.

If the applicant is aggrieved by this decision he may appeal to the Secretary of State under Section 21 of the above Act within 6 months of the date of this notice, or such longer period as the Secretary of State may at any time allow.

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.

01 This decision relates to the following plans: Application form (amended 16/11/2015) and Site Notice.

02 The development plan covering Newport is the Newport Local Development Plan 2011-2026 (Adopted January 2015). Policy EM2 was relevant to the determination of the application.

Signed on behalf of the Council



Beverly Owen
Head of Regeneration, Investment and Housing
Pennaeth Adfywio, Buddsoddi a Thai

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

Application Number: 15/1109

Decision Date: 10-Dec-2015

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



Notes for Applicants

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Welsh Government

If you are aggrieved by the decision of your Local Planning Authority to refuse an application or to grant it subject to conditions, you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. However, if you are appealing against a decision relating to a householder or minor commercial development the time limit for lodging the appeal is 12 weeks.

Appeals must be made using a form which you can get from the Welsh Government, Planning Inspectorate at Crown Buildings, Cathays Park, Cardiff CF10 3NQ, or online at www.planningportal.gov.uk/pcs

The Welsh Government 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 Welsh Government will not consider an appeal if it seems that the Local Planning Authority could not have granted permission for the proposed development or could not have granted it without the condition they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Welsh Government does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by them.

The Choice of Appeal Procedure

The appeal procedures available are:

- a) by written representations which you and the Local Planning Authority make, normally followed by an unaccompanied site inspection
- b) by Hearing, when both parties make oral representations to an Inspector appointed by the Welsh Government. A Hearing is conducted on a less formal basis than a Public Inquiry.
- c) by Public Inquiry which takes the form of a formal hearing by an Inspector appointed by the Welsh Government.

Purchase Notices

If either the Local Planning Authority or the Welsh Government refused planning permission or listed building consent or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the local planning authority in whose area the land is situated.

This Notice will require the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990. (The Local Planning Authority may accept the notice and proceed to acquire the land; or reject the notice in which case they must refer the notice to the Welsh Government.)

From: [Amy Powell](#)
To: ["Geraint Roberts \(Principal Planning Officer\)"](#)
Subject: RE: Status of Hazardous Substance Consent
Date: 14 March 2016 15:25:00

Hi Geraint,

Thank you for checking the paper file, its much appreciated.

Unlike other consents, the Hazardous Substance Consent remains active even when the hazardous activity has ceased to exist. There is no procedure for giving up the consent in the legislation, although the Hazardous Substance Authority (HSA) may revoke or modify a consent, with confirmation from the Secretary of State / Welsh Ministers. Redundant hazardous substances consents can be a barrier to development. Unless the hazardous substances consent is revoked then consultation zones are still likely to apply.

This would mean proposed future developments within HSE's consultation zones, could attract an "Advice Against" consultation response.

Best regards,

Amy

From: Geraint Roberts (Principal Planning Officer) [mailto:GeraintN.Roberts@newport.gov.uk]
Sent: 14 March 2016 14:44
To: Amy Powell
Subject: RE: Status of Hazardous Substance Consent

Hello Amy

I've checked the paper file. The worksheet shows the HSE as having been consulted but I didn't find a response on the file. This is supported by the Officer Report for application 06/0471 which doesn't report a response from the HSE.

Interestingly the hazard zones appear not to have featured in the assessment made at the time – this may be because they weren't an issue since the hazardous activity was ceasing but there is no evidence to this effect on the file that I can see.

From: Amy Powell [mailto:Amy.Powell@rpsgroup.com]
Sent: 08 March 2016 09:44
To: Geraint Roberts (Principal Planning Officer)
Subject: RE: Status of Hazardous Substance Consent

Morning Geraint,

Much appreciated.

Best regards,

Amy

From: Geraint Roberts (Principal Planning Officer) [<mailto:GeraintN.Roberts@newport.gov.uk>]
Sent: 08 March 2016 09:41
To: Amy Powell
Subject: RE: Status of Hazardous Substance Consent

Hi Amy

We'll nip down into the basement and have a look for it. If you don't hear by Friday feel free to remind us.

From: Amy Powell [<mailto:Amy.Powell@rpsgroup.com>]
Sent: 07 March 2016 15:42
To: Geraint Roberts (Principal Planning Officer)
Subject: FW: Status of Hazardous Substance Consent

Hi Geraint,

Thank you for taking the time to talk earlier and confirming the Corus Strip Products consent is the British Steel 99/1135 consent listed below.

I have reviewed electronic records for planning permission 06/0471, for the redevelopment of land formerly part of Llanwern Steelworks and as you suggested, due to the age not all records are electronically available. The case file indicates the HSE were consulted during the consultation process, could I request a copy of the advice they provided?

Best regards,

Amy

From: Amy Powell
Sent: 10 February 2016 11:53
To: 'Geraint Roberts (Principal Planning Officer)'
Subject: RE: Status of Hazardous Substance Consent

Hi Geraint,

Following on from our previous discussion regarding Hazardous Substance Consents in the area. The HSE provided Hazardous Consultation Zone maps for active consents in the area (Newport attached).

On review of the email below and correspondence with HSE it would seem HS109 consultation zone map would likely relate to the Air Products consents referenced below.

The attached H1416 consultation zone map relates to Corus Strip Products. In light of there not being a consent listed for Corus Strip Products, I'm assuming the consent ceased to exist. Unless this relates to the deemed consent listed below for British Steel?

As discussed previously it appears a development of housing has taken place with the consultation zones in H1416.

I'm in the office for the rest of the day, if you would like to discuss further?

Best regards,

Amy

Amy Powell

Senior Consultant - Cardiff - SW Environment Team

Cardiff - P&D SW Environment Team, Park House, Greyfriars Road,
Cardiff, CF10 3AF.

United Kingdom

Tel: +44 (0)29 2066 8662

Fax: +44 (0)29 2066 8622

Email: Amy.Powell@rpsgroup.com

www: www.rpsgroup.com

From: Geraint Roberts (Principal Planning Officer) [<mailto:GeraintN.Roberts@newport.gov.uk>]

Sent: 15 January 2016 15:24

To: Amy Powell

Subject: RE: Status of Hazardous Substance Consent

Hello Amy

I can only find 3 Hazardous Substance consents on our system that relate to this site.

92/1122 - STORAGE OF LIQUID OXYGEN AND HYDROGEN Air Products GB Limited)

92/1068 - STORAGE OF LIQUID OXYGEN AND HYDROGEN (Air Products GB Limited)

99/1135 - CLAIM FOR DEEMED CONSENT FOR STORAGE OF COAL TAR, OXYGEN, BENZOLE AND
NATURAL GAS (British Steel)

I can find no record that any of these consents were surrendered.

From: Amy Powell [<mailto:Amy.Powell@rpsgroup.com>]

Sent: 15 January 2016 13:03

To: Geraint Roberts (Principal Planning Officer)

Subject: Status of Hazardous Substance Consent

Afternoon Geraint,

As discussed please see the attached HSE three zone consultation map, for the Hazardous
Substance Consent at Corus Strip Products.

Please can you confirm the status of the consent?

Best regards,

Amy

Amy Powell

Senior Consultant - Cardiff - SW Environment Team

Cardiff - P&D SW Environment Team, Park House, Greyfriars Road,
Cardiff, CF10 3AF.

United Kingdom

Tel: +44 (0)29 2066 8662

Fax: +44 (0)29 2066 8622

Email: Amy.Powell@rpsgroup.com

www: www.rpsgroup.com

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Ymwadiad

Arbedwch bapur - meddyliwch cyn ichi argraffu!

Mae'r e-bost hon yn cynnwys gwybodaeth y bwriedir i'r sawl y'i cyfeiriwyd ato/atynt yn unig a gall fod yn gyfrinachol, yn amodol ar ragorfraint gyfreithiol neu broffesiynol, neu fel arall wedi'i diogelu rhag cael ei rhyddhau. Os nad chi yw'r sawl y bwriadwyd iddo dderbyn y neges hon, a fydddech cystal â rhoi gwybod i'r anfonwr ar unwaith a pheidio â datgelu, dosbarthu neu gopïo'r e-bost i barti arall. Mae'r e-bost hon ac unrhyw ffeiliau atodedig yn eiddo i Gyngor Dinas Casnewydd.

Pan anfonwch e-bost at Gyngor Dinas Casnewydd, rydych yn cydsynio i'r Cyngor fonitro a darllen unrhyw e-bost o'r fath at bwrpasau cydymffurfio â diogelwch ac â deddfwriaeth. I weld yr ymwrthodiad llawn ewch i <http://www.newport.gov.uk/ymwadiad>

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Ymwadiad

Arbedwch bapur - meddyliwch cyn ichi argraffu!

Mae'r e-bost hon yn cynnwys gwybodaeth y bwriedir i'r sawl y'i cyfeiriwyd ato/atynt yn unig a gall fod yn gyfrinachol, yn amodol ar ragorffaint gyfreithiol neu broffesiynol, neu fel arall wedi'i diogelu rhag cael ei rhyddhau. Os nad chi yw'r sawl y bwriadwyd iddo dderbyn y neges hon, a fydddech cystal â rhoi gwybod i'r anfonwr ar unwaith a phheidio â datgelu, dosbarthu neu gopïo'r e-bost i barti arall. Mae'r e-bost hon ac unrhyw ffeiliau atodedig yn eiddo i Gyngor Dinas Casnewydd.

Pan anfonwch e-bost at Gyngor Dinas Casnewydd, rydych yn cydsynio i'r Cyngor fonitro a darllen unrhyw e-bost o'r fath at bwrpasau cydymffurfio â diogelwch ac â deddfwriaeth. I weld yr ymwrthodiad llawn ewch i <http://www.newport.gov.uk/ymwadiad>

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Ymwadiad

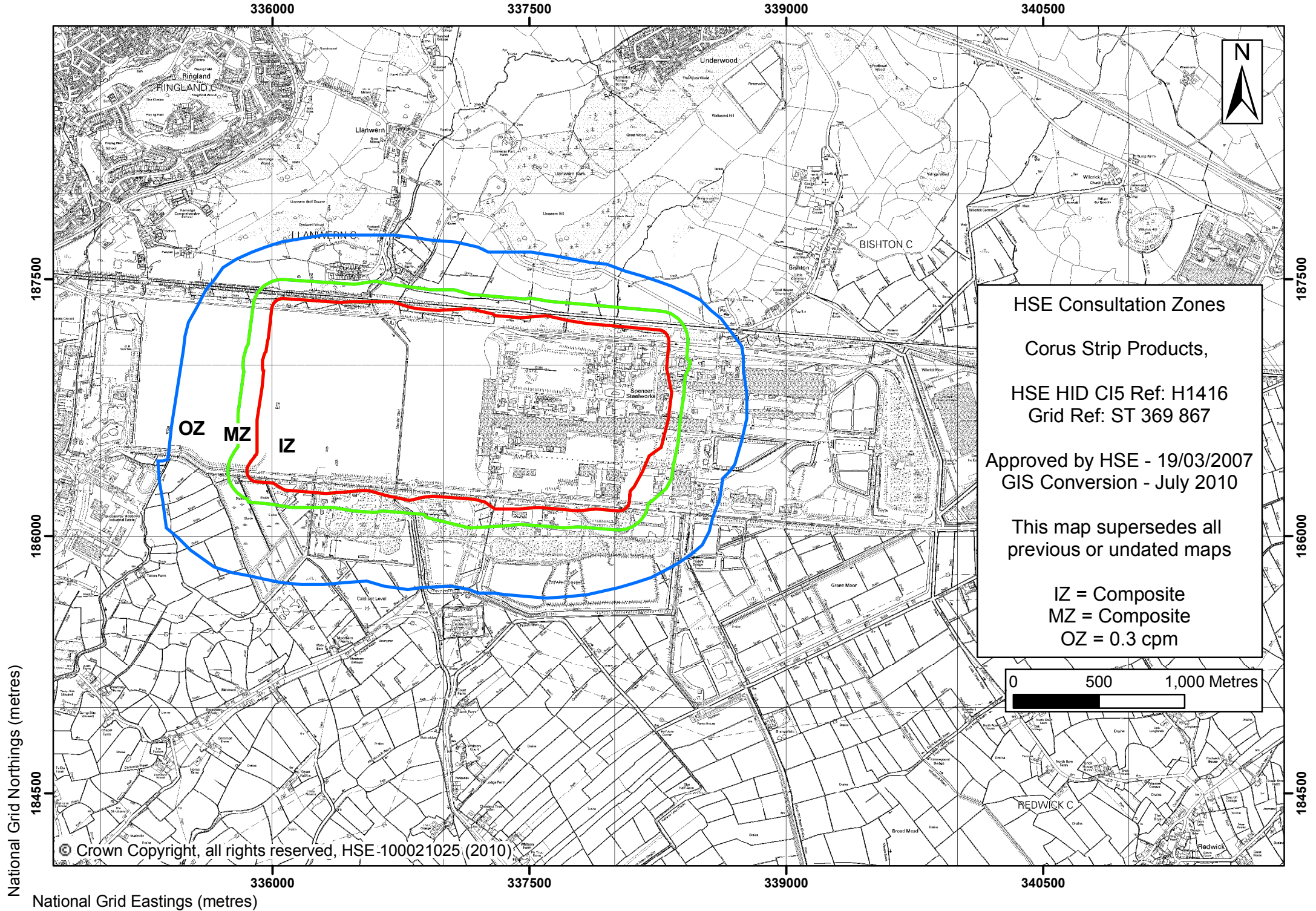
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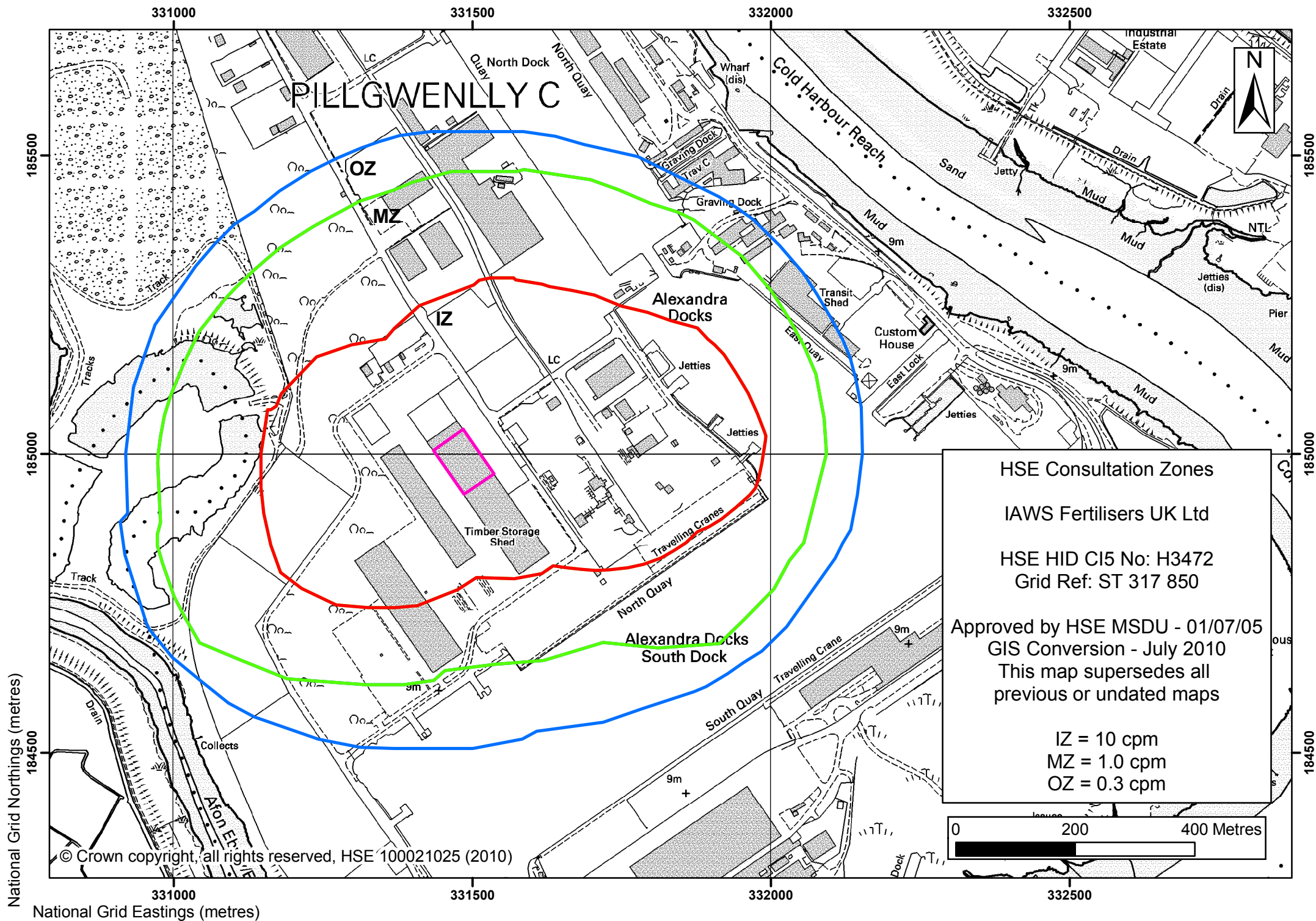
Mae'r e-bost hon yn cynnwys gwybodaeth y bwriedir i'r sawl y'i cyfeiriwyd ato/atynt yn unig a gall fod yn gyfrinachol, yn amodol ar ragorfraint gyfreithiol neu broffesiynol, neu fel arall wedi'i diogelu rhag cael ei rhyddhau. Os nad chi yw'r sawl y bwriadwyd iddo dderbyn y neges hon, a fyddech cystal â rhoi gwybod i'r anfonwr ar unwaith a pheidio â datgelu, dosbarthu neu gopïo'r e-bost i barti arall. Mae'r e-bost hon ac unrhyw ffeiliau atodedig yn eiddo i Gyngor Dinas Casnewydd.

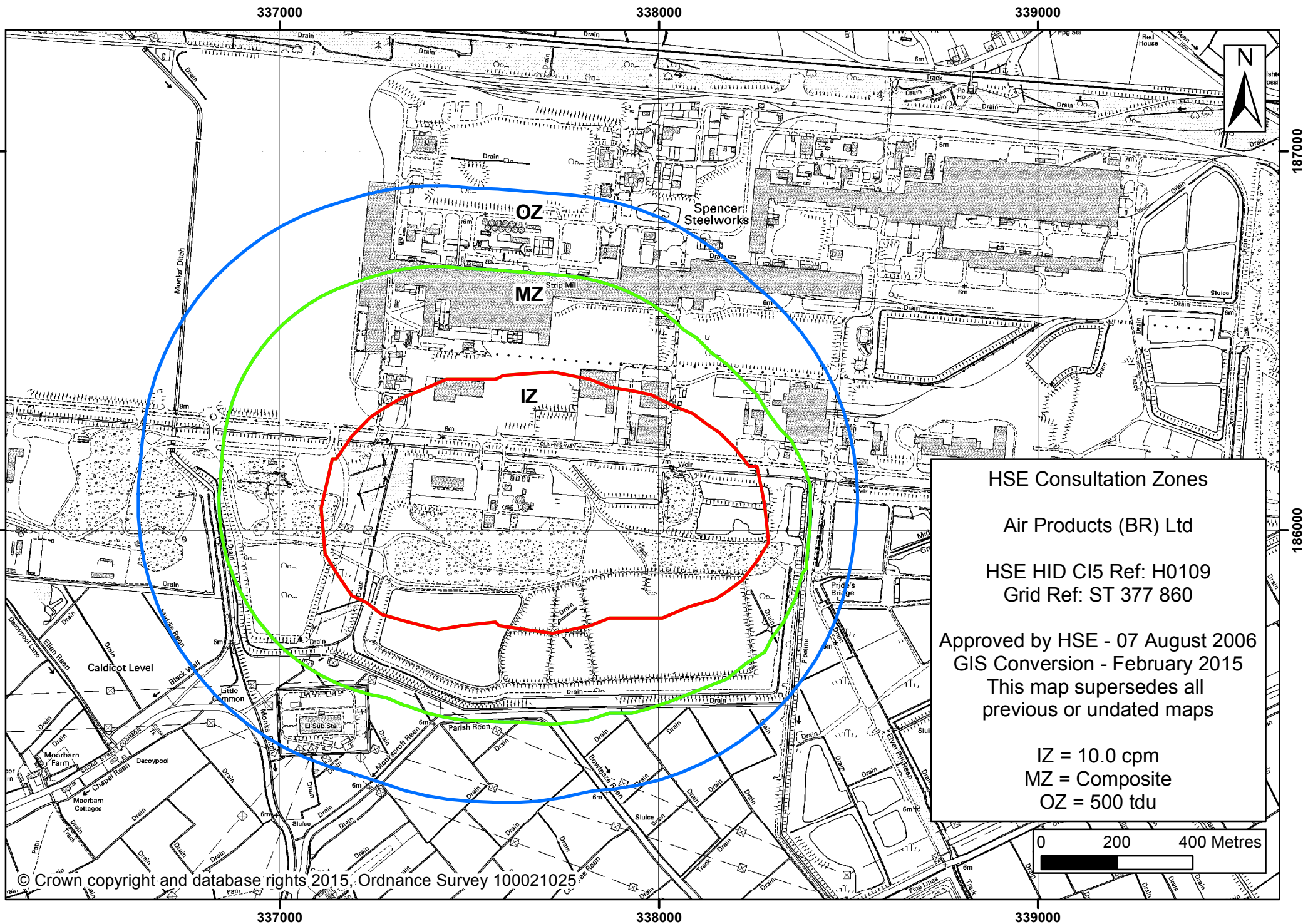
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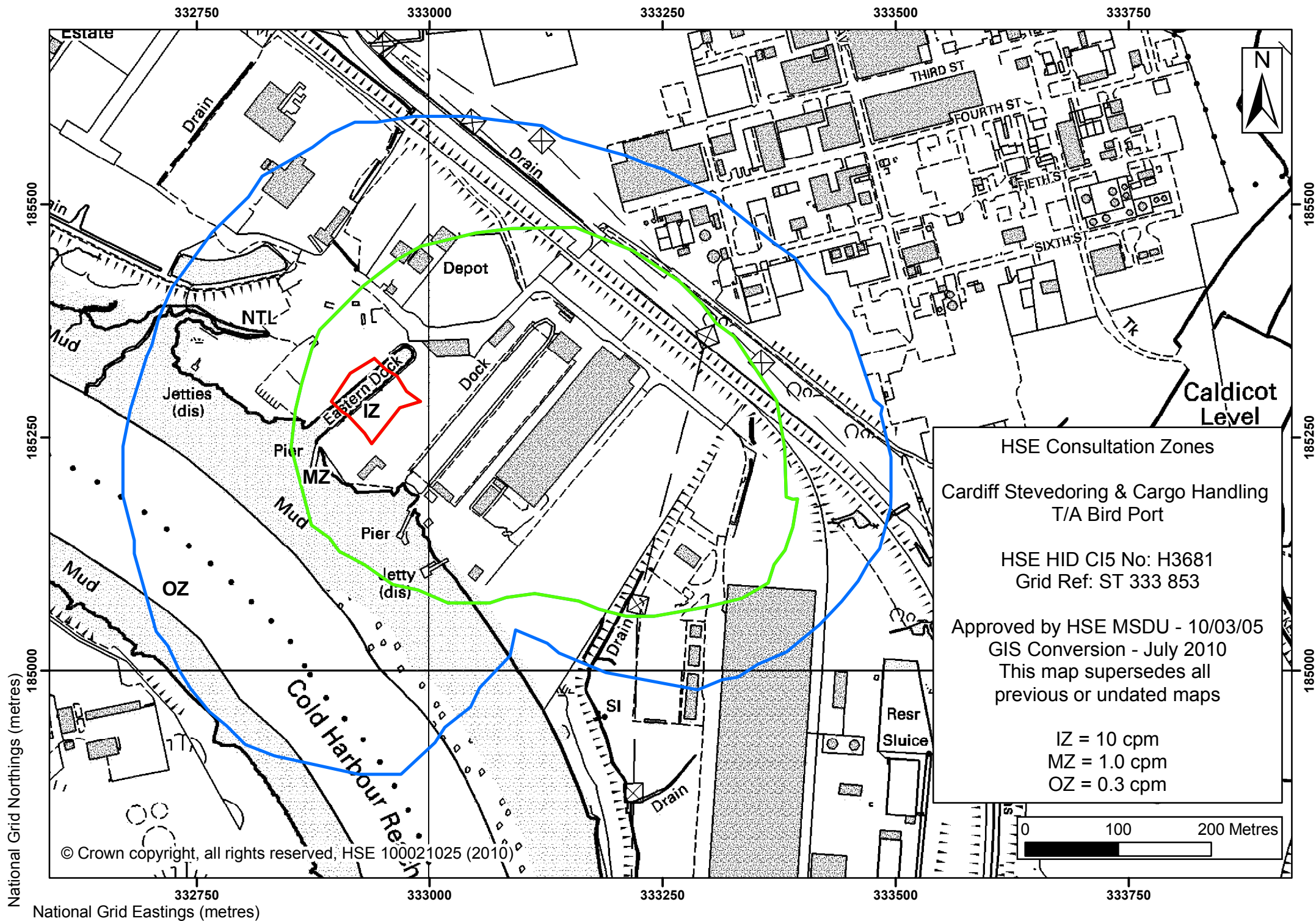
Annex D

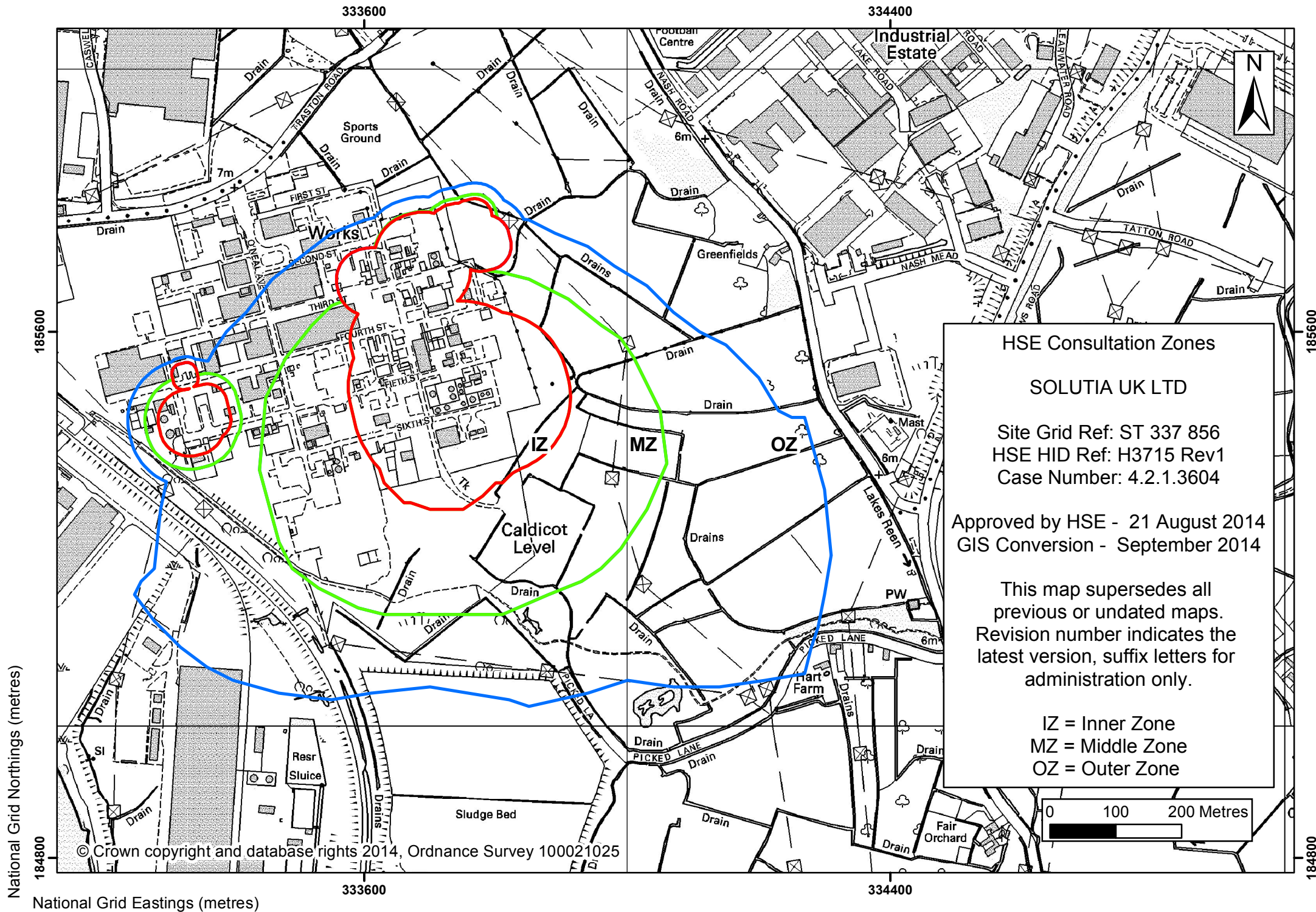
Hazardous Substance Consent Consultation Zones

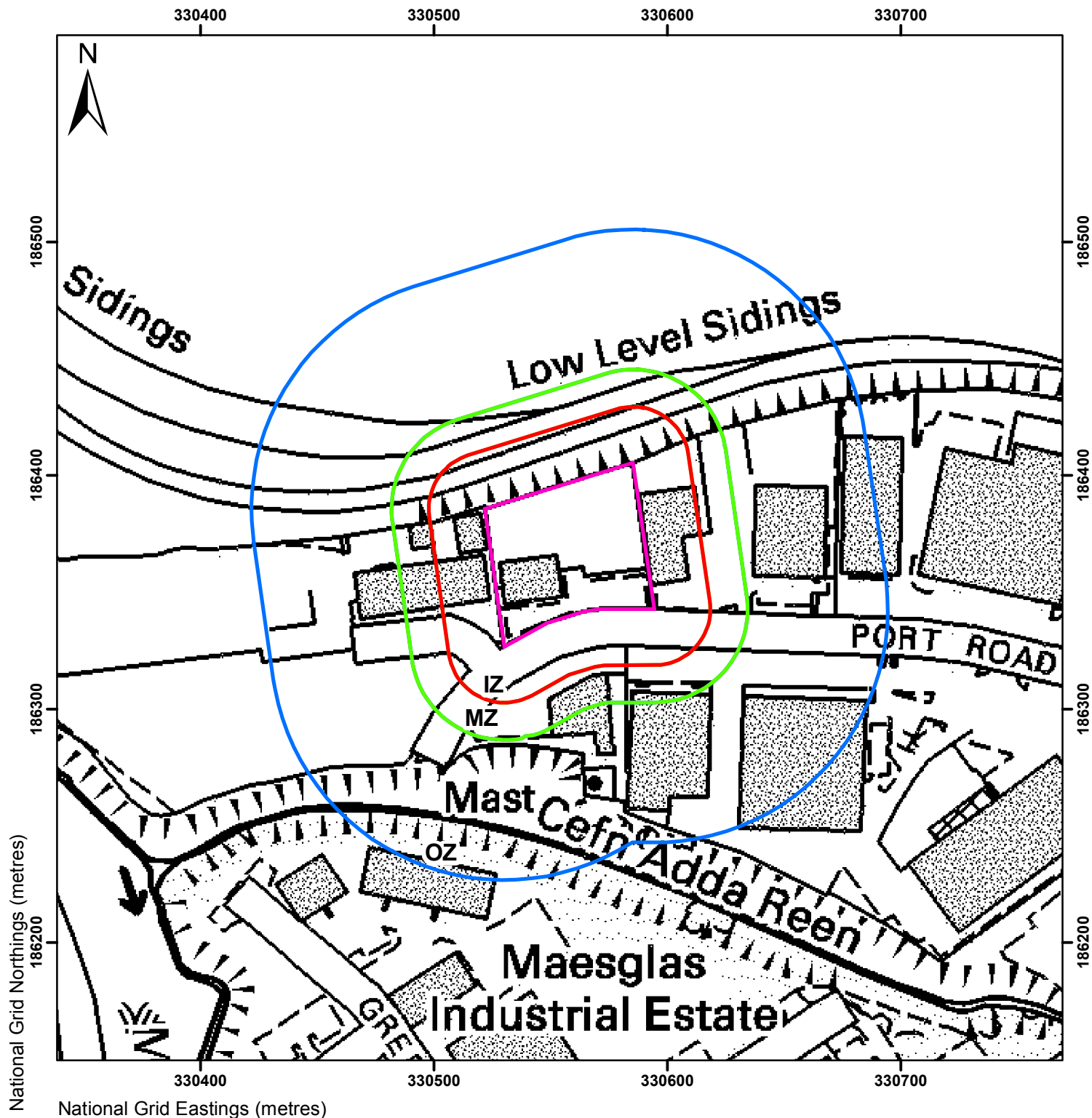












HSE Consultation Zones

Gas On Ltd

HSE HID CI5 Ref: H0736

Grid Ref: ST 305 863

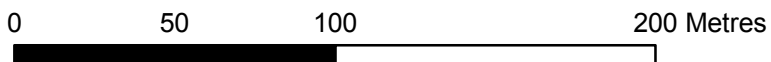
Prepared - July 2010

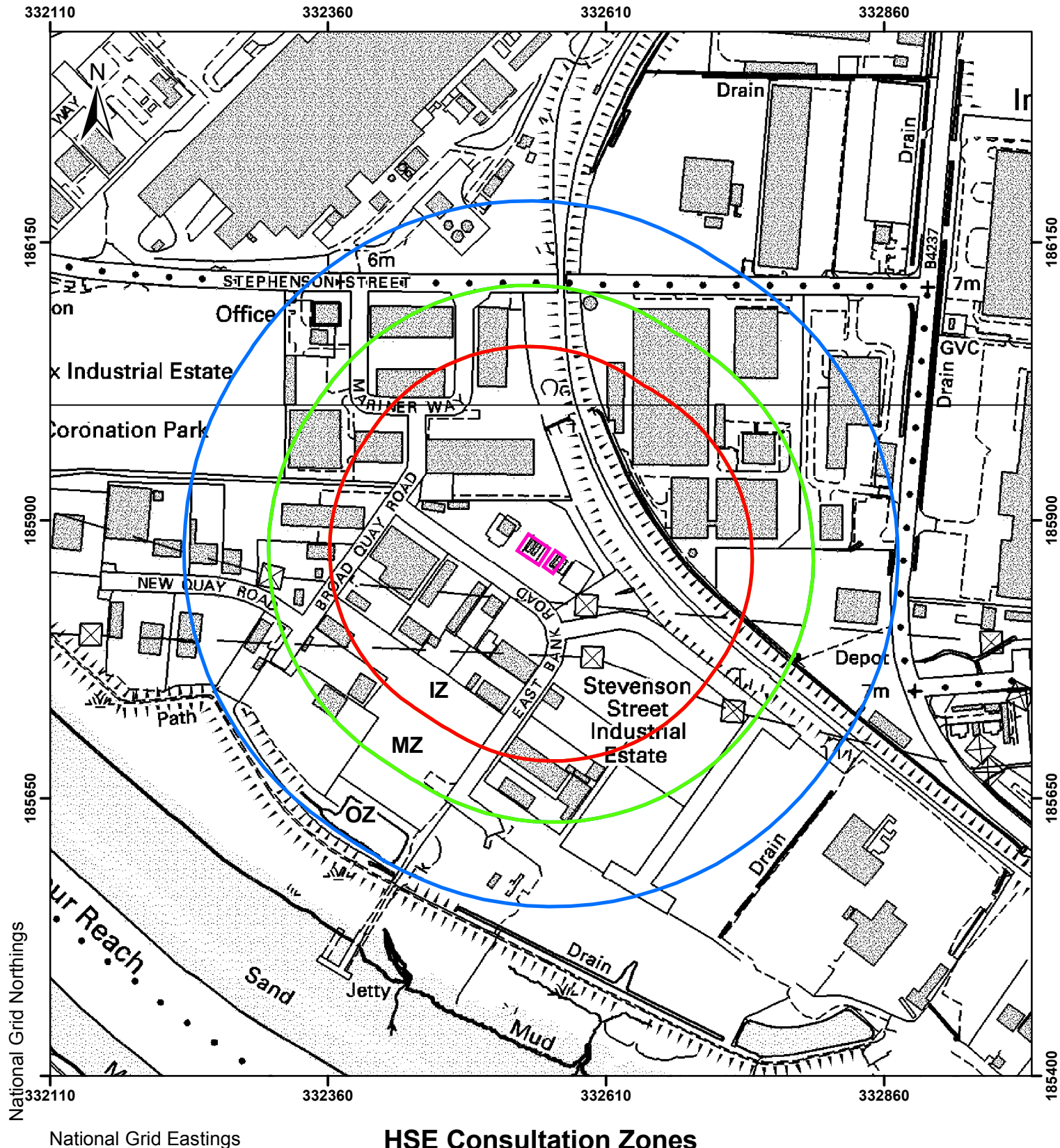
This map supersedes all previous or undated maps

IZ = Inner Zone

MZ = Middle Zone

OZ = Outer Zone





HSE Consultation Zones

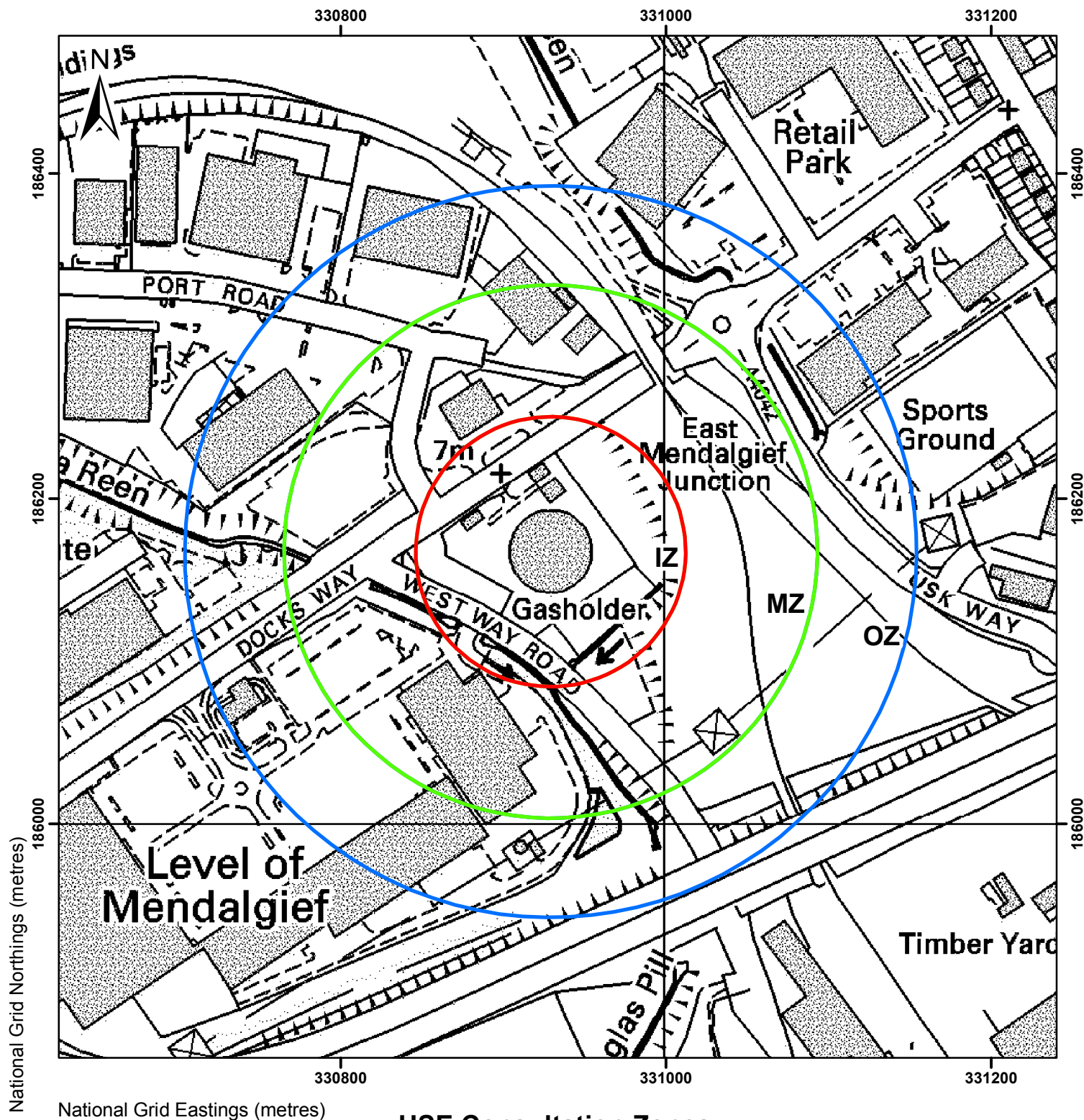
Flogas UK Ltd

HSE HID CI5 No: H0739
Grid Reference: ST 325 858

Prepared - July 2010
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IZ = inner zone
MZ = middle zone
OZ = outer zone

0 75 150 300 Meters



HSE Consultation Zones

Transco PLC, Mendalgief Holder Station

HSE HID CI5 No. H1523

Grid Ref: ST 309 862

Prepared - July 2010

This map supersedes all previous or undated maps

IZ = Inner Zone
MZ = Middle Zone
OZ = Outer Zone

0 50 100 200 Metres

