

Delegated Decision Report

Application No:	25/0379	Statutory Period Expires:	17th October 2025
Site:	Quinn Radiators Celtic Way Celtic Lakes Newport South Wales		
Proposal:	S73 APPLICATION TO VARY CONDITIONS 1 (APPROVED PLANS), 3 (LANDSCAPING), 4 (LEMP), 15 (PARKING), 16 (CYCLE STORAGE DETAILS), 17 (FOUL DRAINAGE) AND TO REMOVE CONDITION 6 (DORMICE METHOD STATEMENT) OF 24/0006 DEMOLITION OF REMAINDER OF EXISTING PRINCIPAL BUILDING AND REMAINING STRUCTURES AND CONSTRUCTION OF NEW DATA CENTRE (USE CLASS B8) ACROSS TWO MAIN BUILDINGS PLUS ANCILLARY STRUCTURES ANDS OTHER ASSOCIATED WORKS. AMENDMENTS INCLUDE CHANGES TO LAYOUT AND LANDSCAPING TO ACCOMMODATE SAB REQUIREMENTS, AMENDMENTS AND ADDITIONS TO ADMIN AND DATA HALL BUILDINGS, DESIGN AND SPECIFICATION OF GENERATORS, REVISIONS TO EXTERNAL LIGHTING AND REVISED DETAILS OF ANCILLARY STRUCTURES INCLUDING NEW CONDITION FOR FUTURE PRIMARY SUBSTATION		
Applicant:	Microsoft		
Type:	Renewals and Variation of Conditions	Ward:	Tredegar Park And Marshfield
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 Planning permission (24/0006) was granted with conditions (subject to a Legal Agreement) on 18th September 2024 for the demolition of remaining buildings and structures and for the construction of a new Data Centre (B8) across two buildings, plus ancillary structures and other associated works at the Former Quinn Radiators site, Celtic Way.
- 1.2 Previous to the approval of the 24/0006 planning application Prior Approval was sought and granted for the demolition of existing smaller buildings at the site (23/0889) and for the demolition of roof structure and ground works (24/0038).
- 1.3 The Prior Approval demolitions have now been completed on site. All pre-commencement conditions associated with planning permission reference 24/0006 have been partially discharged, with the exception of Condition 6 (Dormice Method Statement), which remains outstanding and is subject to the current application.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site is located in the south west corner of Imperial Park and is approximately 16.50ha in size. It is previously developed land that until demolition contained a very large employment building and associated ancillary buildings and structures along with car parking and access.
- 2.2 A small portion of the site to the south is identified in the Flood Maps for Planning (FMfP) as falling in Flood Zone 2 and 3 (Sea) and is a TAN 15 Defended Zone. This has not changed since the full application.
- 2.3 The site has no other designations itself, however is situated approximately 180m north of the Wentlodge Levels Special Landscape Area (SLA), Green Wedge and Gwent Levels Site of Special Scientific Interest (SSSI).
- 2.4 The wider context of the area is a mix of commercial and industrial, with recently constructed development including other Data Centres and a Research and Development facility with manufacturing and administrative block.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application is seeking changes to the approved scheme following a review of the building design. These amendments are summarised below, and require changes to the list of plans contained in Condition 01 (Approved Plans), 03 (Scheme of Soft Landscaping) and 04 (Landscape and Ecological Management Plan) as well as textual amendments to Condition 15 (Parking Provision), 16 (Cycle Store Provision) and 17 (Foul Drainage Provision) as referenced plans within these conditions have been updated.

Key Amendments

- Changes to site layout and landscaping to meet SAB application requirements;
 - Amendments and additions to the administrative buildings – including a revised office layout and the addition of a GPS clock antennae and a weather station;
 - Amendments to the design of the generators – including specification and confirmation of height, location and appearance/materials of the chimney stacks;
 - Amendments to external lighting;
 - Revised details of ancillary structures – including sprinkler tank and pump room, admin plant rooms, Day 1 substation and refuse/waste stores.
- 3.2 The application is also seeking the removal of Condition 06 (Dormice Method Statement) as it is not possible to discharge and comply with the condition since the area of vegetation that it refers to was cleared prior to the submission of the original planning application.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0006	DEMOLITION OF REMAINDER OF EXISTING PRINCIPAL BUILDING AND REMAINING STRUCTURES AND CONSTRUCTION OF NEW DATACENTRE (USE CLASS B8) ACROSS TWO MAIN BUILDINGS PLUS ANCILLARY STRUCTURES ANDS OTHER ASSOCIATED WORKS	GRANTED WITH CONDITIONS (S106)	18.09.2024
24/0876	PARTIAL DISCHARGE OF CONDITION 3 (SCHEME OF SOFT LANDSCAPING) RELATING TO PLANNING PERMISSION 24/0006 FOR THE DEMOLITION OF REMAINDER OF EXISTING PRINCIPAL BUILDING AND REMAINING STRUCTURES AND CONSTRUCTION OF NEW DATACENTRE (USE CLASS B8) ACROSS TWO MAIN BUILDINGS PLUS ANCILLARY STRUCTURES ANDS OTHER ASSOCIATED WORKS	APPROVED	05.12.2024
24/0877	PARTIAL DISCHARGE OF CONDITION 7 (PILING / FOUNDATION DESIGNS) AND 9 (APPOINTED ARBORICULTURALIST) RELATING TO PLANNING PERMISSION 24/0006 FOR THE DEMOLITION OF REMAINDER OF EXISTING PRINCIPAL BUILDING AND REMAINING STRUCTURES AND CONSTRUCTION OF NEW DATACENTRE (USE CLASS B8) ACROSS TWO MAIN BUILDINGS PLUS ANCILLARY STRUCTURES ANDS OTHER ASSOCIATED WORKS	APPROVED	19.12.2024
24/0888	PARTIAL DISCHARGE OF CONDITION 4 (LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN) OF 24/0006 DEMOLITION OF REMAINDER OF EXISTING PRINCIPAL BUILDING AND REMAINING STRUCTURES AND CONSTRUCTION OF NEW DATACENTRE (USE CLASS B8) ACROSS TWO MAIN BUILDINGS PLUS ANCILLARY STRUCTURES ANDS OTHER ASSOCIATED WORKS	APPROVED	19.12.2024

24/0909	PARTIAL DISCHARGE OF CONDITION 2 (CEMP) OF 24/0006 DEMOLITION OF REMAINDER OF EXISTING PRINCIPAL BUILDING AND REMAINING STRUCTURES AND CONSTRUCTION OF NEW DATACENTRE (USE CLASS B8) ACROSS TWO MAIN BUILDINGS PLUS ANCILLARY STRUCTURES AND OTHER ASSOCIATED WORKS	APPROVED	19.12.2024
25/0089	PARTIAL DISCHARGE OF CONDITION 11 (MATERIALS) OF 24/0006 DEMOLITION OF REMAINDER OF EXISTING PRINCIPAL BUILDING AND REMAINING STRUCTURES AND CONSTRUCTION OF NEW DATA CENTRE (USE CLASS B8) ACROSS TWO MAIN BUILDINGS PLUS ANCILLARY STRUCTURES ANDS OTHER ASSOCIATED WORKS	APPROVED	13.03.2025
25/0311	PARTIAL DISCHARGE OF CONDITION 11 (EXTERNAL MATERIALS) OF 24/0006 DEMOLITION OF REMAINDER OF EXISTING PRINCIPAL BUILDING AND REMAINING STRUCTURES AND CONSTRUCTION OF NEW DATA CENTRE (USE CLASS B8) ACROSS TWO MAIN BUILDINGS PLUS ANCILLARY STRUCTURES ANDS OTHER ASSOCIATED WORKS	APPROVED	19.06.2025
25/0390	PARTIAL DISCHARGE OF CONDITION 11(MATERIALS) OF 24/0006 DEMOLITION OF REMINDER OF EXISTING PRINCIPAL BUILDING AND REMAINING STRUCTURES OF NEW DATA CENTRE (USE CLASS B8) ACROSS TWO MAIN BUILDINGS PLUS ANCILLARY STRUCTURES AND OTHER ASSOCIATED WORKS	APPROVED	10.07.2025
25/0616	PARTIAL DISCHARGE OF CONDITION 11 (MATERIALS) OF 24/0006 DEMOLITION OF REMAINDER OF EXISTING PRINCIPAL BUILDING AND REMAINING STRUCTURES AND CONSTRUCTION OF NEW DATA CENTRE (USE CLASS B8) ACROSS TWO MAIN BUILDINGS PLUS ANCILLARY STRUCTURES ANDS OTHER ASSOCIATED WORKS	APPROVED	15.09.2025

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 8 – Flooding

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

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)

Strategic Policies

SP1 Sustainability
SP2 Health
SP3 Flood Risk
SP4 Water Resources
SP9 Conservation of the Natural, Historic and Built Environment
SP17 Employment Land
SP18 Urban Regeneration
SP13 Planning Obligations
SP18 Urban Regeneration

General Policies

GP1 Climate Change
GP2 General Amenity
GP3 Service Infrastructure
GP4 Highways and Accessibility
GP5 Natural Environment
GP6 Quality of Design
GP7 Environmental Protection and Public Health

The Natural Environment

CE1 Route ways, Corridors and Gateways
CE6 Archaeology
CE8 Locally Designated Nature Conservation and Geological Sites

Parking and Waste

T4 Parking
T5 Walking and Cycling
W3 Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

Parking Standards
Sustainable travel
Wildlife and Development
Trees, Woodland, Hedgerows and Development Sites
Air Quality
Archaeology and Archaeologically Sensitive Areas SPG
Waste Storage and Collection.

6. CONSULTATION RESPONSES

6.1 External Consultees

Natural Resources Wales: No objection.

South Wales Fire: No objection.

Glamorgan Gwent Archaeological Trust: No objection.

Ancient Monuments: No response.

Dwr Cymru Welsh Water: No objection.

Wildlife in Newport: No response.

Newport Access Group: No response.

Newport Civic Society: No response.

Gwent Police: No response.

Regional Ambulance Officer: No response.

6.2 Internal Consultees

Highways: No objection.

Ecology:

Insofar as the condition refers to avoidance of harm to dormice during site clearance, and that clearance has already taken place, then I cannot object to removal of this condition as it is worded.

However I do not agree with some aspects of the 'Dormouse memo' dated 23rd April 2025. For example, the Dormouse Memo includes '*...it should be noted that records of dormice within 200m of the site were not available at the time of ecological assessment and were therefore not factored into the project prior to this point.*'. However, a decision as to whether to survey for dormice or to mitigate impacts upon them should be based upon the suitability of the habitat affected, not upon the proximity of the nearest records for that species. Whether the nearest record is 600m or 200m away from the site is immaterial; the species is known to occur in the vicinity, there is good habitat connectivity and the habitat on site is suitable. The absence of a record on site, or within 200m of the site, is not evidence of the absence of this species on site.

In relation to the vegetation on site to be cleared, the Dormouse Memo includes '*...the removal of this vegetation was made clear in the submitted (and subsequently approved) documents supporting that Prior Notification application.*'. This application 23/0889 includes in Fig. 1.1 Site Plan of the Demolition Phase Environmental Management Plan CW01 Issue 3.

The phrase '*Site boundary runs through mature vegetation, hoarding erected within site to avoid disturbance*', together with the image showing the red line boundary excluding that vegetation, is strongly suggestive of the site hoarding avoiding the need to remove any vegetation to install it. This is at odds with the assertion above that the Prior Notice of Demolition application 'made clear' that this vegetation was to be removed, and subsequently my comment that '*There are no habitats within the red line boundary that I would be concerned about in terms of significant ecological impacts*' in my consultation response of 25th October 2023.

I disagree with the assertion that '*... the vegetation was not of significant interest to dormice for food or nesting...*', as this area is variously described as 'mature vegetation', and 'dense, continuous scrub', which in this area of South Wales is typical habitat for Dormice.

The vegetation which was cleared was done under a watching brief by Laura Thurel of Rider Levett Bucknall. Whilst I have been unable to verify Ms Thurel's qualifications and experience, with a destructive search such as this there is always scope to fail to detect very small animals such as Dormice or their nests, which can be very cryptic. I note that the clearance of the vegetation was undertaken in 2 stages to allow any fauna to dissipate. If these two stages took place during the Dormouse active season, then there is a real risk that Dormice or even nests with young were harmed during that clearance. Normally for a two-stage clearance I would expect that above-ground vegetation is cleared in winter, when Dormice are hibernating at ground level, and then roots and stumps cleared in Spring, when Dormice have awoken from hibernation and made their way to retained vegetation nearby. If this were the clearance method employed, then I

would have no concerns, but a two-stage clearance in the active season would not reduce the risk of harm to Dormice.

While I cannot object to removal of planning condition 6 of 24/0006, because the vegetation has already been cleared, it is nevertheless a serious concern that clearance of habitat suitable for a European Protected Species has taken place in the absence of a plan to do so without harming individual animals, thereby circumventing the reason for which I asked for the condition in the first place.

Landscape:

My comment for the currently live SAB application was that over 9,000 sqm across the three attenuation basins will be seeded with a 100% grass species (EG8 Meadow Grass for Wet Soils) and that usually a mix of grass and wildflowers for wet soils would be specified such as EM8, this would provide more visual and biodiversity interest, in particular as there is no tree or shrub planting proposed in these areas.

The covering letter states that chimney height has increased to 14.65m but the approved baseline is not provided for comparison. There will be 14-15no chimneys, note these will extend by around 5m above the proposed building and as all are to be treated in stainless steel these may be visible beyond the site.

Senior Scientific Officer: No comments in relation to contaminated land.

Recommendations in terms of air quality:

-Provide an updated Air Quality Assessment (**AQA**) for planning to the **LPA**.

-Please liaise with other Newport Data Centre operators to ensure any relevant data is included in your in-combination impacts assessment. It is likely that the more significant impacts would be from aggregate emissions of the various data centres hence a more detailed assessment of this is required

SAB: Have approved a scheme for this site.

Planning Contributions Manager: No further s106 obligations or Deeds of Variation are required, as the terms of the principal s106 agreement (Ref: 24/0006) have been met.

Waste Manager: No response.

Environmental Health (Public Health): No response.

Structures: No response.

Principal Heritage Officer: No response.

Trees: No response.

PROW: No response.

Active Travel: No response.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 23rd May 2025 and a Site Notice was put up on 30th May 2025.

7.1 NEIGHBOURS: All neighbours (2no. properties) within 50 metres of the application site have been consulted. No responses have been received.

7.2 COUNCILLORS SCREEN/HOWELLS/WATKINS: No comments received.

7.3 COEDKERNEW COMMUNITY COUNCIL: No comments received.

8. ASSESSMENT

8.1 Introduction:

- 8.1.1 Following the granting of planning permission in September 2024, the only material planning consideration that has altered has been the introduction of the new TAN15 development, flooding and coastal erosion on 31st March 2025. The previous application did have regard to the Flood Maps for Planning in the assessment and the relevant section of this report will assess this matter.
- 8.1.2 There has been no other alteration in either National or Local planning policy or change on site that would result in any alterations to the principle of development or material matters that would need to be considered as part of this assessment.

8.2 Visual Amenity/ Character and Appearance;

Changes to Site Layout

- 8.2.1 The proposed layout changes to accommodate SAB changes and features are not significant in the context of the overall development scheme and it is considered that any visual impact would be limited to within the site, and from outside the site boundaries it would be difficult to notice any difference. These are considered to be acceptable.

Amendments and Changes to Administrative Building

- 8.2.2 Internal changes to the administrative building layout to facilitate a more efficient office layout have no significant bearing on the external appearance of the building, with a minor footprint increase of 40sqm. The introduction of the 2no. GPS clocks to Building 01 and 1no. to Building 02 are proposed, along with a weather station to Building 01. These will allow the monitoring of weather effectively and provide operational benefits for the data centre in relation to colling systems etc. The addition of these features that would marginally protrude above the building's roof do not cause any visual impact over and above the approved scheme.

Amendment to Design of Generators including Changes to Chimney Stacks

- 8.2.3 The most significant change is in relation to the design of the generators and final design of the chimney stacks. At full application stage, the full stack details were unknown by the applicant as the technical assessment had not progressed by this point. The proposed elevation drawings included 14no. stacks across the two data halls to a maximum proposed height of 14 metres and this was assessed and approved, with Condition 10 included to reserve final location, height and appearance/materials. The proposal retains the 28no. generators as initially agreed for the main data centre, however some of these are repositioned slightly. Each pair of generators would feed into one flue/stack which are positioned in the same location as approved, however the height is to increase by 650mm to 14.65m from ground level. The final material has been confirmed as stainless steel. This material and appearance is typical of what you expect of a data centre, given their technical requirements and is consistent with the materials used at other data centres within the locality. The height increase is not considered to be significant enough to result in any visual impact over and above that of the previously assessed scheme. It is also noted that the stacks still remain under the maximum height of the Quinn Radiators building that occupied the site previously. An additional generator and stack is now required to serve the Water Treatment Building and this will be of the same height, design and appearance of those serving the data centre buildings. This addition is not considered to result in any significant visual impact given the context and layout of the proposed development and the other stacks required.
- 8.2.4 As Condition 10 required submission of final chimney stack details and these have now been submitted and considered to be acceptable, this condition is no longer necessary. It can now be removed since the approved plans will be listed under Condition 01 of the conditional regime.

Amendments to External Lighting

- 8.2.5 The previously approved lighting plan has undergone revision following further review of the scheme's requirements. Much of the changes relate to the lighting of the Water Treatment Building (WTB), for which lighting was not shown on the approved lighting plan, as well as to the boundaries at Building CWL02 as the site now requires adequate lighting prior to this

building being built. As such, final details of lighting for these two locations will need to be controlled by an additional planning condition prior to their installation. The other revised changes to lighting are in line with the principles of the strategy previously approved which was designed to British Standard 12464-2 and Microsoft security requirements and is considered acceptable.

Amendments to Ancillary Structures – Sprinkler tank; pump room; plant rooms; Day One Substation and Refuse Storage

- 8.2.6 It is proposed to increase the height of the sprinkler tank by 1.45m in order to meet the specific design provided by the specialist sub-contractor. The position and diameter of the tank will remain as approved. The location is quite central within the site and away from its perimeter, so visually whilst the height is increasing it is a relatively small structure in comparison to the main buildings and is not in a prominent position. This amendment is considered to be acceptable.
- 8.2.7 Each administrative building has a plant room (2no. total) that requires an increase in height of 450mm, as well as a minor alteration to the roof and positioning of an external door. Again, these changes are minor and would be unnoticeable from the public realm, so are considered to be acceptable.
- 8.2.8 It is proposed that the Day One Substation is to be revised following understanding of the requirements of the provider, SSE. The location and height remain as approved, but the revised design reduces the overall widths of the building and include slight alterations to the location of doors and the insertion of louvres. The reduction in size and minor design changes are considered to be acceptable.
- 8.2.9 The final change is in relation to the refuse stores and this has come about during the course of the application, so is not included within the Covering Letter summary. The approved refuse store was finished in a metal cladding, with weldmesh gates. However, the revised store is now to be cladded with a dark grey perforated screen and will be marginally wider and deeper but approximately 1.0m less in height. These changes are considered to be acceptable and consistent with the design and appearance of the site.
- 8.2.10 Overall, the proposed changes considered have been assessed as having no adverse impact upon the character, appearance and visual amenity of the surrounding area over and above the previously approved scheme. The proposal complies with Policy GP2 and GP6 of the NLDP 2011-2026 (adopted January 2015).

8.3 Removal of Condition 06 (Dormice Method Statement):

- 8.3.1 Condition 06 states;

Prior to the commencement of any operations including clearance of vegetation within the area marked as G3 on 'Drawing No. 1575-TCP-001-A - Tree Constraints Plan' a Dormice Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The DMS should assume the presence of dormice and put details forward for the avoidance of harm to this species during clearance. Works to this area shall be undertaken in accordance with the approved details at all times.

Reason: In the interest in preserving the status of a European Protected Species in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

- 8.3.2 The applicant has advised that the area of vegetation referred to in Condition 06 had already been cleared prior to the submission of planning application 24/0006. An Ecological Memo has been prepared and submitted by the consultant ERM in support of the removal of Condition 06.
- 8.3.3 It is advised that the area of vegetation was cleared in late 2023 in order to facilitate the installation of hoarding erected as part of early demolition works, as secured through Prior Notification approval 23/0889. The Tree Protection Plan submitted with the Prior Notification does indeed show the area of vegetation to be cleared '...to facilitate demolition and land

development'. It is also noted that the Council's Ecology Officer did respond to the consultation for 23/0889 and did not raise an issue at that time.

- 8.3.4 It is advised that a Watching Brief for demolition works, including clearance of vegetation, was in place by a suitable Ecologist and this was undertaken in two stages to allow any fauna to dissipate. No signs of dormice were encountered. The Council's Ecologist has reviewed the memo and does not agree with some aspects, including the assertion that it was clear within the Prior Notification that vegetation was to be removed. The Council's Ecologist retains a serious concern that clearance of the habitat suitable for European Protected Species has taken place in the absence of an approved method statement to do so, without harming individual animals.
- 8.3.5 Notwithstanding the potentially harmful clearance of the vegetation on the EPS, the Council's Ecologist has not objected to the removal of the condition because the clearance has already taken place. However, this in isolation is not considered to be adequate reason to remove the condition, as otherwise this approach to retrospectively remove conditions without complying with them would circumvent the purpose of applying the condition in the first place.
- 8.3.6 While the potentially harmful clearance of vegetation may have had potentially adverse impacts, the Council's Ecologist has not raised an objection to the removal of the relevant condition, acknowledging that the clearance has already occurred. However, the fact that the works have been undertaken without complying with the condition is not, in itself, considered a sufficient justification for the removal of the condition. Allowing such an approach would undermine the integrity and purpose of applying planning conditions, which are intended to ensure appropriate mitigation and compliance prior to development.
- 8.3.7 It is considered that the only justification for the removal of the condition would be whether the condition was not compliant with the legal tests of the Welsh Government Circular 016/2014 (October 2014). The supporting information claims that it would never have been possible to comply with the terms of this condition, as the clearance of the vegetation in question had already been undertaken in late 2023. No evidence has been submitted to support this claim, however an Initial Notice for works was submitted the Newport City Council Building Control on 7th December 2023 for the development and this would be consistent with the timeline advised for installation of hoarding works and clearance of the vegetation in question.
- 8.3.8 The Council has no evidence to challenge the claim that the vegetation was cleared prior to the submission of the full planning application. Planning permission would not have been required for its clearance and in any case, the clearance of this area and mitigation within the Green Infrastructure Statement for the site was assessed as being acceptable under the full planning application, albeit in line with the requirements of Condition 06. Therefore, the principle of the clearance is not an issue. However, if the vegetation was cleared pre development, as advised, then Condition 06 should not have been applied as it could never have been complied with by the applicant, so the condition would not have been necessary or reasonable.
- 8.3.9 On balance, it is considered that in this instance the condition should not have been applied as it was unreasonable. However, notwithstanding this, the EPS are protected by the Conservation of Habitats and Species Regulations 2017 and whether the correct clearance of the vegetation was undertaken in relation to dormice is a separate legal matter.

8.4 Green Infrastructure & Changes to Landscaping:

- 8.4.1 Since approval of the planning application, the applicant has been in discussions with Newport City Council SuDS Approval Body (SAB) to gain consent for the drainage design, in accordance with the requirements of Schedule 3 of the Flood and Water Management Act 2010.
- 8.4.2 Following these discussions, it is necessary to make revisions to the site layout of drainage and landscape design in order to support agreed levels of onsite infiltration. In terms of landscape, the key changes are as follows:

- The addition of swales to the south of CWL02 and west of the Water Treatment Building;
- The replacement of rain gardens to the west of CWL02 with larger swales; and
- An increase to the size of Basin 2 in the centre of the site.

- 8.4.3 The SAB process has led to a significant increase in the area onsite devoted to SuDS, particularly though wet swales on the southern and western boundaries. This has resulted in amendments to the landscape plan, however nothing significant and any visual changes would only be observed within the site boundaries. The Council's Landscape Officer has provided some technical comments based on the species mix used for the attenuation basins, however these are considered more relevant to the SAB application, which has now been approved and the plans are consistent.
- 8.4.4 Chapter 6 of Planning Policy Wales (PPW) Edition 12 focusses on addressing the nature emergency through distinctive and natural placemaking and well being. Of specific relevance to this application is Green Infrastructure (GI), and all planning applications require a Green Infrastructure Statement (GIS) which describes how GI has been incorporated into the proposal in an appropriate way for the site. This requirement aims to ensure that developments support biodiversity and provide multifunctional benefits and how the 'Step Wise Approach' (SWA) has been applied.
- 8.4.5 The previous scheme was assessed against Chapter 6 of PPW 12 and the Stepwise Approach and demonstrated that sufficient GI and biodiversity enhancement was achieved through the scheme. In response to the proposed amendments to the landscape, the submitted Technical Note presents the re-calculation of biodiversity units to reflect the updated, post-development habitat. In comparison to the approved plans, the number of area-based habitat units has fallen (42.69 to 37.01) – this is a result of a slight increase in hardstanding surfaces, as well as slight decreases in grassland, woodland and scrub habitat areas. However, the resultant change in units from the baseline (12.20) continues to represent a substantial net gain of 204.04%. Moreover, the changes see an increase to the number of hedgerow units (2.88 to 4.22), which when compared to the baseline (0.40), represents a 953.78% increase.
- 8.4.6 The above calculations are in line with the English metric methodology and is not designed to meet the Welsh legislative requirements, as was the case in the full application, however it can be submitted to provide evidence and a supplementary overview. However, a GIS was previously submitted and found to be acceptable and the proposed amendments are considered to still deliver an acceptable level of Biodiversity Net Benefit to the site, achieving compliance with Chapter 6 of PPW12.
- 8.4.7 The proposal complies with the aims of Policy SP1, GP2 and GP5 of the NLDP 2011-2026 (adopted January 2015).

8.5 Impact on Residential Amenity:

- 8.5.1 Given the location of the site within an established industrial/commercial area, the potential for adverse impact on residential amenity is limited. The nearest residential properties are located off Church Lane approximately 240.00 metres north west of the site boundary and with intervening landscape features and roads.
- 8.5.2 It was previously concluded that the proposal would not result in any adverse impact on residential amenity and that no mitigation was required for the operation of the scheme, only standards procedures during construction and demolition phases, which were controlled through a planning condition for a CEMP. That CEMP has now been agreed through a discharge of condition application and none of the proposed changes prevent the ability to comply with those details. In order to secure compliance with the agreed details an appropriately worded planning condition will be reapplied to this consent.
- 8.5.3 As such, the proposal is compliant with Policy GP2 and GP7 of the NLDP 2011-2026 (adopted January 2015).

8.6 Access, Parking and Highway Safety:

8.6.1 Whilst there are changes to the site layout, none of these have a direct impact on the proposed site access, its parking layout or any of the internal road layout that were all approved under the full application. The Council's Highways Officer has reviewed the changes proposed and shares this view, offering no objection to the application.

8.6.2 As such, the proposal is compliant with Policy GP4 and T4 of the NLDP 2011-2026 (adopted January 2015).

8.7 **Flood Risk:**

8.7.1 Since the approval of 24/0006 the new TAN15 has been implemented and this is a material change in technical guidance that is relevant to the assessment of this application given that a small portion of the site, to the south, is located within Flood Zone 2 and 3 (Sea)(Defended).

8.7.2 The previous application was assessed using the best available data, which was the Flood Maps for Planning, and as such as this was used there has been no change in designation of the flood risk at the site. A full assessment of the flood risk against TAN 15 was undertaken within the 24/0006 application and it concluded that the proposed development demonstrated compliance with the requirements of TAN 15 for the 75 year allowance for climate change life time of the development.

8.7.3 The applicant has submitted an updated Flood Consequence Assessment (FCA) that takes into account the new TAN 15, however the FCA advises that the changes to TAN 15 do not alter the conclusions of the original FCA.

8.7.4 The proposal is for the less vulnerable redevelopment of the existing previously developed site. Natural Resources Wales (NRW) have been consulted on the application and have reviewed the FCA. NRW are satisfied that the site remains flood free in both the 0.5% and 0.1% plus an allowance for climate change flood events.

8.7.5 As such, the proposal complies with Policy SP3 of the NLDP 2011-2026 (adopted January 2015) and TAN15.

8.8 **Heritage and Archaeology:**

8.8.1 From a heritage perspective, there is no sensitive receptors nearby the site that could be adversely impacted as a result of the development. The Council's Principal Heritage Officer offered no objection previously, however a response has not been received for this application. The proposed changes that have been assessed as being acceptable earlier in this report are not considered to result in any impact on heritage over and above the previous scheme that was considered acceptable.

8.8.2 The site is located in an archaeologically sensitive area and a Written Scheme of Investigation (WSI) and watching brief were previously approved. HENEB (formerly GGAT) have been consulted on this application and have advised that they have no comments to make as the proposals do not relate to archaeological conditions and constraints. The implementation of the planning condition securing archaeological watching brief compliance will be re-attached to this decision.

8.8.3 It is considered that the proposal is compliant with Policy SP9 and CE6 of the NLDP 2011-2026 (adopted January 2015).

8.9 **Contaminated Land and Air Quality:**

8.9.1 Intrusive ground investigation works were previously completed by the geotechnical specialist with soil and groundwater analysis and confirmatory ground gas monitoring being undertaken. It was concluded that no further investigation works were required and nothing has changed as part of this application that warrants any further assessment on this matter.

8.9.2 In terms of air quality, there has been no changes as part of this application that would result in any different impact. All relevant planning conditions including restrictive use of

generators and submission of and compliance with an Air Quality Management Plan will be reapplied to this decision.

- 8.9.3 It is considered that the proposal is compliant with Policy SP1, GP2 and GP7 of the NLDP 2011-2026 (adopted January 2015).

8.10 **Section 106 Planning Obligation:**

- 8.10.1 The Planning Contributions Manager has confirmed that no further obligations or Deeds of Variation are required, as the terms of the principal Section 106 Legal Agreement for 24/0006 have been met.

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 proposed changes to the approved scheme and the removal of Condition 06 of planning permission 24/0006 is acceptable.

10.2 The application is granted with conditions.

11. DECISION

GRANTED WITH CONDITIONS

Approved Plans and Documents

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

24/0006:

Drawing No. CWL01-02-L-P-14 - BIKE PARKING, SMOKE LOUNGE DETAILS Rev P03;
Drawing No. CWL01-02-A-P-03 - SITE - DEMOLITION PLAN;
Drawing No. CWL01-02-A-P-401 - CWL 01 - PROPOSED SECTIONS;
Drawing No. CWL01-02-A-P-112 - UMS E-HOUSE;
Drawing No. CWL01-02-A-P-113 - GUARD HOUSE;
Drawing No. CWL01-02-A-P-116 – SUBSTATION;
Drawing No. CWL01-02-A-P-117 - TRANSFORMER E-HOUSE;
Drawing No. CWL01-02-A-P-402 - CWL 02 - PROPOSED SECTIONS;
Drawing No. CWL01-02-L-P-10 - GATE DETAILS;
Drawing No. CWL01-02-L-P-12 - FENCE DETAILS;
Drawing No. CWL01-02-L-P-13 - FENCE DETAILS;
Drawing No. C1023.004.2 – Traffic Management Plan (Internal);
Drawing No. 1575-TPP-003-C – Tree Protection Plan
Written Scheme of Investigation & Archaeological Watching Brief (Feb 2024) V 1.0;
2207118-PIN-XX-XX-RP-C-0003 Transport Statement Version 7;
Green Infrastructure Statement;
Demolition Phase Environment Management Plan;
Arboricultural Impact Assessment;
Biodiversity Net Gain Report; Ecology Impact Assessment (October 2023);

25/0379:

CWL01-02-A-P-07- Site Proposed Masterplan Rev P07
CWL01-02-L-P-15-SITE - Typical Softscape Details Rev P05
CWL01-02-L-P-05-SITE - Landscape Planting Plan Rev P08
CWL01-02-L-P-04-SITE - Landscape Proposed Tree Plan Rev P08
CWL01-02-L-P-03-SITE - Landscape Tree Removal Plan Rev P07
CWL01-02-L-P-02-SITE - Landscape Site Section Rev P04
CWL01-02-L-P-01-SITE - Landscape Materialisation Plan Rev P08
CWL01-02-L-P-16-SITE - Planting Schedule Rev P08
Landscape and Ecological Management Plan V5.0

CWL01-A-P-302 - CWL 01 - Proposed Admin – Elevations Rev P04
CWL01-A-P-301 - CWL 01 - Proposed Building Elevations – Overall Rev P04
CWL01-A-P-102 - CWL01 - Proposed Roof GA Plan Rev P03
CWL01-A-P-101 - CWL01 - Proposed Level 01 GA Plan Rev P03

CWL02-A-P-304 - CWL 02 - Proposed Admin – Elevations Rev P04
CWL02-A-P-303 - CWL 02 - Proposed Buildings Elevations – Overall Rev P04
CWL02-A-P-104 - CWL 02 - Proposed Roof GA Plan Rev P03
CWL02-A-P-103 - CWL 02 - Proposed Level 01 GA Plan Rev P03

CWL01-C-D-01-0-E-Combined Drainage - Overall Site Plan Rev E
CWL01-02-E-P-01 - Electrical Overall Lighting Plan Rev P03
CWL01-02-A-P-116 – Substation Rev P02
CWL01-02-A-P-114 - Water Treatment Building REV P03
CWL01-02-A-P-111 - External Plant Room Rev P03
CWL01-02-A-P-110 - Sprinkler Tank and Pump House Rev P03

Flood Consequence Assessment V4 (Received 16.06.2025)

Air Quality Assessment V4 (Received 16.06.2025)

Noise and Vibration Assessment Rev 01 (Received 16.06.2025)

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

Construction Environment Management Plan

02 The development hereby approved shall be carried out in full accordance with the Construction Environment Management Plan (CEMP) as approved under planning application reference 24/0909. The approved CEMP shall be implemented and adhered to at all times throughout the construction period until completion of the development.

Reason: To ensure necessary management measures are agreed and implemented for the protection of the environment during demolition and construction in accordance with Policy SP4 and GP5 of the NLDP 2011-2026 (adopted January 2015).

Scheme of Soft Landscaping

03 The scheme of soft landscaping hereby approved shall be undertaken in accordance with a phased implementation plan that has firstly been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in line with the approved phasing and in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter the trees, hedges, grasses and shrubs shall be maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. The monitoring and remediation of the landscape mitigation planting during the 5 years establishment phase is to be confirmed by:

- a) A short report with photo evidence by the landscape consultant to be submitted to and approved in writing by Newport City Council immediately following the completion of the landscape scheme and showing the site before and after planting, seeding, fencing has been undertaken, and to confirm this is all in line with the approved documents e.g. plant species, plant size, planting operations etc; and
- b) A report with photo evidence by the landscape consultant to be submitted to Newport City Council by 31st July for year 2 and 5 of the five-year establishment period (and thereafter approved in writing by the Local Planning Authority) summarising any issues with planting or seeding, any replacement planting required and the timetable for replacements.

For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To secure the satisfactory implementation and maintenance of the soft landscape scheme and green infrastructure in the interests of visual amenity, ecological enhancement and placemaking having regard to policies GP2, GP5 and GP6 of the NLDP 2011-2026 (adopted January 2015).

Landscape and Ecological Management Plan

04 The development shall be carried out in full accordance with the provision, management and maintenance measures listed in the Landscape and Ecological Management Plan hereby approved. The LEMP shall be carried out in accordance with the approved details.

Reason: To ensure necessary landscape and environmental management measures are agreed prior to commencement of development and implemented to ensure the site's landscape and environmental features are adequately managed long term in accordance with LDP policy GP5.

Written Scheme of Investigation for Archaeological Watching Brief

05 The approved development shall not take place until implementation of a programme of archaeological work in accordance with that outlined in *"Report No. 0657169 - Written Scheme of Investigation for geoarchaeological and archaeological watching brief"*

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the resource, in accordance with Policy CE6 of the NLDP 2011-2026 (adopted January 2015).

No Penetrative Ground Methods

06 The development shall take place in accordance with the approved piling/foundation details approved under planning application 24/0877.

Reason: To ensure there is no unacceptable risk to groundwater during construction in accordance with Policy GP3 of the NLDP 2011-2026 (adopted January 2015).

Root Protection Barrier Fencing

07 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, forming of site compound and operations involving the use of motorised vehicles or construction machinery) shall commence on site until Tree Protection Fencing has been installed in accordance with "Drawing No. 1575-TPP-003-C – Tree Protection Plan".

No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. The fencing shall be retained for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

Arboricultural Watching Brief

08 The development hereby approved shall be carried out in full accordance with the Arboricultural Watching Brief as approved under planning application reference 24/0877, and this shall be adhered to throughout the entire duration of the development works.

Reason: To protect important landscape features within the site in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

Pre – construction conditions

External Materials

09 The external materials of the buildings hereby approved shall be constructed in accordance with the details approved through the below listed planning applications, and retained thereafter;

1. 25/0089;
2. 25/0311;
3. 25/0390;
4. 25/0616.

In the event any additional external materials are required, then these shall firstly be submitted to and approved in writing by the Local Planning Authority prior to their installation. Following installation, the approved details shall be retained thereafter.

Reason: To ensure the development is carried out in an acceptable manner in accordance with Policy GP2 and GP6 of the NLDP 2011-2026 (adopted January 2015).

Future Primary Substation Details

10 Prior to the construction of the future primary substation, full details including dimensions, height, design and appearance shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details and retained in that state thereafter.

Reason: To ensure the development is carried out in an acceptable manner in accordance with Policy GP2 and GP6 of the NLDP 2011-2026 (adopted January 2015).

External Lighting Details

11 Notwithstanding the lighting details hereby approved, prior to the installation of external lighting for the CWL02 building and the Water Treatment Building details shall firstly be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and be retained thereafter.

Reason: To ensure external light of the development is carried out in an acceptable manner in accordance with Policy GP2 and GP5 of the NLDP 2011-2026 (adopted January 2015).

Pre –occupation conditions

Travel Plan

12 Prior to the first use of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include, but not be limited to, outlining the measures that will be put in place to encourage a modal shift from private vehicles. The approved plan shall be completed in accordance with the approved details.

Reason: In the interest of promoting sustainable development and active travel, in accordance with Policy SP1 and GP4 of the NLDP 2011-2026 (adopted January 2015).

Generators

13 The generators approved as part of this scheme shall only be used in case of an emergency (e.g. power failure) and in accordance with the details as to be agreed by Condition 14 of this permission.

Reason: In the interests of preserving air quality within the local environment in accordance with Policy SP1, GP2 and GP7 of the NLDP 2011-2026 (adopted January 2015).

Air Quality Management Plan

14 Prior to the first occupation of either building hereby approved, an Air Quality Management Plan (AQMP) will need to be submitted to and approved in writing by the Local Planning Authority. The AQMP will need to include, but not be limited to the following information;

- Scenarios requiring the use of the AQMP
- Details of scheduled testing of diesel generators sets and the protection of air quality and human health that will be achieved.
- Details of power outage event procedures and how these will protect air quality and human health.
- Actions to be followed during outage/testing periods including communication and surveillance.
- LPA approval must be sought where any additional diesel generators are sought and details of how this will maintain air quality and human health protection.

- Where real time air quality sensors will be deployed as part of the AQMP in keeping with other data centres.
- Details of supplementary mitigation such as secondary catalytic treatment and how they will be deployed.
- Detail of NO₂ levels that could occur during power outages or testing and what the human health symptoms associated with this may look like for purposes of emergency planning.
- Responsibilities
- Contacts including emergency notification, emergency scenarios, scripts and private access contacts.

An annual monitoring report will need to be submitted the Local Planning Authority by no later than the 31st December for each year following commencement of first use, for a period of 5 years.

Reason: In the interests of preserving air quality within the local environment in accordance with Policy SP1, GP2 and GP7 of the NLDP 2011-2026 (adopted January 2015).

Parking Provision

15 Prior to the occupation of either building hereby approved, the associated parking (including provision of Electric Vehicle Charging Points) as per the approved document "Drawing No. CWL01-02-A-P-07- Site Proposed Masterplan" shall be provided and thereafter retained available for use at all times.

Reason: In the interests of adequate parking provision and matters of highway safety in accordance with Policy GP4 and T4 of the NLDP 2011-2026 (adopted January 2015).

Cycle Store Provision

16 Prior to the occupation of either building hereby approved, the associated cycle stores as per the approved documents "Drawing No. CWL01-02-A-P-07- Site Proposed Masterplan" and "Drawing No. CWL01-02-L-P-14 – Bike Parking, Smoke Lounge Details" shall be provided and thereafter retained available for use at all times.

Reason: In the interests of promoting sustainable travel in accordance with Policy SP1 and GP4 of the NLDP 2011-2026 (adopted January 2015).

Foul Drainage Provision

17 Prior to the occupation of either building hereby approved, the associated foul drainage shall be provided in accordance with the details shown as per approved documents "CWL01-C-D-01-0-E-Combined Drainage - Overall Site Plan" and "CWL02-C-D-01-0-C – Combined Drainage - Overall Site Plan" and shall be retained thereafter.

Reason: To protect public health and safety and ensure no pollution of or detriment to the environment in accordance with Policy GP2 and GP3 of the NLDP 2011-2026 (adopted January 2015).

Refuse Store Provision

18 Prior to the occupation of either building, the associated bin/refuse stores as per the approved documents "Drawing No. CWL01-02-A-P-07- Site Proposed Masterplan", "Drawing No. CWL01-XCRW-D-75-P01 - Falco Bin Store Planning" and "Drawing No. CWL01-XCRW-SS-69-0 - Technical Submittal (Bin Store Mesh Walls)" shall be provided and thereafter retained available for use at all times.

Reason: In the interests of adequate waste provision in accordance with Policy W3 of the NLDP 2011-2026 (adopted January 2015).

General conditions

Restriction of Use Class

19 Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any Order revoking or re-enacting that Order, the proposed development shall be

used for the B8 Data Centre (with associated administrative offices) only and for no other purpose, including any purpose in Class B8 or any permitted change of use of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provisions equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: The application has been assessed on the basis that the development is Class B8 – Data Centre only and to protect from permitted changes to alternative uses that could potentially harm neighbouring amenity, parking and highway safety in accordance with Policies GP2, GP4 and T4 of the NLDP 2011-2026 (adopted January 2015).

Noise Assessment

20 The development shall be undertaken in accordance with the details provided in the Noise Assessment (0657169 – Noise and Vibration Assessment Rev 01 Received 16 June 2025).

Reason: To ensure local amenity is preserved in accordance with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

Site Demolition

21 The demolition of the site shall take place in full compliance with the details contained within the approved Demolition Environment Management Plan at all times.

Reason: In the interests of protecting surrounding amenity in accordance with Policy GP2 and GP7 of the NLDP 2011-2026 (adopted January 2015).

Ecological Mitigation

22 The development shall take place in accordance with the mitigation measures as set out within Chapter 5 of the Ecology Impact Assessment (October 2023) at all times.

Reason: In the interests of protecting biodiversity in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: CWL01-02-A-P-01 - Site Location Plan; Covering Letter (16.05.2025); CWL01&02 – Dormice Memo; Ecology/BNG Update (24/04/2025)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP3, SP4, SP9, SP13, SP17, SP18, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE1, CE6, CE8, T4, T5, W3 were relevant to the determination of this application.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.