

Delegated Decision Report

Application No:	26/0191	Statutory Period Expires:	14th May 2026
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Site:	<i>Liberty Steel, Corporation Road, Newport NP19 4XE</i>		
Proposal:	<i>OUTLINE PLANNING APPLICATION FOR THE CREATION OF A SECURE COMPOUND AND THE INSTALLATION OF EXTERNAL PLANT AND EQUIPMENT TO CREATE A MODULAR DATA CENTRE TOGETHER WITH ASSOCIATED EQUIPMENT AND STRUCTURES, ENGINEERING OPERATIONS, STAFF ACCOMMODATION AND ASSOCIATED WORKS</i>		
Applicant:	<i>B. Hooton</i>		
Type:	Outline (Major)	Ward:	Llanwern
Decision:	Granted & Conditions		

1. BACKGROUND

- 1.1 The applicant is seeking Outline permission for a fenced compound that will contain modular elements that will form a data centre. Other matters are Reserved for future consideration other than Access. The compound is to be slabbed and fenced with the data centre consisting of modular pieces of kit that will be sited within the secured area. The applicant has provided exemplars of the modular units but notes that these may change since the field is advancing rapidly and that is why the application is in outline.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located due east of the Liberty Steel complex located on the east bank of the Usk between Bird Port (Port Harcon) and the power station complex at Uskmouth B. The site is elevated above the surrounding land and contains open water bodies and scrub vegetation. It is known as the 'Sloblands' and was used as a waste dump for the steelworks and its precursor aluminium works. The site has not been used for tipping activities for some years and had taken on a naturalistic scrubby character. The site visit confirms that a large area of scrub (including this application site) has been cleared of vegetation.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 See above.

4. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
25/0983	CHANGE OF USE OF PART OF EXISTING INDUSTRIAL BUILDING (USE CLASS B2) TO DATA CENTRE (USE CLASS B8) INCLUDING RECLADDING OF EXTERNAL ELEVATIONS, INSTALLATION OF ASSOCIATED PLANT AND EQUIPMENT, AND ANCILLARY WORKS	GC 26 March 2026

5. PLANNING POLICY

5.1 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

The following Policies of the adopted Newport Local Development Plan (2011-2026) are relevant to this decision:

SP1 – Sustainability

SP9 – Conservation of the Natural, Historic & Built Environment

SP18 – Urban Regeneration

GP1 – Climate Change

GP2 - General Amenity

GP5 – Natural Environment

GP6 – Quality of Design

6. CONSULTATION RESPONSES

6.1 National Grid Electricity Distribution (NGED): Advise of equipment in the area and safe working practices.

6.2 Wales & West Utilities: No interest.

6.3 HSE Major Hazards & Pipelines: No interest.

6.4 HSE Explosives: As the proposed developments falls outside of Safeguarding Distance 2 (SD2), but within SD3, of the nearby licensed explosive port (Bird Port). Provided that the none of the proposed developments constitute as "Vulnerable" HSE has no comment to make.

6.5 Dwr Cymru / Welsh Water (DCWW): Raises concerns over possible extent of potable water usage in cooling systems and requires conditions to prevent surface waters connecting to foul drainage.

6.6 Gwasaneath Tan & Achub De Cymru / South Wales Fire & Rescue Service: Advise suitable access for fire fighting and provision of a water supply for firefighting.

6.7 NCC Landscaping: Minimal information has been provided and advises that a detailed Planting scheme is provided taking account of ecological, drainage and visual considerations.

7. PUBLIC REPRESENTATIONS

NEIGHBOURS: All properties within 50m of the application site were consulted (01 property – Birdport / Port Harcon), a site notice was displayed on Corporation Road and a press notice was published in the South Wales Argus on the 04.04.2026. No comments were received.

8. ASSESSMENT

8.1 Key Issues

8.1 The key issues relevant to the determination of this application are:

- Planning Status of the site
- Landscaping and Biodiversity
- Protected Species & Biodiversity

- Character & Appearance

Minor Issues are

- Ground Contamination
- Flooding
- Explosives Risk
- Potable Water
- Foul Drainage
- Access
- Marine Plan

Planning Status of the site

- 8.2 The site is inside the urban boundary and within the Developed Coastal Zone. The site is a former tip associated with the use of the adjacent building as an Aluminium Works and later Steelworks. There are several large lagoons near the site and the site itself was covered in scrubby vegetation that had naturally arisen on the site after tipping activities ceased. As such the assumed planning use of the site is ancillary tip to a B2 industrial use. However tipping activities have long been in abeyance and it is not clear when the site was last in active use. There is no evidence of any planning condition that would secure the restoration of the tip with the 'Alumina Works' likely having been instituted in 1938 by the British Aluminium Company which predates the planning system. At some point the works was repurposed to steel manufacture in the early 1970s (Alpha Steel).
- 8.3 A review of aerial photographs shows the site of this application to have been significantly vegetated since at least the early 2000s with intermittent production shutdowns on the adjacent manufacturing site from 2007. Currently the plant has been removed from the building and officers judge the chances of the resumption of steel making or even any other industrial / manufacturing activity to be very low given the siting and condition of the building.
- 8.4 Consequently a key question is whether the tip site is or is not brownfield land. Planning Policy Wales (Edition 12) identifies brownfield land as *land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure*, which would include the areas of tipping. However the definition also excludes:
- *land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings;*
 - *land which is species rich and biodiverse and may qualify as section 7 habitat¹ or be identified as having nature conservation value;*
- 8.5 It is clear that the site has naturalistic elements such as the pools on the site and extensive areas of scrub which had been cleared at the time of the site visit in April 2026. Additionally the tip is identified as a Site of Importance for Nature Conservation (SINC) *described as an area of former Levels, containing scrub and other habitats which supports a range of species including scarce moth species, birds such as Cetti's warbler, and plants including orchids (Epicactis palustris, Ophrys apifera, Anacamptis pyramidalis, Dactylorhiza ssp.).* SINC's are non-statutory nature conservation

¹ Section 7 habitats are a statutory list of key species and habitats in Wales, established under the Environment (Wales) Act 2016, that are of principal importance for maintaining and enhancing biodiversity

designations established at local level and they confer a degree of policy protection upon those sites but there is no preclusion on development.

- 8.6 The submitted Preliminary Ecological Appraisal advises that *the habitats present are common, ecologically poor and widespread. The entire construction area will be contained within an area of underutilised open ground associated with the former steel works* but it does advise that scrub clearance should not disturb nesting birds and that it should be established if Great Crested Newts are present in nearby water bodies and therefore could be foraging across the site.
- 8.7 The Council has access to previous ecological work undertaken on this site which addressed the wider site area (blue line of this application) which identified significant ecological interest in the site overall including links to the Marine and River SACs but no habitat of significant ecological interest was located within the application area and it is unlikely that the site area was of importance for any species including those associated with the adjacent SACs given its character and scale. However there should be some caution here since a salami slicing exercise might lead to a consistent undervaluation of the site in totality as an ecological resource.
- 8.7 On balance given the lack of current commercial activity on the wider site, the greening of site naturalistically over the years and its known ecological interest leads the Council to conclude that the site is not PDL for planning purposes.

Landscaping and Biodiversity

- 8.8 The site has been cleared of vegetation but the pre-clearance position² sets the benchmark for planting and bio-diversity. Notwithstanding the findings of the Preliminary Ecological Appraisal the site clearly had some ecological value that has now been reduced through the clearance works. PPW12 requires a stepwise approach to be taken to conservation interests where avoidance and minimisation of harm are preferred. In this case the clearance has prevented this from being properly achieved since there is a limited potential to assess the impacts of the development and it is clear that much of what was there has now gone. By necessity we are in the mitigate / restore stage of the stepwise approach with an additional requirement to secure enhancement and appropriate future management so that net benefit for biodiversity can be achieved by the development.
- 8.9 The overall site is large with a substantial 'blue line area'. The preliminary ecological work available to the Council goes back to 2021 and is considered sufficiently recent to be relied upon (5 years). That work identified key parts of the site of significant ecological value that it should be retained / enhanced. However it is not clear what of these areas if any have been retained following scrub clearance works earlier this year.
- 8.10 PPW12 advises at Paragraph 6.4.16 that:

Potential applicants should not conduct any pre-emptive site clearance works before submitting a planning application as this can make it more difficult for a development proposal to secure a net benefit for biodiversity. Where a site has been cleared prior to development its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place. A net benefit for biodiversity must be achieved from that point. Habitat status can be established through evidence remaining on site and local desk-based assessments (planning authorities must

² #6.4.16 of PPW12

ensure that they have access to these data sources). In such cases, habitat status will be presumed to be good in the absence of any evidence to the contrary.

- 8.11 The applicant has blue lined the wider area of their ownership which opens up the potentiality to condition and secure compensation and enhancement outside of the tight red line for this submission.
- 8.12 Given the works of clearance calculating baselines for green infrastructure and biodiversity is difficult. However the site visit confirms the retention of some green elements and the waterbodies and a significant land area is available to the applicant to devise a scheme of compensation and enhancement for what in area terms is relatively limited scheme. As such there seems no reason to conclude that a suitable scheme cannot be designed and successfully implemented. As such a condition is proposed to secure details of a scheme, its implementation, target setting & monitoring and scope for contingency in the event the scheme fails to thrive or achieve its objectives. Subject to such a condition Policies SP1 (Sustainability), SP9 (Conservation of the Natural Environment) and GP5 (Natural Environment) can be complied with.

Character & Appearance

- 8.10 The proposed development is in effect a fenced in concrete slab that will be covered in plant in a location that is not publicly visible. As such landscape and visual impacts are very limited and need not be mitigated given the nature of the development and the location. The indicative drawings provided suggest fencing at around 3m high and various containerised components at a similar height. The tallest piece of indicated equipment being the 'Buffer Vessel' at 3.5m high. In any event the LPA will retain control of the appearance of the development at Reserved Matters and if considered necessary a screening planting plan can be imposed then when appearance and layout have been finalised. Policies GP2 (Visual Amenity) and GP6 (Design) can be complied with.

Protected Species & Biodiversity

- 8.11 The Preliminary Ecological Appraisal (March 2026) advises that Great Crested Newt (GCN) Surveys are required given that water bodies are present within 250m of the site and advises these should be done before work commences. The survey advises that mitigation can be agreed via the Licensing Process overseen by CNC/NRW.
- 8.12 CNC/NRW initially advised that without appropriate surveys there was insufficient information to assess whether there would be an unacceptable impact on Great Crested Newts. Surveys of adjacent water bodies have now been completed and there is no evidence that GCN are present on the site. CNC/NRW confirm their agreement with these findings and this species issue falls away.
- 8.13 The previous ecological survey information conducted on this site in 2020 identified variation in habitat quality across the wider site with the greater interest in the south towards Julians Reen. No particular habitat or species interest was identified within the current application area but that area is known to have been partially covered in broad leaved woodland, scrub and open ground. From that PEA and examination of aerial photographs.

- 8.14 In terms of Appropriate Assessment the applicant concludes there was no functional linkage between the application site and the River and Marine SACs. That was not the conclusion of the earlier PEA which advised:

The Site is a SINC and includes priority habitats such as OMH, wet woodland, reedbeds and ponds. These habitats are of biodiversity value in their own right, and provide suitable conditions for a range of protected and priority species/groups including several which are interest features of nearby designated sites (Gwent Levels SSSI, River Usk SAC/SSSI, Newport Wetlands SSSI and Severn Estuary SPA/SAC/Ramsar/SSSI).

The mosaic of different habitat types and structures is key to the Site's biodiversity value, offering suitable niches for a range of species. It is therefore recommended that as far as practicable examples of each of the vegetation types currently present be retained post-development or recreated where this is not possible. Ideally the most established and/or species-rich areas along with those which support uncommon species should be targeted for retention.

- 8.15 The red line site is remote from these more ecologically valuable southern sections and although itself being a mosaic habitat it was primarily open ground with large areas of this habitat type being present elsewhere on the site. The areas of semi-natural broad-leaved woodland and dense / continuous scrub were smaller and are again well represented habitats on the wider site (before clearance at least).
- 8.16 As such the red line area is physically small and removed from the areas of the wider site that had been identified as especially ecologically valuable. However this does not mean that the application site was entirely lacking in ecological value since the mosaic habitat it represented is acknowledged as having value in the earlier PEA. In terms of the stepwise approach the applicant must default to compensation / enhancement if they are to meet the requirements of national policy in terms of bio-diversity. In this case the compensation / enhancement should be seen as on-site given the contiguous nature of the wider site with the application site i.e. the blue line is a contiguous mosaic of inter-related habitats and this is what gives it much of its overall value. Subject to 'proof of concept' in terms of that compensation / enhancement mitigation exercise then there is no reason to think national policy objectives cannot be met in terms of bio-diversity or that this necessary work could not be secured under condition.

Appropriate Assessment

- 8.17 In terms of the European Sites (SACs / SPA) & the River Severn Ramsar site the species of interest are birds associated with the SACs, SPA & Ramsar Site and otters, that is mobile species that might use the wider site for foraging, resting and breeding especially the southern part of the site which is connected to the River Usk SAC hydrologically and by a 'habitat corridor' along Julians Reen. In terms of birds, the key habitat of interest would be the ponds and especially the southern ponds. For otters the southern ponds and associated wooded corridors along Julians Reen and the site edges are the most significant areas and direct evidence of otters (footprints) were observed on site.
- 8.18 Risk to birds, otter and fish species and water quality in general terms would be:
- Directly via Mobilisation of Sediment / Contamination and a reduction in water quality (chemically and turbidity) in interconnected water bodies on the wider site and including directly upon the Lower Usk SAC itself via Julians Reen.

- Indirectly via Noise & General Disturbance during construction and operation.

The loss of the red line site itself being minor or negligible in impact on otter and bird interests given its scale and separation from the areas of identified species interest.

- 8.19 In terms of the construction phase the risk to water quality and associated SAC interests arises from mobilisation of sediment and ground contamination via works of ground disturbance with mobilised sediment at risk of wash out from the site via existing contamination pathways, that is water courses and water bodies on the site.
- 8.20 Additionally disturbance to otter and bird features on the wider site would arise from the construction activities themselves, that is noise, vibration and lighting.
- 8.21 Other construction risk arises from the potential of piled foundations to open up contamination pathways from polluted ground to deeper lying clean ground. Proposed condition 05 will address this risk by controlling foundation design.
- 8.22 An appropriate CEMP will help to control risks to water quality and general disturbance on the wider site and is proposed at Condition 07, see summary table.
- 8.23 The site is currently a polluted tip with no mitigation of wider environmental risk. At least so far as the application site is concerned decontamination conditions proposed (Conditions 01-06) and these will act to reduce the pre-existing contamination risk likely by cutting off polluted ground from water infiltration.
- 8.24 Subject to conditions the construction phase of the scheme will have controllable and minimised risks and is very unlikely to have any significant effect on the nearby SACs, the SPA or the Severn Ramsar site.
- 8.25 In terms of operation the development is a server farm and its likely characteristics will be the installation of fixed plant on a concrete slab. However since all matters (other than Access) are reserved it is not clear what the true character of this development will be and the noise characteristics of the plant are unclear. As such it is proposed to apply a Noise Assessment condition that will limit the noise output from the site to existing background noise levels or not more than 3dB higher than background. This will control operational noise and secure a positioning of no worsening over the current site conditions.
- 8.26 The other likely risk from the operational phase would be the potential for extensive lighting but this is proposed to be controlled under condition 12 which means this risk is controllable and no harm should accrue to SAC interests on the wider site.
- 8.27 Overall subject to the proposed conditional regime the risk to SAC interests is very low to negligible.
- 8.28 CNC/NRW have considered the applicant's shadow HRA which concluded that an Appropriate Assessment was not required and disagrees with that conclusion. CNC/NRW have reviewed the LPA's Appropriate Assessment that forms part of this report and agreed with its conclusions of no significant effect on European sites subject to the application of planning conditions.

Appropriate Assessment Summary Table

Impact	Fish	Otter	Birds
Construction: Disturbance; light, noise, vibration	No impact due to separation of SAC, SPA and Severn Ramsar area from the application site.	Potential Impact on otters using the wider site for foraging, resting up or transit. Controllable via CEMP to limit hours of operation, site lighting and to screen the site to prevent access and light spill. Impacts can be controlled and reduced to slight via conditional controls. Proposed Conditions 02 Decontamination 03 Decontamination Verification Report 04 Monitoring Plan 05 Unforeseen Contamination 06 Foundation Design 07 Infiltration of Waters 08 CEMP 09 Foul & Surface Water Drainage 14 Lighting Control 15 Noise Assessment	Potential Impact on birds using the wider site for foraging, resting up or transit. Controllable via CEMP to limit hours of operation, site lighting and to screen the site to prevent access and light spill. Impacts can be controlled and reduced to slight via conditional controls. Proposed Conditions 02 Decontamination 03 Decontamination Verification Report 04 Monitoring Plan 05 Unforeseen Contamination 06 Foundation Design 07 Infiltration of Waters 08 CEMP 09 Foul & Surface Water Drainage 14 Lighting Control 15 Noise Assessment
Construction: Mobilisation of sediment & contamination during	Potential impact if construction site drainage is not controlled with polluted waters (from ground contamination) entering the pool sequence on site and then via Julians Reen to the river and marine SAC / SPA / Ramsar Site	See left.	See left.

	Risk is controllable via the conditional regime which would require details of construction site management of waters and methods to control run-off in quantity and quality. Long-term the site would need to show how contamination risks to the wider environment and human health were controllable. Conditions require base line assessments and decontamination measures. Proposed Conditions 02 Decontamination 03 Decontamination Verification Report 04 Monitoring Plan 05 Unforeseen Contamination 06 Foundation Design 07 Infiltration of Waters 08 CEMP 09 Foul & Surface Water Drainage 14 Lighting Control 15 Noise Assessment		
Operation: General Noise & Disturbance	No impact due to separation.	Otters, limited risk due to separation from principal areas of otter interest on the wider site. Use unlikely to generate significant noise or disturbance due to the inherent	See otters.

		nature of the processes (server farm) and application of controlling condition. Conditional controls over lighting will reduce risk of disturbance to species through light spill. Proposed Condition 13 Lighting Control 14 Noise Assessment	
Operation: run-off / contamination mobilisation	Site will operate off an impermeable hard surface increasing run-off but reducing immediate infiltration. The development will need SAB approval so controls over runoff can be exhibited under that regime and would not be duplicated under planning controls. Risk of contamination mobilisation would be minimal and likely reduced over the pre-development scenario through applied conditional controls in relation to known site contamination. Risk is slight / negligible. Proposed Conditions 07 Infiltration of Waters 09 Foul & Surface Water Drainage	See left.	See left.

Ground Contamination

- 8.29 Cyfoeth Naturiol Cymru / Natural Resources Wales (CNC/NRW) notes the site is contaminated and advise that a full suite of conditions are applied in relation to contamination issues. Given the nature of the development there is no reason to think that contamination issues cannot be effectively dealt with long term. Given the risk of mobilising contaminants during the construction process a Construction Environment Management Plan will also be required given the potential for mobilised contamination to enter the River Usk via Julians Reen. Subject to conditions Policies SP9 (Conservation of the Environment) and GP7 (Environmental Protection) are complied with.

Flooding

- 8.30 The compound itself is outside of the flood zones identified in Flood Map for Planning and flooding is not a constraint on the compound per se. However the application site does include road access to the adopted highway. Some of this route is via undefended flood plain in Flood Zone 3 for tidal flooding with the defended areas being beyond the railway underpass on Corporation Road.
- 8.31 In practical terms this means that access and egress to the site will not be available during flood events since the road out will flood beyond tolerable limits posing significant risk to all users. However the development itself would remain outside the flood outline. Officers conclude the risk posed by flooding is small. The compound will create 10 jobs (application form) but the site has an existing employment use and the risk is from a predictable tidal flood with scope for employees to shelter in place in the event of a flood and then leave as the tide recedes. Risk would principally be from people trying to leave through deep and fast flood waters and it might be possible to minimise this risk by conditioning a flood event management plan. However the reality is that this would advise leaving before the onset of a flood event or staying in place during a flood which is straightforward common sense so there seems little point in requiring it. Overall the risk posed by flooding is seen as an acceptably manageable risk and Policies SP3, (Flood Risk), GP1 (Climate Change) and GP7 (Environmental Protection) are complied with.

Explosives Risk

- 8.32 The Health & Safety Executive (HSE) advises that the site falls within Safeguarding Distance 3 for the explosives port at Bird Port / Port Harcon but they are unconcerned subject to no building within the proposal being vulnerable which amounts to tall or large buildings or any other building that might be prone to progressive collapse. No such building is proposed as part of this submission and so there is no significant explosives risk that might count against the development proceeding. Policy GP7 (Environmental Protection) is complied with.

Potable Water

- 8.33 Dwr Cymru / Welsh Water advise that a high demand for potable water for cooling systems in this location may not be able to be met. However the applicant suggests that the cooling required will be via a sealed loop system that will require minimal water usage. This form of cooling system can be secured under condition which would address the concerns of DCWW and bring compliance with Policy SP4 (Water Resources).

Foul Drainage

- 8.34 CNC/NRW note that there is no information over foul drainage for the proposal. However the development proposed would employ 10 full time workers (application form) and so the generation of some foul drainage can be expected. However given the scale of the proposal that could be dealt with under any conditional regime and so is not a reason to withhold permission.

Access

- 8.35 Access has not been reserved and has been shown as being achieved via the adjacent Liberty Steel site. The identified route would require the demolition of certain structures and the relocation of what appear to be large shipping containers. It is not clear what the demolished structures are but they are likely to be cooling banks for water used in the steel making process. Given that steel making has ended and much of the internal equipment has been removed from the main building the loss of these structures would not be harmful to the manufacturing potential of the adjacent site. It is not clear from the submission what the new road would be but it is likely to be rolled reclaimed stone / slag which reflects the wider hard standing on the site but this can be controlled via condition. The proposed CEMP will control the demolition process. In terms of the application description the demolitions and the road are covered off under 'associated works'.

Marine Plan

- 8.36 Pollution risks to the Marine environment can be controlled via the conditional regime (see AA) and Policy SOC 03 (Marine Pollution Incidents), ENV 01 (Resilient Marine Ecosystems), ENV 02 (Marine Protected Areas), ENV 06 (Air & Water Quality) and ENV 07 (Fish Species & Habitats) are complied with.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 *Planning (Wales) Act 2015 (Welsh language)*

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 *Newport's Well-Being Plan 2018-23*

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

10.1 Subject to conditions, the proposal is acceptable and permission can be granted.

11. DECISION

GRANTED & CONDITIONS

Non-Standard Conditions

01 Plans: The development shall be implemented in accordance with the following plans and documents:

- Drawing VLS-FEA-S1-XX-DP-A-0002 P4 - 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.

Pre-commencement & Decontamination Conditions

02 Decontamination: No development, of land known to be / suspected of contamination, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:

- i. all previous uses
- ii. potential contaminants associated with those uses
- iii. a conceptual model of the site indicating sources, pathways and receptors
- iv. 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 results of the site investigation and the detailed risk assessment referred to in (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 the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance

with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination. Policies SP1, SP9, GP5 & GP7.

03 Decontamination Verification Report: Prior to the occupation of the development a verification report demonstrating completion of works set out in the approved remediation strategy 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 to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Policies SP1, SP9, GP5 & GP7.

04 Long term monitoring plan: Prior to the operation of the development a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority.

The long term monitoring plan should include:

- i. Details of the methods and triggers for action to be undertaken
- ii. Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of
- iii. monitoring for 3 years unless the monitoring reports indicate that subsequent
- iv. monitoring is or is not required
- v. Timescales for submission of monitoring reports to the LPA e.g. annually
- vi. Details of any necessary contingency and remedial actions and timescales for actions
- vii. Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason: A long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters. Policies SP1, SP9, GP5 & GP7.

05 Unsuspected contamination: If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out in the area affected by that unsuspected contamination until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to the water environment, and to ensure that the development can be carried out safely without unacceptable risks. Policies SP1, SP9, GP5 & GP7.

06 Piling/foundation design: Piling or any other foundation designs using penetrative methods shall not be 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 groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling. Policies SP1, SP9, GP5 & GP7.

07 Infiltration of surface water: 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. The development shall be carried out in accordance with the approval details.

Reason: To prevent pollution to the water environment. Policies SP1, SP9, GP5 & GP7.

08 CEMP: No development, including site clearance / demolition shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Identification of structures to be demolished and the methodology to demolish them.
- Details of site construction drainage, run-off containment areas and pre-discharge treatment, details of buffer zones between working areas / storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain and how contamination will be prevented from entering surface waters either directly or indirectly.
- Details of the locations of site offices, welfare facilities, stores of materials, soils, spoil or waste including maximum dimensions including height.
- Details of site enclosure and temporary construction lighting and how light spill will be minimised.
- Details of the location of any semi-permanent plant on site including cement silos and crane pads, including maximum heights.
- Control of nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic / visual barriers and details of dust control measures;
- Resource management: details of fuel and chemical storage and containment in the event of spills or leaks; details of waste generation and its management demonstrating how relevant Guidelines for Pollution Prevention and best practice will be implemented, to include details of emergency spill procedures and an incident response plan.

- Traffic management: details of site deliveries, wheel wash facilities and contractor parking arrangements.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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

Reason: the wider site has significant ecological interest in terms of habitats and species, including species associated with the River Usk SAC, the Severn Estuary SAC and the Severn Estuary SPA and is hydrologically connected to the River Usk SAC. Policies SP1, SP4, SP9, GP5 & GP7.

Pre-construction Conditions

09 Foul & Surface Water Drainage: No foul and surface water drainage, including any proposed attenuation shall be constructed until such a time as details of that drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage shall be installed as approved prior to the first beneficial use of the site and retained thereafter for the lifetime of the development.

Reason: to control run-off and water quality in the interest of the wider environment including the hydrologically connected River Usk SAC. Policies SP1, SP4, SP9, GP2, GP5 & GP7.

10 Boundary Treatments: Prior to the construction of any boundary treatments details of their siting, design and appearance shall be submitted to and approved in writing by the Local Planning Authority. No boundary treatments shall be installed that have not been approved by the Local Planning Authority.

Reason: to protect visual amenity, secure good design and to protect the ecological interests of the wider site. Policies GP2, GP5 & GP6.

11 Cooling System: No cooling system shall be installed until details of that cooling system have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall show the minimisation of the use of potable water. Only the approved cooling system shall be installed thereafter and no other.

Reason: it has not been demonstrated that a cooling system using large quantities of potable water could be supported by local infrastructure and Dwr Cymru / Welsh Water would object to such a system. Policies SP1, SP4, GP2 & GP3.

12 Ecological Compensation & Net Benefit for Biodiversity: No development shall commence until such a time as details of an Ecological Compensation and Enhancement Plan have been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a. Clearly identify the compensation / mitigation area, planting, wider ecological works and management strategies proposed in relation to identified habitats and species,
- b. Set or establish pre-development baselines for that planting, ecological work & management and establish a monitoring regime going forward.
- c. Set clear and measurable targets for the planting, ecological works & management proposed (informed by baselines established under b.) including timescales that are:
 - Short term – 5 years and less
 - Medium term – 6 to 10 years

- Long term – 11 years and more
- d. Establish a reporting regime for those ecological targets (identified species and habitats) with reports to be submitted to the Local Planning Authority in writing in accordance with an approved timetable.
- e. Where reporting establishes failure to reach or maintain stated ecological targets, or the Local Planning Authority refuses to approve the conclusions of any submitted Monitoring Report, contingency measures in the form of a fully revised Ecological Compensation and Enhancement Plan (including measures such as further planting or ecological works or revised management) is to be submitted as a fully amended document to, and approved by the Local Planning Authority. The revised Ecological Compensation and Enhancement Plan shall be implemented fully as approved. Any approved revisions shall be subject to the same monitoring and target setting as the original scheme unless the Local Planning Authority agrees to any revised monitoring and target setting that arises from the reporting & contingency regime.
The scheme shall be implemented fully as agreed (including any further approved revisions) for the lifetime of the development.

Reason: to secure enhanced green infrastructure, mitigation for adverse impacts on species & habitats and net-benefit for bio-diversity on the site over the lifetime of the development. Policies SP1, GP2, GP5 & GP6 and PPW12.

13. Prior to the commencement of development, full details of the access road hereby approved to include details of the width of the road, surface finish and height above existing ground level, shall be submitted to and approved in writing by the Local Planning Authority. The access road shall thereafter be provided prior to construction works on the compound and data centre hereby permitted.

Reason: to ensure a safe and suitable access is provided to the site. Policy GP4.

Other Conditions requiring Information

14 Lighting control: No external lighting shall be installed on the site which has not been first approved in writing by the Local Planning Authority. Any submitted scheme shall demonstrate that lighting is the minimum required and that there will be no significant light spill beyond the site boundary.

Reason: to prevent light spill to ecologically sensitive areas beyond the site boundaries and to reduce general light pollution in the interests of wider amenity and the rural character of adjacent land. Policies SP1, SP5, SP9, GP2, GP5 and GP7.

15 Environmental Noise Assessment: no plant shall be installed on the site until an Environmental Noise Assessment has been undertaken for the proposed equipment demonstrating that plant noise will not exceed pre-existing background levels by more than 3dB. If mitigation is required to achieve this, it shall be installed prior to operation and be retained and maintained as such for the lifetime of the development.

Reason: to prevent noise adversely impacting ecologically sensitive areas beyond the site boundaries. Policies SP1, SP5, SP9, GP2, GP5 and GP7.

NOTE TO APPLICANT

01 This decision relates to the following plan & documents:

- Appendix 3 – Habitat Regulations Assessment (HRA) Screening Report

- Liberty Steel Site – Modular Data Centre: Flood Consequence Assessment (March 2026)
- Preliminary Ecological Appraisal (06.03.2026)
- Proposed Modular AI Centre - Supporting Planning Statement (March 2026)
- Design & Access Statement (March 2026)
- Drawing VLS-FEA-S1-XX-DP-A-1201 P2 – Proposed Site Plan
- Drawing VAH-FEA-S1-XX-DP-A-1202 P1 - Security Office, Modules & Fence
- Drawing VAH-FEA-S1-00-DD-A-6903 P1 - Power Module Unit
- Drawing VAH-FEA-S1-00-DD-A-6902 P1 - Data Module Unit
- Drawing VLS-FEA-S1-XX-DP-A-1100 P2 – Existing Site Plan
- Drawing VWC-FEA-S1-XX-DD-A-6900 P1 - Assembly Detail Perimeter Fence
- Drawing GB3-05289-25052-007E 0 - CHILLER DETAIL
- Drawing GB3-05289-25052-007F 0 - DRY COOLER DETAIL
- Drawing GB3-05289-25052-007G 0 - LCS PUMP SKID DETAIL
- Drawing GB3-05289-25052-007H 0 - ACS PUMP SKID DETAIL
- Drawing GB3-05289-25052-007J 0 - BUFFER VESSEL DETAIL SINGLE LINE DIAGRAM

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, SP18, GP1, GP2, GP5 & GP6 were relevant to the determination of this application.

03 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

04 It is considered that the decision has been made in conformity with the Marine Policy Statement (2011) and in accordance with marine national planning policy contained within the Welsh National Marine Plan (2019) as demonstrated in the assessment of this proposal.