

Delegated Decision Report

Application No:	26/0271	Statutory Period Expires:	5th June 2026
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Site:	<i>New Dairy Farm Lighthouse Road Newport South Wales NP10 8SF</i>		
Proposal:	<i>PRIOR NOTIFICATION FOR PROPOSED ALTERNATIONS TO EXISTING BASE STATION CONSISTING OF A PERMANENT GENERATOR</i>		
Applicant:	<i>Cellnex UK</i>		
Type:	Prior Approval - 56 Day	Ward:	Tredegar Park And Marshfield
Decision:	PRIOR APPROVAL IS NOT REQUIRED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is situated within the Countryside within the Tredegar Park and Marshfield Ward. The area is characterised by open green fields to the South, residential to the West and Newport Docks to the East. The site is also situated within the landscape of outstanding historic interest, site of special scientific interest, undeveloped coastal zone, green wedge, archaeologically sensitive area and Flood Zone 3 Rivers and Sea and defended against sea. The Wales Coastal Path also runs to the North of the application site. The site is accessed off lighthouse road and over the railway track.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks prior approval in accordance with Paragraph A.3(1) of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019 for proposed alterations to an existing base station consisting of a permanent generator.

3.2 The Home Office is replacing Airwave TETRA, the current communications system used by the Emergency Services, with a new system called the Emergency Services Network (ESN). ESN is a critical voice and broadband data communication system running over mobile network. A key requirement of ESN is that it continues to provide coverage for the three emergency services when the service is impacted by events such as power outages, storm damage or vandalism. The Emergency Services Mobile Communications Programme is responsible for delivering ESN for the three emergency services of Fire, Police and Ambulance and to achieve this EE have been instructed to install a new permanent back-up power generator across a portfolio of sites.

3.3 The emergency services communications network needs to be operational on a continuous basis and therefore it is essential that the site benefits from an emergency 'back up' power supply in case the main grid power supply to the site fails. In practice therefore the back-up generator will only be needed in an emergency situation for example if the existing high-power supply to the site is lost.

- 3.4 The installation of a new 10kVA genny on new isolated grillage on new concrete foundation. PSU cabinets to be replaced. AMF panel to be installed on new isolated grillage on new concrete foundation. 1.8m timber fence to be removed and replaced with a 1.8m timber fence. Wide cable trunking to be installed and ancillary upgrades thereto.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
25/0230	LAWFUL DEVELOPMENT CERTIFICATE FOR THE COMMENCEMENT OF DEVELOPMENT IN RELATION TO PLANNING PERMISSION 11/0883	G	15/05/2025
21/0752	ROOF COVER STRUCTURE OVER EXISTING EXTERNAL FEED YARD AREAS	GC	09/09/2021
11/0883	RECTION OF EXTENSIONS TO AGRICULTURAL BUILDING	GC	09/11/2011

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 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP3, SP5, SP7, SP8, CE6, CE9 GP2, GP5, GP7 and GP6 were relevant to the determination of this application.

5.4 Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019.

5.5 Technical Advice Note

Technical advice note (TAN) 5: nature conservation and planning

Technical advice note (TAN) 15: development, flooding and coastal erosion

6. CONSULTATION RESPONSES

6.1 Heritage Officer:

Due to the location of the proposed works within the Archaeologically Sensitive Area of The Gwent levels, I would recommend awaiting response from Heneb regarding potential for impact upon belowground archaeology.

6.2 Ecology Officer: No comments received.

6.3 Landscape Officer:

The proposal is to alter an existing base station as follows:

- ☐ Installation new 10kVA genny on new isolated grillage on new concrete foundation.
- ☐ PSU cabinets to be replaced.
- ☐ AMF panel to be installed on new isolated grillage on new concrete foundation.
- ☐ 1.8m timber fence to be removed and replaced with a 1.8m timber fence.
- ☐ Wide cable trunking to be installed.

This is along the line of pylons, near to the railway line. Any landscape issues appear to be minimal although the field is open to views from the Wales Coast Path as shown below.

If there is an opportunity for new mixed hedge planting using locally native species to screen the fencing this would meet the requirements of GP5 General Development Principles – Natural Environment : vi for an appropriate landscape scheme (which enhances the site and the wider context including green infrastructure and biodiversity networks).

6.4 Environmental Health Officer: No comments received.

6.5 Highways Officer:

No highway impacts or objections.

6.6 NRW:

We have no objection to the proposed development as submitted and provide the following advice.

Flood Risk

The planning application proposes less vulnerable development (proposed alternations to existing base station consisting of a permanent generator). The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 and 3 Rivers and Sea and the TAN15 Defended Zone, Wentlooge Levels Tidal. Given the scale and nature of the proposed development (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and consequences. We would also expect the developer to take the opportunity to incorporate flood resilient design where feasible. Guidance on resilient design can be found in Chapter 13 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025, which references advice from Construction Industry Research and Information Association, including a Code of Practice and Guidance for Property Flood Resilience. We provide advice on our website Natural Resources Wales / Preparing for a flood which may be useful for the developer or occupant of the proposal.

Designated Sites

We have considered the information submitted in support of the above planning application. Based on the information submitted, we consider that the proposed development is not likely to damage the notified features of the Gwent Levels St Brides Site of Special Scientific Interest, providing the developer adheres to standard industry wide best practice measures. Further information on standard pollution prevention guidelines is provided in the section below. Modifications to the proposed development may affect our view, and should merit a further consultation with us.

Pollution Prevention

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with Guidance for Pollution Prevention (GPP) 5: Works and maintenance in or near water, and GPP 6: Working on construction and demolition sites, which are available on the NetRegs website. Any impact to the nearby drains must be reported to NRW's Incident Communications Centre as soon as possible, more details are available via our website

6.7 HENEB: No comments received.

6.8 Network Rail: Network Rail has no objections in principle to the proposals however the works will need to be undertaken following engagement with NR Asset protection to ensure the safety of the adjacent railway.

6.9 CADW: No comments received.

7. PUBLIC REPRESENTATIONS

7.1 Michaelstone Community Council: No comments received.

8. ASSESSMENT

8.1.1 Development by electronic communications code operators can be undertaken under permitted development, subject to compliance with Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019. Specifically, Paragraph A.3(1) requires prior approval for development by electronic communications code operators (Wales).

8.1.2 *Permitted Development*

A. Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—

- (a) the installation, alteration or replacement of any electronic communications apparatus,*
- (b) the use of land in an emergency for a period not exceeding eighteen months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or*
- (c) development ancillary to radio equipment housing.*

- 8.1.3 The applicant has submitted supporting documentation indicating that the primary purpose of the development is the provision of a backup generator to support radio equipment. As such, the proposal is understood to be ancillary development associated with the operation of radio equipment infrastructure.
- 8.1.4 When further assessing the regulations, the proposed development does not exceed 15m above ground level, nor would it increase in overall height over the existing apparatus.
- 8.1.5 Furthermore, section (p) outlines;
- (p)in the case of the installation, alteration or replacement of radio equipment housing—*
(i)the development is not ancillary to the use of any other electronic communications apparatus;
(ii)the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a building, the cumulative volume of such development would exceed 30 cubic metres; or
(iii)on any protected land, any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency;
- 8.1.6 It is noted that the proposed generator would not exceed 2.5 cubic metres, and the total volume of development would not exceed 90sqm. It is also noted that the development is sited so as to minimise its effect on the external appearance of the building being within close proximity the existing infrastructure on site. Therefore, the scheme is in accordance with Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019.
- 8.1.7 In design terms, and as noted above, the proposed development is located in close proximity to existing infrastructure, including the railway line and overhead pylons. Given this context, the scale of the proposal would not appear incongruous or result in an overly dominant form of development in the landscape. The siting, set back from the main road and adjacent to established infrastructure, further reduces its visual impact. The site lies within a number of environmental and landscape designations, including a Landscape of Outstanding Historic Interest, a Site of Special Scientific Interest (SSSI), the Undeveloped Coast, a Green Wedge, and an Archaeologically Sensitive Area. The Wales Coast Path also runs to the north of the site. Notwithstanding these constraints, the proposed generator and associated infrastructure is of a relatively small scale and would not prejudice the open character of the land or undermine the integrity of the SSSI or Green Wedge. The proposal is therefore considered to accord with Policies GP6, SP7 and SP9.
- 8.1.8 The applicant has also demonstrated a functional need for the generator, and it is therefore accepted that there is justification for this form of development within the coastal zone. Natural Resources Wales (NRW) has advised that the proposal constitutes less vulnerable development. In the absence of a Flood Consequences Assessment, NRW has indicated that the development could be acceptable, subject to the applicant being made aware of potential flood risks and consequences. As such, the proposal is considered to comply with Policy CE9, Policy SP3 and the requirements of TAN15.
- 8.1.9 In terms of landscape and visual impact, the Heritage Officer has raised no formal objection and the Council's Landscape Officer has raised no objection, noting that the development would be positioned alongside existing linear infrastructure. While the site

is visible from the Wales Coast Path, any landscape impacts are considered to be limited. The officer has recommended the opportunity for additional mixed native hedge planting to help screen the development and meet the aims of Policy GP5; however, this has not been included within the submission, and no formal objection raised. The highways officer and Network Rail also raises no objection on its siting in this location, however, Network Rail advises that engagement will need to happen with their team to ensure the safety of the adjacent railway. Therefore, having regard to its modest scale, siting, and relationship with existing infrastructure, the proposal is not considered to give rise to a demonstrable adverse impact on the landscape or wider designations, and is therefore in accordance with Policy GP6.

- 8.1.10 The site is also located within an Archaeologically Sensitive Area, and therefore Policy CE6 is applicable. No comments have been received from HENEB on this application, which the Council takes that there is no objection raised in respect of archaeological matters. However, if any archaeological remains are found during works, work should cease immediately and HENEB contacted.

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 Overall, it is considered that the development is in accordance with Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019, and prior approval is not required for its siting, design and external appearance.

11. DECISION

PRIOR APPROVAL IS NOT REQUIRED

NOTE TO APPLICANT

01 This decision relates to plan Nos: UKGW006441 ML-00-004 - Site Location Plan; 789485 92941 EE PR GA MD018 - Proposed Site Plan; Covering Letter

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6, SP3, SP9, SP7, CE9 were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.