

Notice of Decision



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TOWN AND COUNTRY PLANNING ACT 1990 [as amended]

Application No: **26/0241**

Application Type: **Full**

Proposal: **ENGINEERING WORKS TO CONSTRUCT RAISED BUND AND ACCESS RAMP AROUND APPROVED DATA CENTRE TO A CREST OF APPROXIMATELY 9.75M AOD, PARTIAL DEMOLITION OF A BUILDING, THE IMPORTATION OF FILL MATERIAL TO CREATE THE BUND & RAMP, SURFACING WORKS AND ALTERATIONS TO BUILDING ELEVATIONS TO ACCOMMODATE LEVEL CHANGES**

Site/Location: **Liberty Steel , Corporation Road, Newport, NP19 4XE**

Decision Date: **13th August 2026**

In pursuance of its powers under the above Act the Council of the City of Newport notifies you of its decision in respect of your application, registered by them on 30th March 2026. The application has been:

Granted with Conditions

STANDARD CONDITIONS

The development must begin not later than the expiration of FIVE YEARS from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990

ADDITIONAL CONDITIONS

1. The development shall be implemented in accordance with the following plans and documents:
 - o Drawing 10544-ECL-XX-XX-DR-C-0004 B - AI Facility Floor Plan and Elevations
 - o Drawing 10544-ECL-XX-XX-DR-C-0007 A - Proposed Raised Platform, Site Layout
 - o Drawing 10544-ECL-XX-XX-DR-C-0008 C - Sections through Proposed Platform and Ramp
 - o Drawing 10544-ECL-XX-XX-DR-C-0009 - Site Location Plan
 - o Drawing 10544-ECL-XX-XX-DR-C-0014 A - Deconstruction Details

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

2. CEMP: No work including demolition shall commence on site until such a time that a Construction Environment Management Plan (CEMP) has been submitted to and agreed in writing by the LPA. The CEMP shall include details of:
- o Details of site enclosure; height form and location of fencing.
 - o Details of site lighting showing that there will be no increase in light levels along the ecologically sensitive riverbank environment.
 - o Details of the storage of materials, aggregates and waste materials including maximum heights and locations and information on how these materials will be contained within the working area so that they do not enter the SAC or wider environment directly or indirectly.
 - o Details of control over construction site drainage demonstrating that waters polluted by either chemicals or sediment will not enter the SAC.
 - o Details of the storage of fuels or other chemicals, demonstrating how any leaks will be contained.
 - o Details of a buffer strip between the working area and the SAC that shall be demarcated by fencing which is to be retained for the duration of the construction programme. No materials shall be stored, vehicles trafficked, wastes disposed of or fires lit within the identified buffer strip.
 - o Pollution Prevention: demonstrating how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
 - o Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
 - o Details of working methods to reduce noise and disturbance to the River Usk SAC.
- Following the LPA's written agreement the CEMP shall be implemented as agreed for the duration of all works of development on the site.
- Reason:** to protect the ecological integrity of the River Usk SAC and the wider environment. Policies SP1, SP5 and GP7.

Pre - construction conditions

3. Materials: Prior to their incorporation into the bund hereby approved all fill materials to be used in construction of the bund shall be chemically tested and their source of origin authenticated. The chemical testing results and the authentication documents shall be submitted to the LPA in writing and following the LPA's written agreement that the materials are acceptable they shall be incorporated into the bund. No materials shall be used other than the agreed materials.
- Reason:** the bund will be located close to the River Usk SAC and surface water run-off that is chemically contaminated would have adverse impacts upon the interests of the SAC and the wider environment. Policies GP5 & GP7.
4. No hard surfacing shall be provided on the site until such a time as details of the materials to be used have been submitted to and agreed in writing by the LPA. The development shall be undertaken in accordance with the details approved and retained for the lifetime of development.
- Reason:** to retain control over the appearance of the development. Policies GP2 & GP6.

NOTE TO APPLICANT

1. The development shall be carried out fully in accordance with the proposals shown in the application and in the plans and particulars accompanying such application as varied and amended by this permission.
2. This decision notice is issued in respect of Planning Permission only and does not convey any approval which may be required under any other legislation or provisions, such as, but not limited to, Highways and Building Regulations. For advice on the requirements of the Building Regulations and allied legislation, and/or whether there is a need for a Building Regulations submission, please contact the Council's Building Control Section on 01633 656656 or email building.control@newport.gov.uk. For advice on obtaining relevant permissions from the Highway Authority, please contact highway.planning@newport.gov.uk
3. Where there are conditions which require details to be approved prior to the commencement of development, failure to submit these details prior to commencement of development may result in the permission being invalidated.
4. The Local Planning Authority has a target to determine Discharge of Condition applications within 8 weeks of receipt of the details, and so you are advised to programme any work accordingly.
5. The plans have been assessed on the basis of the scale or dimensions stipulated and any statement of 'do not scale' (or similar) has been disregarded.
6. This decision relates to the following unconditioned plans & documents:
- Habitat Regulations Assessment (HRA) - Addendum Note (Appendix 1)
 - Hydraulic Modelling Report (June 2026)
 - Flood Consequences Assessment - Supporting Note (Appendix 2)
 - Appendix 2 - Flood Consequences Report
 - Planning Statement (March 2026)
7. The development plan for Newport is the Newport Local Development Plan 2011 - 2026 (Adopted January 2015). The following Policies were relevant to the determination of this application:
- SP1 - Sustainability
- SP3 - Flood risk

SP8 - Special Landscape Areas
GP1 - Climate Change
GP5 - Natural Environment
GP6 - Quality of Design
GP7 - Environmental Protection & Public Health
CE2 - Waterfront Development
CE9 - Coastal Zone

8. 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.
9. 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.

Signed on behalf of the Council



Newport City Council
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IMPORTANT! PLEASE READ THE NOTES ON THE REVERSE OF THIS FORM

Notes for Applicants

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Appeals to the Welsh Government

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission or grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act (as amended).
 - Appeals must be made within a prescribed time period that is dependent on the application type. These time periods along with further information on the appeals process are available here and should be checked immediately: [Planning appeals | Sub-topic | GOV.WALES](#)
 - Appeals in respect of:
 - Householder and 'minor commercial' development must be received within 12 weeks from the date of the decision notice;
 - Advertisement consent applications must be received within 8 weeks from the date of the decision notice; and,
 - Other types of planning application must be received within 6 months from the date of the decision notice.
- Appeal forms can be downloaded at Planning Casework (gov.wales) or are obtainable from Planning and Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ, email PEDW.Casework@gov.wales
- The Welsh Ministers can allow a longer period for giving notice of an appeal, but are not normally prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
 - The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
 - In practice, the Welsh Ministers do not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices

- If either the Local Planning Authority or the Welsh Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).