

Delegated Decision Report

Application No:	25/0983	Statutory Period Expires:	27 March 2026
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Site:	<i>Liberty Steel Corporation Road Newport NP19 4XE</i>		
Proposal:	<i>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</i>		
Applicant:	<i>P. Hughes</i>		
Type:	Full	Ward:	Llanwern
Decision:	Granted & Conditions		

1. BACKGROUND

- 1.1 The application is for change of use of part of the 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. The site is at the southern end of the former steelworks building at Liberty Steel and the data centre would be contained at first floor level within the refurbished building. The ground floor would be used for parking.
- 1.2 The applicant is not seeking to fix the internal layout of the data centre at the current time and anticipates that would be dealt with via condition.
- 1.3 The proposed recladding would be of thermally insulated panels externally finished in a rusty orange-brown coating (BS 4800 04-C-39; Copper Beech):



- 1.4 No other works are proposed.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is at the southern end of the Liberty Steel site adjacent to the River Usk SSSI / SAC adjacent to Julian's Pill. The existing site is industrial (post-industrial) in character with the building currently in decay.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 See above.

4. RELEVANT SITE HISTORY

None relevant.

5. PLANNING POLICY

- 5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change,

highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

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

SP3 – Flood Risk

SP8 – Special Landscape Areas

SP9 – Conservation of the Natural, Historic & Built Environment

GP1 – Climate Change

GP5 – Natural Environment

GP6 – Quality of Design

5.4 SUPPLEMENTARY PLANNING GUIDANCE

The following adopted Supplementary Planning Guidance (SPG) is relevant:

- Wildlife & Development
- Parking Standards

5.5 WALES NATIONAL MARINE PLAN

The following Policies are relevant:

SOC 07 – Seascapes

SOC 08 – Resilience to Coastal Change

SOC 11 – Resilience to Climate Change

6. CONSULTATION RESPONSES

- 6.1 Cyfoeth Naturiol Cymru / Natural Resources Wales: have concerns over flood risk in regard to the proposal but do not object. CNC/NRW note that the 1 in 200 year flood peak could be 2.75m above current ground levels and that there is no assessment of the 1 in 1000 year event. There is also no assessment of flood velocities and flood hazard. CNC/NRW consider the change proposed is from a less vulnerable use to a more vulnerable use.

In terms of protected sites (the Usk) CNC/NRW conclude the development is not likely to have any significant effect on the Usk but note it is for the LPA to undertake an appropriate assessment of any likely effects and consult CNC/NRW on that assessment.

In terms of protected species CNC/NRW advise that there are records of otter and Great Crested Newts in the area and advise the LPA consults the Council Ecologist.

- 6.2 National Grid Electricity Distribution: Advise of equipment in the area and safe working practices.
- 6.3 Wales & West Utilities: no interest.
- 6.4 Health and Safety Executive: No objection subject to the building being constructed from a non-frangible cladding and therefore being non vulnerable to the explosives hazard at Bird Port and no objection to the development being 'stacked' within a hazard zone.

- 6.5 Heneb: No objection.
- 6.6 Dwr Cymru / Welsh Water (DCWW): no objection in relation to sewerage provision but expresses concerns over demand for potable water and a require a condition to control surface water drainage.
- 6.7 National Grid Electricity Distribution: Advise of equipment in the area and safe working practices.
- 6.8 Wales & West Utilities: No interest.
- 6.9 NCC Highways: No objection.
- 6.10 NCC Landscaping: If national GIS and local LDP policies apply to a change of use and recladding application, a proportionate new planting scheme should be provided to mitigate and enhance the site and its context in addition to incorporating other ecological measures as advised by the ecology consultee.

6.11 NCC Ecology:

As the proposed project entails conversion of part of an existing industrial building into a data centre, and re-cladding the same building, then significant impacts upon protected species such as Otters and Great Crested Newts are unlikely. Therefore I would not ask for any protected species surveys on this occasion.

I note that NRW have accepted the conclusions of the Habitat Regulations Assessment (HRA) Screening Report, and agree that the proposed project is not likely to have a significant effect on the SAC. Therefore in respect of our responsibilities under Regulation 63 the Conservation of Habitats & Species Regulations 2017 (as amended), we can adopt the Screening Report as our HRA, and do not need to consult NRW further, as an Appropriate Assessment is not necessary.

I note the proposal to re-clad the existing portal frame roof. I would not ask for a bat survey, as the nature of the building and the roofing materials is generally not suitable for bats. The roof is relatively flat and may support nesting birds such as Gulls. The Applicant should be reminded to avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

- 6.12 NCC SAB: Generalised comments offered on the potential need for a SAB application.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 27.11.2025, a Site Notice was displayed on 03.12.2025. No responses were received.

8. ASSESSMENT

Key Issues

- 8.1 The key issues relevant to this determination are:
- Flooding
 - Water Supply
 - Ecology & Appropriate Assessment
 - Appearance & Construction

Minor issues are:

- PD removal
- Marine Plan

Flooding

- 8.2 The site is an undefended flood plain in Flood Zone 3 for flooding from the sea. The site is a currently disused steelworks within the urban boundary. The scheme would see a 'server farm' installed at first floor level in part of the retained steelworks with the ground floor area being used for car parking. Employment would be 6 persons full time and 2 part time (application form).
- 8.3 The applicant has submitted Flood Consequences Assessment (FCA) which is based on an FCA submitted for development on an adjacent site (Uskmouth Power Station). Cyfoeth Naturiol Cymru initially objected to the proposal on the basis that the submitted FCA did not demonstrate that the risk of flooding could be acceptably mitigated over the lifetime of the development and noted that the site was not shown to be flood free as required under national policy.
- 8.4 A further response notes that the proposed change is less vulnerable development to less vulnerable development and notes the potential for mitigating risk at first floor level but not at ground level and notes deficiencies in the FCA in relation to the extreme event and what water velocities and hazard rating might be. However there is no outright objection on flood grounds in this later response.
- 8.5 Technical Advice Note 15 - Development, flooding and coastal erosion (undated) advises that applications in Zone 3 require the strongest justification and that Highly Vulnerable Development should not be allowed on greenfield land in Zone 3 regardless of any technical assessment carried out. In all other cases the advice is:

10.23 Other proposals will only be appropriate if they are essential to the Development Plan Strategy to regenerate an existing settlement or achieve key economic or environmental objectives. Any redevelopment proposal must be consistent with the acceptability considerations in section 11.

TAN15 also advises that where the risk of flooding is accepted and justified that it must be shown to be capable of suitable levels of mitigation. In essence CNC/NRW's concerns are that this has not been robustly demonstrated and there are clear concerns that access / egress routes and ground floor uses (parking) will flood within frequency thresholds (1 in 200 years) and beyond acceptable levels in the extreme event (1 in 1000 years) over the lifetime of the development (75 years allowing for climate change).

CNC/NRW advise that the FCA states that the proposed finished first floor level is likely to be above 1 in 200 year plus climate change flood level given the elevated nature. We note the ground floor car park will be formed at the existing level, expected to be circa 8m Above Ordnance Datum (AOD) and the flood depth could be 2.75m during the 1 in 200 year plus climate change event.

Which is to say that TAN15 tolerable flood conditions will not be met and the ground floor and the access will flood beyond tolerable levels within the lifetime of the development.

- 8.6 On its face the proposal does not conform with national flood policy and is unacceptable since the effects of flooding are outside the acceptable criteria set out in national policy. That said it appears probable¹ that the effects of flooding can be mitigated at first floor level meaning that the servers will be dry so long as they are set at 2.75m or higher above current ground levels. This is not certain because the submitted FCA is insufficiently site specific, but it is likely. The TAN gives some comfort on this point where it advises that more vulnerable uses should not be provided at ground floor level and should be flood resilient. It is clear that parking is a less vulnerable use (Figure 4 of the TAN) and would be by its nature more flood resilient and use of the ground floor can be controlled under condition. Additionally cars are moveable and tidal floods are predictable so property risk can be easily reduced by removing vehicles from the site.

¹ The planning 'test'.

- 8.7 Access and egress is more problematical. It is quite clear that these routes will not be available in a flood event and will flood beyond tolerable limits and likely to an extent that would constitute danger to all i.e. flood waters would be deep and fast and not safely navigable to anyone. This is contrary to the advice of the TAN. However safe refuge is likely to exist for anyone caught on site at first floor level and this LPA has long adopted the principle of 'containment' in relation to flood risk i.e. that where persons can safely wait out a flood in safe and tolerable conditions then the lack of access / egress should not be a reason for refusal of permission. Without this, significant parts of the city would have been rendered undevelopable.
- 8.8 The site is within the urban area and has an existing B2 use (steelworks) and so is previously developed land and has a fallback use. The reuse of PDL is preferred in national and local policy but the fallback position has limited weight given the now long disuse of the site and the increasingly poor condition of the building and the fact plant has been stripped out and either scrapped or relocated. However the reuse of the site and the general regeneration benefits of the scheme are highly desirable alongside the contribution that the scheme would provide economically per se which would go beyond its limited employment prospects. The scheme has significant merit which attracts substantial weight in any decision.
- 8.9 Overall the scheme is not compliant with national flood policy and cannot be brought into compliance by condition since there is no effective mitigation for the ground floor elements and the access / egress route. However, the first floor element can (on the balance of probabilities, given the available evidence) be elevated above the 1 in 200 year event for the lifetime of the development and potentially within the flood parameters of the extreme event. As such flood risk can be acceptably minimised on the site subject to condition with the risk ultimately being only to property since personnel can also evacuate the site in the event of a predictable tidal flood. In any event personnel presence will be low and likely much lower than the current lawful use, although as noted above, that fallback is given little weight. Subject to conditions controlling floor levels, ground floor usage, flood resilience and contingency planning during flood events harm from flooding can be minimised but not eliminated.

Water Supply

- 8.10 Dwr Cymru / Welsh Water (DCWW) have queried whether the water demand by the development can be met since servers have significant cooling requirements. The applicant has explained that the cooling system to be installed is a closed loop system using a fluid akin to air conditioning units which is itself cooled by a heat exchange arrangement to the air. As such the proposal has minimal water requirements and so this concern falls away so long as that method of cooling is secured under condition.

Ecology & Appropriate Assessment

- 8.11 The site is closely adjacent to the River Usk Special Area of Conservation (SAC) and the Lower Usk Special Area of Conservation (SSSI). CNC/NRW advise that *from the information provided, we consider that the proposal is not likely to have a significant effect on the SAC*. The Council's Ecologist agrees with this stance and concludes that the Habitat Regulations Assessment (November 2025) provided by the applicant can be co-opted as our own without further recourse to CNC/NRW. That Assessment identifies various potential impacts and concludes that given the nature of the development environmental impacts will be very low. However the Assessment provided does not consider potential noise and vibration impacts during the construction phase which could potentially be significant to migrating fish and other interests such as otter. However a suitable CEMP condition can address these concerns and subject to this and control over other issues such as construction site drainage and sediment mobilisation, construction effects can be suitably controlled. Subject to a condition to control construction activities the special interests of the SAC can be protected and the scheme would accord with Policies SP4 (Water Resources), SP9 (Conservation of the Natural, Historic & Built Environment), GP5 (Natural Environment) and GP7 (Environmental Protection). In respect of LPA responsibilities under Regulation 63 the Conservation of Habitats & Species Regulations 2017 (as amended), the Screening Report is the LPA HRA in this case and subject to conditions, no Appropriate Assessment is required.

Appearance & Construction

- 8.12 Appearance will be controlled by the final choice of cladding material and flood resilient construction can be required under condition. In context the chosen material is appropriate and the site currently has poor visual amenity which will not be impacted by the chosen materials. Policies GP2 (Amenity) and GP6 (Design) are complied with.

Removal of Permitted Development

- 8.13 Schedule 2 Part 8 of the General Permitted Development Order 1995 (as amended) allows the alteration or extension of an industrial building or a warehouse with limits set out by condition. Potentially this allows the extension of the building with a flood prone area and although limitations on use (ground floor) would still apply the potential to increase flood impact in an uncertain and unconsidered way is a clear risk. As such it is proposed to restrict PD rights on this site in order to further mitigate acknowledged flood risks on the site in accordance with Policies SP3 (Flood Risk), GP1 (Climate Change) and GP7 (Environmental Protection).

Marine Plan

- 8.14 The site is adjacent to the tidal Usk and elements of the Welsh National Marine Plan (November 2019) are relevant. The policy of primary interest is SOC 07 – Seascapes. In this case changes in the appearance of the host building are minimal and impact on seascapes will be neutral. In terms of SOC 08 – Resilience to Coastal Change and flooding, the risks to the scheme from tidal flooding over its lifetime (SOC 11 – Resilience to Climate Change) have already been considered above.

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 The proposal is acceptable subject to conditions.

11. DECISION

Granted & Conditions

01 Plans: The development shall be implemented in accordance with the following plans and documents, other than as amended by conditional discharges:

- Drawing 10544-ECL-XX-XX-DR-C-0001 A - Site Location Plan
- Drawing 10544-ECL-XX-XX-DR-C-0003 A - Proposed Site Layout
- Drawing 10544-ECL-XX-XX-DR-C-0004 A - AI Facility Floor Plan and Elevations
- Email from agent regarding water supply & flood resilience 30.01.2026

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 conditions

02 CEMP: No development of any kind shall proceed until such a time as a Construction Environment Management Plan has been submitted to and agreed in writing by the LPA. Development shall proceed strictly in accordance with the agreed CEMP. The CEMP shall demonstrate how the special interests of the River Usk SAC/SSSI will be protected in terms of disturbance to flora, fauna and maintenance of water quality.

Reason: to protect the flora, fauna and water quality of the River Usk. Policies SP1, GP5 and GP7.

Pre – construction conditions

03 Levels: First Floor Level: The first floor shall not be installed until such a time as a site-specific Flood Consequences Assessment (FCA) has been completed for the development. Informed by that FCA first floor levels shall be set so that the first floor is flood free for the 1 in 200 year tidal flood and so that the 1 in 1000 year tidal flood event can be mitigated within the criteria shown in Figure 6 of Technical Advice Note 15 over the lifetime of the development allowing for climate change, that is for 75 years from the date of this permission. The FCA and levels shall be submitted in writing to the LPA. Following the LPA's written agreement the development shall proceed strictly in accordance with the agreed first floor level which shall be retained as agreed.

Reason: to mitigate for flood risk in accordance with local and national policy. Policies SP3, GP1 and GP7.

04 Cladding: No cladding shall be installed on the building until details of that cladding (colour, material, texture) and demonstrating its non-frangible characteristics have been submitted to and agreed in writing by the LPA. The development shall proceed using the approved cladding which shall be retained thereafter.

Reason: to control the appearance of the building in the interests of design and visual amenity and to mitigate the risk of proximity to an explosives site. Policies GP2, GP6 and GP7.

05 Flood resilience measures: No construction activities shall take place until a scheme of flood resilience measures to be built into the converted building which itself will have been informed by the FCA required in condition 03 has been submitted to and agreed in writing by the LPA. Following the LPA's written agreement to that flood resilience scheme the development shall proceed strictly in accordance as agreed. The agreed measures shall be retained for the lifetime of the development.

Reason: to minimise flood risk to the development in an undefended floodplain. Policy GP7.

06 Prior to the installation of any cooling system for the development hereby approved details of that cooling system showing the minimisation of the use of potable water shall be provided in writing to the LPA. Following the LPA's written agreement the agreed cooling system shall be installed as agreed prior to the first beneficial use of the scheme and shall be retained for the lifetime of the approved development.

Reason: the relevant statutory consultee has identified potable water resources as a constraint on development in this area and any cooling system exerting high water demand has not been shown to be acceptable. Policy SP4.

Pre –occupation conditions

07 Flood Mitigation Plan: Prior to the first beneficial use of the development hereby approved details of a flood evacuation / flood containment / flood mitigation plan shall be submitted to the LPA in writing. The Plan shall demonstrate how flood risk to personnel and the ground floor areas of the site shall be minimised. Following the LPA's written agreement the plan shall be put into place and complied with for the lifetime of the approved scheme.

Reason: to mitigate flood risk and to protect life and property from flooding. Policies SP3, GP1 and GP7.

General conditions

08 Ground floor use: the ground floor of the approved scheme shall only be used for the parking of motor vehicles and no other purpose.

Reason: to mitigate flood risk to life and property so far as possible. Policies SP3, GP1 and GP7.

09 PD removal: Notwithstanding the provisions of the General Permitted Development Order 1995 or any order revoking or revising that order no development permitted under that order in relation to Schedule 2 Parts 3 (Change of Use) and Part 8 (Industrial & Warehouse Development) shall take place without the prior written agreement of the LPA.

Reason: to ensure that otherwise permitted changes that could increase the risk associated with a flood event unacceptably cannot take place without further assessment and control by the LPA. Policies SP3, GP1 and GP7.

NOTE TO APPLICANT

01 This decision relates to the following unconditioned plans & documents:

- Drawing 10544-ECL-XX-XX-DR-C-0002 A – Existing Site Layout
- Drawing 10544-ECL-XX-XX-DR-C-0005 A - Proposed AI Facility Sections through Site
- Drawing 10544-ECL-XX-XX-DR-C-0006 P01 - Existing Building Elevations
- Email from agent regarding water supply & flood resilience 30.01.2026
- Email from agent regarding FCA & Flood Levels 04.02.2026
- Supporting Planning Statement (November 2024)
- Flood Consequences Assessment (November 2025)
- Habitat Regulations Assessment (HRA) Screening Report (November 2025)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies:

SP3 – Flood Risk

SP8 – Special Landscape Areas

SP9 – Conservation of the Natural, Historic & Built Environment

GP1 – Climate Change

GP5 – Natural Environment

GP6 – Quality of Design

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.