

Delegated Decision Report

Application No:	26/0585	Statutory Period Expires:	27th August 2026
Site:	<i>Celtic Technology Centre Celtic Way Celtic Lakes Newport South Wales</i>		
Proposal:	<i>NMA APPLICATION TO VARY CONDITION 2 (NOISE) OF 24/0747 CONSTRUCTION OF AN ELECTRICITY SUBSTATION COMPOUND COMPRISING TRANSFORMERS, SWITCHGEARS AND ELECTRICAL EQUIPMENT, SURFACE WATER DRAINAGE, MEANS OF ACCESS, LANDSCAPING, THE INSTALLATION OF BURIED ELECTRICITY TRANSMISSION CIRCUITS, CREATION OF A HABITAT COMPENSATION SITE AND ASSOCIATED WORKS</i>		
Applicant:	<i>S Lockwood</i>		
Type:	Non-Material Amendment	Ward:	Tredegar Park And Marshfield
Decision:	APPROVED WITH CONDITIONS		

1. BACKGROUND

- 1.1 Under application reference 24/0747 planning permission was granted with conditions for the construction of an electricity substation compound with associated works.

2. SITE LOCATION AND CONTEXT

- 2.1 The development site is a parcel of land within the defined settlement boundary on land allocated for B1, B2 and B8 Uses within the NLDP 2011-2026 (adopted January 2015), which has been granted planning permission as per the above.
- 2.2 The development site is located within the Imperial Park Industrial Estate with the overground element located immediately south of Dyffryn Lane on an undeveloped area of grass/scrub land.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application is seeking a Non Material Amendment to the wording of Condition 02 (Noise) of planning permission 24/0747.

- 3.2 Condition 02 (Noise) reads;

Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142 2014, does not exceed a level of 5dB below the existing background level, with no tonal element to the plant.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

- 3.3 The proposed NMA to Condition 02 (Noise) is proposed to read;

Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142 2024, including corrections for characteristics such as tonality, impulsivity and intermittency, does not exceed a level of 5dB below the existing background level.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0747	CONSTRUCTION OF AN ELECTRICITY SUBSTATION COMPOUND COMPRISING TRANSFORMERS, SWITCHGEARS AND ELECTRICAL EQUIPMENT, SURFACE WATER DRAINAGE, MEANS OF ACCESS, LANDSCAPING, THE INSTALLATION OF BURIED ELECTRICITY TRANSMISSION CIRCUITS, CREATION OF A HABITAT COMPENSATION SITE AND ASSOCIATED WORKS.	GRANTED WITH CONDITIONS	02.04.2025

5. PLANNING POLICY

None.

6. CONSULTATION RESPONSES

- 6.1 Environmental Health: After reviewing the request for the NMA we are satisfied that the wording for condition 02 can be amended. The proposed wording from the applicant actually provides a more robust method of managing the noise impact from the proposed development.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

- 8.1 There is no definition of what constitutes a non-material amendment because what is material in each case will vary depend on the circumstances and constraints of the site. Section 96A of the 1990 Act enables Local Planning Authorities to make a change to any planning permission if they are satisfied it is not material. In deciding whether a change is material, an LPA must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.
- 8.2 The Welsh Government planning guidance document Approving Non-material Amendments to an Existing Planning Permission (July 2024) sets out that when assessing and determining whether or not a proposed change would qualify as a non-material amendment, the following tests are applied as a starting point:
- Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?
 - Would the proposed change result in a detrimental impact either visually or in terms of local amenity?
 - Would the interests of any third party or body be disadvantaged in planning terms?
 - Would the proposed change conflict with national or development plan policies?
- 8.3 Noise from transformers typically has tonal characteristics. A correction for tonality, in accordance with BS4142, was factored into the Noise Impact Assessment carried out for the development. The findings of the noise assessment are presented in Noise Impact Assessment 21/07/2023 AtkinsRéalis, which was submitted in support of the planning application for the substation.
- 8.4 As tonality was considered as part of the noise assessment, and corrections applied, it is not necessary for the planning condition to include 'with no tonal element'. The revised wording proposed by the applicant still retains a maximum level not exceeding 5dB below the existing background level and as such the noise levels generated are retained as per

the requirement of the original condition. The EHO have confirmed that the proposed wording of the condition would provide a more robust method of managing the noise impact from the proposed development.

- 8.5 Therefore, the updated wording of the condition as suggested through the NMA would not result in a change great enough to cause an impact different to that of the original development, would result in no detrimental impact on local amenity, would not disadvantage any third party or body and would not conflict with national or development plan policies.

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 amendments sought are considered to be non material and are permissible under Section 96a of the Town and Country Planning Act.

- 10.2 The application is Approved and Conditions.

11. DECISION

APPROVED WITH CONDITIONS

01 Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142 2024, including corrections for characteristics such as tonality, impulsivity and intermittency, does not exceed a level of 5dB below the existing background level.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan; Ref: 1000097282 Covering Letter.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies 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.