



CWL12 DATA CENTRE S73 APPLICATION

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Document history

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1. Introduction

1.1 The Application

AtkinsRéalis has been instructed by the applicant, Vantage Data Centers (VDC), to submit an application under Section 73 of the Town and Country Planning Act 1990, for the variation of conditions attached to planning permission 23/0549 to replace approved drawings for the design of standby diesel generators, boundary treatment, site entrance details, drainage details and cladding details at the CWL12 Data Centre, Celtic Technology Centre, Celtic Way, Celtic Lakes, Newport NP10 8BE. This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) and seeks approval from Newport City Council for:

Application to vary conditions 1, 4 and 8 of planning permission 23/0549, S73 application to vary conditions 1 (approved plans), 7 (Landscaping and Planting Scheme), 10 (Noise Assessments) and 11 (Noise Survey) of 20/0039 Erection of 4no Three-Storey Data Centre Buildings Comprising B8 Use and Ancillary B1 Use, Provision of Emergency Generators, Security Lodge, Hard and Soft Landscaping, Internal Access Roads, Car Parking and Sustainable Drainage.

App. ref. 23/0549 is referred to throughout this report as the 'existing permission'.

The Application Site encompasses the CWL12 data centre site at the Imperial Park Industrial Estate. The Application Site has a site area of 2.8 hectares. The following list details the drawings and documents included within this application;

- Site Boundary Plan - 5185749-ATK-XX-XX-DR-AR-0001- Revision 02
- Data Centre Proposed Site Plan - CWL12-LAWA-SW-XX-DR-A 910290 – Revision C02
- Generator Gantry - CWL12-LAWA-XX-DR-A-910501 – Revision C01
- Generator Application Indicative Fence Elevation Details - CWL12-SOLB-ZZ-SI-DR-L-900602 – Revision P01
- Gate House General Arrangement - CWL12-LAWA-GH-00-DR-A-200106 – Revision C07
- Landscape Masterplan - CWL12-SOLB-ZZ-SI-DR-L-900201 – Revision C11
- Landscape Masterplan (CWL12) CWL12-SOLB-ZZ-SI-DR-L-900204 – Revision C03
- Arboricultural Method Statement CWL12-SOLB-ZZ-SI-RP-L-900003 (which contains Tree and Vegetation Protection and Removal Plan CWL12-SOLB-ZZ-SI-DR-L-900101) – Revision C01
- Drainage General Arrangement - 5185749-ATK-XX-XX-DR-D-8100 – Revision P04
- Drainage General Arrangement Plan - CWL12-HYDR-SW-XX-DR-C-900155 – Revision C01
- Data Centre General Arrangement Building Elevations - Sheet 01 CWL12-LAWA-ZZ-XX-DR-A-200491 - Revision C02
- Data Centre General Arrangement Building Elevations - Sheet 02 CWL12-LAWA-ZZ-XX-DR-A-200492 - Revision C02

An application fee of £315 (including planning portal fee of £85) has been paid via the planning portal.

2. Context

2.1 Site Context

The CWL12 Data Centre (the 'Application Site') occupies a 2.8 hectare site in the north-east of the Imperial Park



Industrial Estate, Coedkernew, Newport, NP10 8BE. It is accessed off South Lake Drive. The development is under construction and will comprise four three-storey data centre buildings with ancillary plant and machinery installed on hard standing around the building curtilage. As per the permission, the Application Site will be enclosed on all sides by 4m high black mesh security fencing.

Imperial Park is an industrial estate covering more than 140 hectares, located on the western edge of the City of Newport. It is accessed from the A48 and J28 of the M4. Imperial Park is home to existing and under construction data centres, semi-conductor manufacturing facilities and other industrial premises. Immediately north of the Application Site is an area of overgrown vegetation separating Imperial Park from the A48. Part of this area has planning permission (app. ref. 23/0954) for an electricity substation and attenuation basin to serve CWL12, the development is under construction.

To the eastern boundary of the Application Site are the rear gardens of residential properties located on Pencarn Avenue. The Application Site is bordered to the south by a car park serving industrial premises at Imperial Park. To the west is Vantage's CWL11 data centre, a three-storey industrial building with machinery and plant situated around its curtilage. The CWL11 data centre has been in operation since 2011.

2.2 Environmental Profile

There are four Sites of Importance for Nature Conservation (SINC) and one Site of Special Scientific Interest (SSSI) within a 1km radius of the Application Site. These include the Celtic Springs SINC, LG Duffryn Site 1 SINC, LG Duffryn Site 2 SINC, Duffryn Pond SINC and the Gwent Levels-St Brides SSSI.

The Application Site lies within the Gwent Levels National Character Area and in proximity to the Cardiff, Barry and Newport National Character Area. Existing large buildings within Imperial Park screen views of the Application Site from the west, although the Application Site is visually prominent from residential properties on Pencarn Avenue to the east.

The Gwern Y Cleppa Burial Chamber Scheduled Monument is located to the north of the M4 approximately 800m to the north of the Application Site. The Tredegar House Historic Park and Garden, Conservation Area and associated listed buildings are situated within 800m north east of the Application Site.

The Application Site lies within Flood Zone 1 for Rivers and Sea with a small area of Flood Zone 2 and 3 for surface water and small watercourses flooding between the Application Site's northern boundary and the substation development site to the north.

There are no Public Rights of Way within or adjacent to the Application Site.

2.3 Planning history

The original planning permission (app. ref. 20/0039), for four three storey data centres was granted in September 2020. A non-material amendment (app. ref. 21/0594) to vary Condition 6 (Parking Survey) to the original permission was granted in July 2021. Following the amendment;

- Conditions 5 (Drainage Details), 6 (Parking Layout) and 12 (Noise Mitigation) attached to the original permission have been discharged by app. ref. 21/0613.
- Conditions 13 (CEMP), 16 (Biodiversity Construction Environmental Management Plan), 17 (Landscape and Ecological Management Plan), 13 (Contamination Land Reporting), 31 (Arboriculturist) and 32 (Archaeological Written Scheme of Investigation) have been discharged by app. ref. 23/0463.
- A S73 application (app. ref. 23/0549) to vary conditions 1 (Approved Plans), 7 (Landscaping and Planting Scheme), 10 (Noise Assessment) and 11 (Noise Survey) was approved in October 2023.



- Conditions 7 (Landscaping), 11 (Noise) and 16 (Lighting) were then discharged by app. ref. 24/0530 in September 2024.

A further non-material amendment application to vary condition 1 was approved in July 2024 (app. ref.24/0589). The amendment incorporated a link bridge between two of the data centre buildings. The decision notice for app. ref. 24/0589 states that the decision notice must be read in conjunction with planning permission 23/0549.

A S73 application (app. ref. 24/0957) was submitted and subsequently withdrawn prior to determination. The application sought approval for a change to the colour of cladding panels to the east facing facades of the two eastern most data centre buildings.

Vantage is implementing the scheme under planning permission 23/0549 'the existing permission'.

A summary of the recent planning history is provided Appendix B.

3. Proposed Amendments

The following section describes the proposed amendments in relation to the existing permission, provides the background and rationale for the proposed amendments and outlines the relevant information accompanying this application.

3.1 Cladding

The existing permission grants consent for a proprietary coated-metal cladding system in light grey to all facades of the four data centre buildings, as indicated on approved drawing Proposed Materials Section 5185749-ATK-XX-XX-DR-AR-0012. The existing permission does not specify a RAL number or any other naming convention.

The elevation drawings submitted with this application illustrate the proposed change of cladding panel colour to the ground floor level on the entrance section to building 12.2 from light grey to Ephyra, as indicated in red in Figure 3-1 and Figure 3-2. The proposed change affects the ground floor level of the principal façade, accommodating the main entrance and reception area to the CWL12 Data Centre.

All other parts of the buildings' facades will be finished in a light grey as previously approved. The submitted elevation drawings specify RAL 7035 'Oyster'. This is not considered to constitute a change to the existing planning permission and is not considered further in the following appraisal.



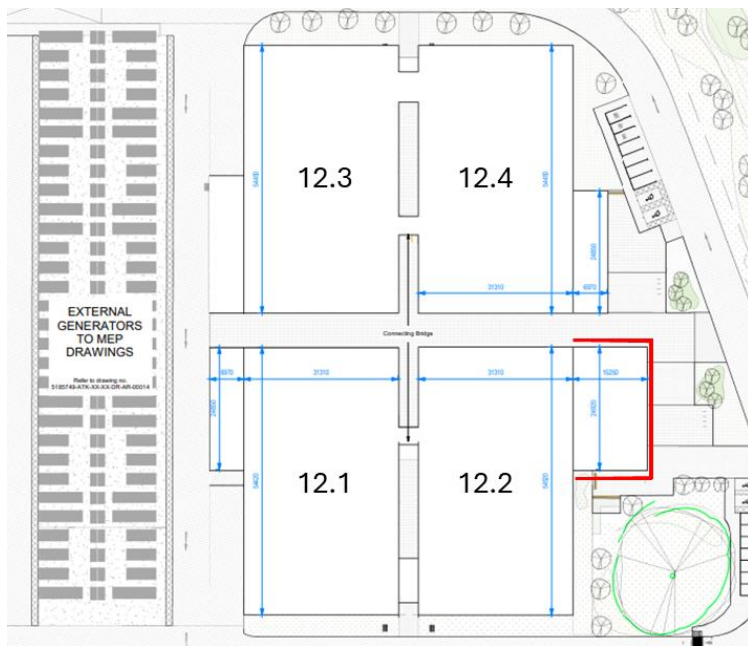


Figure 3-1 – Extent of Proposed Cladding Colour Change

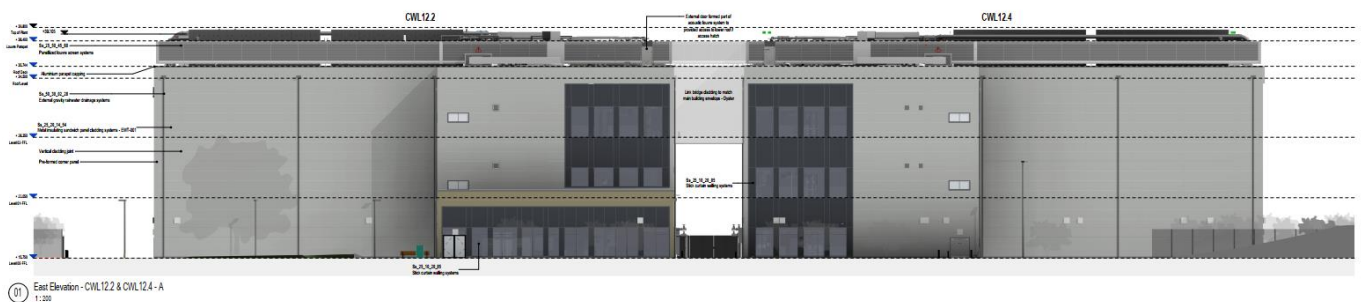


Figure 3-2 - Extent of Cladding Colour Change to the Principal Elevation

3.2 Generators

Submitted drawing CWL12-LAWA-XX-XX-DR—A-910501 Generator Gantry presents full elevations of the proposed generator compound, comprising generator engines laid out back-to-back and side-by-side as per the approved drawing (Proposed Generators / Security Fence - 5185749-ATK-XX-XX-DR-AR-0014 under application ref. 21/0613), with a steel gantry hosting associated switchgear and associated electrical plant above the generators.

The proposal does not change the overall area of the generator gantry. However, consent is sought for alterations to the dimensions of the generator containers within the gantry structure. The generator engines and fuel tanks will be housed in individual generator containers. Each generator container will have a width of 2.9m and a length of 12.5m in comparison to the consented width of 2.19m and length of 11.1m. Each container will have a 12m high flue to the rear and a steel staircase for access to the side to separate each generator container.

The steel gantry will have a platform height of 7.7m above ground, which is an increase from 5.5 metres. Access to the gantry level will be provided by steel staircases at either end of the generator compound, and via steel stairs in a break in generators in the middle of the compound. Switchgear and containerised plant to be accommodated on the gantry will not exceed the overall height of the generator flues, giving the maximum height of approximately 12m above ground level.

A total of 48no. generators are shown on the drawing, with space identified for the future provision of 12no. generators, which may be installed in a future phase – if required – taking the total to 60no. generators as approved under the existing permission.

To summarise, the changes to dimensions of individual generator containers will be accommodated within the overall footprint of the generator gantry area as previously approved.

3.3 Boundary Treatment

The existing permission grants consent for 4m high black weld mesh security fencing to the full perimeter of the site. It is proposed to reduce the height of the fencing to 3m. Minor realignment of 1.8m boundary fencing along the eastern boundary of the site backing onto neighbours' gardens is required to reflect changes in landownership boundaries since the grant of the existing planning permission. Both proposed changes to boundary fencing are sought retrospectively, having already been installed in consultation with neighbours. The reduction in height will result in a minor reduction of visual impacts compared to the existing permission.

Drawing ref: CWL12-SOLB-ZZ-SI-DR-L-900602 submitted with this application provides further detail of the fencing. It is proposed that boundary treatment fencing will consist of 3m high mesh open panel security fencing.**Error!**
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3.4 Site Access Arrangement and Security Kiosk

A key component of the Data Centre business model is the ability to ensure the safe protection of sensitive third-party data. To achieve strict security requirements, minor alterations to the security kiosk and vehicle access arrangements to the Site are required.

The security kiosk will be repositioned further into the site entrance to avoid development on locally adopted highway land. The dimensions of the security kiosk have reduced during the detailed design stage; from the consented dimensions of 9m by 8.955m and a height of 4.2m to proposed dimensions of 7.15m by 8.95m and a height of 3.7m.

In addition to the changed dimensions, the drawings also confirm the material specification of the security kiosk. The kiosk will be constructed in Glassfibre Composite for the elevations and a fascia board for the roof. Additional information can be seen in drawing ref: CWL12-LAWA-GH-00-DR-A-200106.

A vehicle rejection bay is proposed, in the form of a turning head. The turning head is required and designed to accommodate safe turning manoeuvres for HGVs that are refused entry to the site, in accordance with security protocols. Two hydraulic ramp barriers will be installed within the site to create a vehicle airlock capable of contain rejected vehicles. The arrangement consented under the existing permission, as shown in Figure 3-3 - Consented Access Arrangement, does not make provision for on-site turning of rejected vehicles, meaning rejected vehicles would need to reverse onto the public highway. The proposal is necessary for the site to operate and will represent an improvement for highway safety.

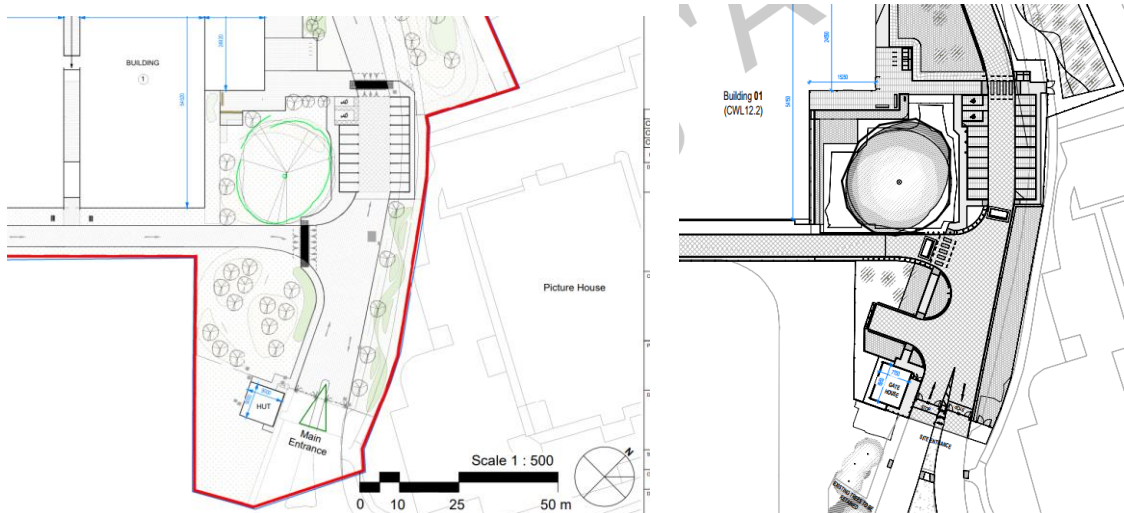


Figure 3-3 - Consented Access Arrangement (left) and Proposed Access Arrangement (right)

To accommodate the vehicle rejection bay, it is necessary to remove the rain garden previously located adjacent to the security kiosk. Additional drainage has been added north of the security kiosk to compensate for this loss. This proposed change will ensure that the SAB approval is still valid for the site drainage.

To facilitate the changes to the vehicle access arrangements and the security kiosk this application is seeking the introduction of drawing ref: CWL12-LAWA-GH-00-DR-A-200106 and drawing ref: CWL12-LAWA-GH-00-DR-A 910290 to Condition 1.

3.5 Sustainable Drainage (SuDs) and Landscape Alterations

To facilitate the above access arrangements, and to align the drainage scheme to the SAB approval, a revised Surface Water Drainage Layout plan is submitted.

Key changes proposed to the drainage layout include;

- Loss of the Detention Storage Basin to facilitate the required turning circle.
- Introduction of a rain garden to the west of the bund to compensate for the reduction in the size of the Basin in the bund.
- Additional area of drainage located north of the proposed Kiosk.

In facilitating the proposed drainage layout, the following changes are required;

- Introduction of gravel path adjacent to the proposed drainage east of CWL12.2.
- Additional pavement located north east of the existing oak tree to facilitate disabled parking bays.
- Slight reduction in the proposed grassland around the existing oak tree so that the foot path extends the full length of the building.

3.6 Oak Tree Root Protection Area

In addition to the reduction of grassland surrounding the oak tree mentioned above, additional works are required within the route protection area (RPA) of the existing oak tree, which will result in changes to the existing Oak Tree's RPA. The existing oak tree is protected by a Tree Preservation Order (TPO).

A connection is required into an existing data chamber, which currently sits within the RPA of the oak tree, to facilitate a connection between the building and an existing underground structure, present within the RPA.

Excavations are required to form a trench for the laying of cable ducts to connect into the existing chamber. Some of these excavations will occur within the RPA. The trench will require batter slopes. Upon installation the trench will be backfilled. Due to the need to tie in with existing infrastructure within the RPA, no alternative proposal that would avoid the RPA is available.

The submitted Arboricultural Method Statement CWL12-SOLB-ZZ-SI-RP-L-900003 specifies the excavations proposed are highly unlikely to affect the stability of the tree under normal wind load conditions. It also specifies that within the current British Standard 5837: Trees in Relation to Design, Demolition and Construction, it states that where there are exceptional circumstances and that corresponding distances can be awarded to the RPA in other directions, it is deemed acceptable to compromise an RPA on one side by up to 20%. In this scenario, the RPA is affected by 10.5% and therefore the current proposal is acceptable on arboricultural grounds.

4. Proposed Variation of Conditions

To facilitate the proposed design changes set out in Section 3, updated conditions are proposed, as set out in Table 4-1.

Table 4-1 - Proposed Condition Wording

Condition Number	Proposed Condition Wording (changes in red)	Rationale for Proposed Condition
Condition 1		
<i>Condition 1 Secured under Application 23/0549</i>		
1.	The development shall be implemented in accordance with the following plans and documents: Data Centre Proposed Site Plan CWL12-LAWA-SW-XX-DR-A-910290-D7 C02 Data Centre GA Building Elevations CWL12-LAWA-ZZ-XX-DR-A-200491-D7-C02 Sheet 01 Data Centre GA Building Elevations CWL12-LAWA-ZZ-XX-DR-A-200492-D7-C02 Sheet 02 Gate House General Arrangement CWL12-LAWA-GH-00-DR-A-200106-S5-C07 Landscape Masterplan CWL12-SOLB-ZZ-SI-DR-L-900204 S5 C03 Generator Gantry and Fencing CWL12-LAWA-XX-XX-DR-A-910501-D7-C01	To secure proposed changes to the cladding, generator details, boundary treatment, site access arrangement and security kiosk, SUDs and the root protection area.



Generator Application Indicative Fence Elevation Details CWL12-SOLB-ZZ-SI-DR-L-900602-D7 P01
Drainage General Arrangement Plan CWL12-HYDR-SW-XX-DR-C-900155-S5-C01
Arboricultural Method Statement CWL12-SOLB-ZZ-SI-RP-L-900003-S5-C01

Previously Approved 23/0549

~~Proposed Site Plan 5185749-ATK-XX-XX-DR-AR-0003 Rev C03~~

Proposed Ground Floor 5185749-ATK-XX-XX-DR-AR-0005 Rev C03

Proposed First Floor 5185749-ATK-XX-XX-DR-AR-0006 Rev C03;

Proposed Second Floor 5185749-ATK-XX-XX-DR-AR-0007 Rev C03;

Proposed Roof Plan 5185749-ATK-XX-XX-DR-AR-0008 Rev C03;

~~Proposed Elevations 5185749-ATK-XX-XX-DR-AR-0009A Rev C03;~~

~~Proposed Elevations 5185749-ATK-XX-XX-DR-AR-0009B Rev C03;~~

Proposed Long Cross Section 5185749-ATK-XX-XX-DR-AR-0011 Rev C03;

Proposed Materials Section 5185749-ATK-XX-XX-DR-AR-0012;

~~Proposed Security Lodge 5185749-ATK-XX-XX-DR-AR-0015 Rev C03;~~

25 and 45 degree natural daylight test sections 5217851-ATK-XX-XX-SK-AR-000001;

~~Proposed Landscape General Arrangement 5185749-ATK-XX-XX-DR-L-0001 P03;~~

Landscape General Arrangement Sections 5185749-ATK-XX-XX-DR-L-3000;

~~Proposed Drainage General Arrangement 5185749-ATK-XX-XX-DR-D-8100 Rev P04;~~

Drainage Strategy;

Landscape and Visual Appraisal Addendum;

CWL12 Noise Impact Assessment;

Previously Approved 20/0039

~~Proposed Generators / Security Fence 5185749-ATK-XX-XX-DR-AR-0014 Rev 02 Tree Protection Plan 5167903-ATK-ARB001-TPP Rev P01~~

Design and Access Statement;

Ecological Impact Assessment;

Arboricultural Impact Assessment;

Air Quality Appraisal;

Geotechnical and Land Contamination Technical Review

Approved under NMA 24/0589 (in relation to the Link Bridge only)
Proposed Site Plan CWL12-LAWA-SW-XX-DR-A- 910290;
Proposed Second Floor Plan CWL12-LAWA-ZZ-02-DR-A-200193;
Link Bridge GA CWL12-LAWA-ZZ-XX-DR-A- 200197-S5-CO1;
GA Building Elevations CWL12-LAWA-ZZ-XX-DR-A-200491-S5-C01 Sheet 01;
GA Building Elevations Sheet 02 CWL12- LAWA-ZZ-XX-DR-A-200492-S5-C01;
Proposed Roof Plan CWL12-LAWA-ZZ-04-DR-A-200195-D7-P01

4	<u>Boundary Treatments</u> All means of enclosure/boundary treatments associated with the development hereby approved, other than already agreed as part of this scheme as shown on drawings Landscape Masterplan (CWL12) CWL12-SOLB-ZZ-SI-DR-L900204, Generator Gantry and Fencing CWL12-LAWA-XX-XX-DR-A-910501-D7-C01 and Indicative Fence Elevation Details CWL12-SOLB-ZZ-SI-DR-L-900602-D7-P01, shall be completed in accordance with a scheme that shall first be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.	To secure boundary treatment alterations.
8	<u>Landscaping - Site</u> Notwithstanding the requirements of Condition 07, which shall be adhered to in accordance with the requirements of the condition, the scheme of landscaping and planting hereby approved for the remainder of the site as set out in Proposed Landscape General Arrangement 5185749-ATK-XX-XX-DR-L-0001-P03 and Landscape General Arrangement Sections 5185749-ATK-XX-XX-DR-L-3000 Landscape Masterplan (CWL12) CWL12-SOLB-ZZ-SI-DR-L900204 shall be carried out by a date not later than the end of the full planting season immediately following the completion of the development. Thereafter the trees 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. For the purpose of this condition, a full planting season shall mean the period from October to April.	To secure the proposed landscape plan.

5. Appraisal / Assessment of Materiality

5.1 Description of Development

The existing permission 23/0549 describes the development as: *Erection of 4no Three-Storey Data Centre Buildings Comprising B8 Use and Ancillary B1 Use, Provision of Emergency Generators, Security Lodge, Hard and Soft Landscaping, Internal Access Roads, Car Parking and Sustainable Drainage.*

The proposed changes will not alter the description of development.

5.2 Planning Policy

This section comprises a review of the proposed changes against the Newport Local Development Plan 2011 – 2026 (January 2015). Policies considered most relevant to the proposed design changes are:

- Policy GP2 General Amenity
- Policy GP4 Highways & Accessibility
- Policy GP5 Natural Environment
- Policy GP6 Quality of Design
- Policy GP7 Environmental Protection and Public Health

The following Technical Advice Note (TAN) is considered relevant to the proposed development.

- TAN Advice Note 12: Design.

Newport City Council Supplementary Planning Guidance considered relevant to the proposed development is:

- Trees, Woodland, Hedgerow and Development Site (2017).

Policy GP2 emphasises the need to ensure that the development does not cause significant adverse effect on local amenity. The proposed changes have been considered from the perspective of local amenity including visual amenity, and the proposed changes will not alter the effects arising from impacts caused by the consented Scheme. The minor reduction in size of the security kiosk would be less visually obtrusive in comparison to the consented kiosk. The slight relocation of the security kiosk would be considered minor in scale and would not result in any discernible impacts for neighbouring properties. The increase in height of the generator compound would not cause a visual intrusion to the nearby receptors as the generator compound is well screened by the data centre buildings. Additionally, the reduction in fence height is considered to be less visually obtrusive in comparison to the consented fencing. Consequently, as the changes in the design are not considered to bring forth any new or changed impacts on local amenity, the proposed development is considered to be acceptable.

Policy GP4 Highways & Accessibility establishes the requirements of development proposals in terms of access. Development proposals are expected to provide safe and suitable access which is in accordance with national guidance, and to ensure that the development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network. The proposed changes are intended to ensure that safe egress for vehicles without security clearance can be provided, while also ensuring the safety of users of South Lake Drive. As such, the proposed changes are aligned with this policy.



Policy GP5 states that proposals should demonstrate how they avoid or mitigate negative impacts on biodiversity. This includes ensuring that the proposal does not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value. Adequate space around the existing oak tree has been maintained to ensure that no harm will come to the existing oak tree. Additionally, the proposed Arboricultural statement has confirmed that the excavations proposed are highly unlikely to affect the stability of the tree under normal wind load conditions. As such, the proposed development remains in accordance with this policy.

Policy GP6 states that good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. The change in the design is required to ensure that safe entry into the site can be provided without impacting the local highway network. The proposed change does not alter the integrity of the overall design significantly and would not result in a lower quality proposal.

The proposed change in the colour of cladding at ground floor level to the east-facing façade of the main entrance reception from light grey to Ephyra represents an improvement in the architectural finish and quality when compared to the approved design. It will introduce an improved architectural and visual interest at ground floor level, which will further establish the east-facing elevation as the principal façade and the arrival point to the development. The extent of the east facing façade proposed as Ephyra has been pared back following consultation with neighbours. The view of the cladding at ground floor will be screened by the bund for residential properties located along Pencarn Avenue.

Additionally, in the interest of ensuring that design is of a high quality, this proposal also includes the reduction in height of the boundary fencing, which in turn represents a minor reduction in the visual impact of the overall Scheme. The changes in the design are not considered to cause any significant impact on the proposed development and therefore, should be deemed acceptable.

Policy GP7 Environmental Protection and Public Health states that development will not be permitted if it would cause or result in unacceptable harm to local amenity or public health and safety. The proposed alterations to the generators would not result in an increase in noise or emissions, therefore, the development should be deemed acceptable.

On the basis of the above, the proposed development is considered to be acceptable when assessed against the development plan.

5.3 Environmental and amenity impacts

A range of environmental assessment and appraisal reports accompanied the origin application. Collectively, these described the development, identified the scale and nature of potential impacts and informed mitigation requirements. The proposed alterations to the scheme are considered minimal and as such, it has not been deemed necessary to undertake updates to assessments.

A proposed Arboricultural Method Statement (CWL12-SOLB-ZZ-SI-RP-L-900003) has been submitted with this application. This statement confirms that any effects additional to those stated in the previous applications are highly unlikely to affect the stability of the tree under normal wind load conditions.

The alterations to the security kiosk and the changes to the generators are minor in scale and therefore, as stated above, would not significantly alter the overall development. Owing to the small scale and nature of the proposed changes, the conclusions and recommendations of all other reports prepared in relation to the existing planning application are not considered to be materially affected and revised reports have not been prepared to support this application.



5.4 Summary

In-combination with previously approved changes, the proposed changes would not give rise to cumulative material effects on the permission.

The proposed condition wording required to enable the proposed changes is set out in Section 3.

A review of relevant development plan policies has identified that the proposed changes are in accordance with the Local Plan. No other material considerations have been identified.

In view of the overall planning permission, the proposed changes are minor in scale and nature. They would not introduce any new or different environmental impacts and would be considered to maintain the quality of the design in application ref: 23/0549.

6. Conclusion

This application seeks the variation of conditions attached to the existing permission (24/0589) for;

Application to vary conditions 1, 4 and 8 of planning permission 23/0549, S73 application to vary conditions 1 (approved plans), 7 (Landscaping and Planting Scheme), 10 (Noise Assessments) and 11 (Noise Survey) of 20/0039 Erection of 4no Three-Storey Data Centre Buildings Comprising B8 Use and Ancillary B1 Use, Provision of Emergency Generators, Security Lodge, Hard and Soft Landscaping, Internal Access Roads, Car Parking and Sustainable Drainage.

This Planning Statement has described the proposed amendments and rationale; it presents an appraisal of the proposed amendments in relation to the existing permission and compliance with the Newport Local Development Plan.

The proposed changes have arisen during the detailed design of the Scheme, which commenced after the existing permission was granted. The proposed changes are considered minor and would not result in any materially different impacts from those identified in the existing permission.

The operative part of the permission is not affected. This application proposes amended wording for planning conditions 1, 4 and 8 in order to implement the proposed changes. There is no requirement for new planning conditions for the submission of additional information or to control elements of the permission.

Overall, it is considered that the proposed amendments comply with planning policies and would not lead to any materially new or different environmental impacts from those identified in the existing permission. The grant of permission for the proposed amendment is required to ensure that the planning permission for CWL12 is for viable and operable development. On this basis the applicant requests that the local planning authority grant permission for the variation of conditions without delay.



APPENDICES

Appendix A. Planning Policy

A.1 Statutory Development Plan

A.1.1 Newport Local Development Plan 2011 – 2026 (January 2015)

The Newport Local Development Plan (2011 – 2026) adopted January 2015, establishes the local policies that development proposals in Newport are expected to demonstrate accordance with. In relation to the proposed application, the relevant planning policies are described below.

A.1.1.1 The following policies are relevant to the Proposed Scheme:

- Policy SP1 Sustainability.
- Policy SP4 Water Resources.
- Policy SP18 Urban Regeneration.
- Policy GP2 General Amenity.
- Policy GP3 Service Infrastructure.
- Policy GP4 Highways & Accessibility.
- Policy GP5 Natural Environment.
- Policy GP6 Quality of Design.
- Policy GP7 Environmental Protection and Public Health.
- Policy CE6 Archaeology

A.1.2 Future Wales – The National Plan 2040 (Future Wales), (February 2021)

The following policies are relevant to the Proposed Scheme:

- Policy 1 Where Wales Will Grow.
- Policy 3 Supporting Urban Growth and Regeneration – Public Sector Leadership.
- Policy 9 Resilient Ecological Networks and Green Infrastructure.
- Policy 13 Supporting Digital Communications.

A.2 Material Considerations

A.2.1 Replacement Local Development Plan

The following policies are relevant to the Proposed Scheme:



- PS3 Sustainable Placemaking and Design
- PS4 Climate Change
- PS10 Sustainable Transport
- PS12 Flood Risk

A.2.2 Planning Policy Wales 12th Edition (2024)

The policy and guidance set out in Planning Policy Wales (PPW) is a material consideration in the determination of this planning application. The primary objective of PPW is to help ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

A.2.3 Technical Advice Notes

The following Technical Advice Notes (TANs) are considered relevant to the proposed development.

- TAN Advice Note 5: Nature Conservation and Planning.
- TAN Advice Note 12: Design.
- TAN Advice Note 15: Development and Flood Risk.

Newport City Council Supplementary Planning Guidance NCC has prepared supplementary guidance on a range of topics for developers preparing applications for planning permission. Those of relevance to the proposed development are:

- Trees, Woodland, Hedgerow and Development Site (2017).
- Wildlife and Development (2015).

Appendix B. Site History

Table B-1 shows the planning history for the Proposed Scheme.

Table B-1 - Planning History

Application Reference	Description	Application Status
24/0957	Application to vary condition 1 (approved plans) of 23/0549 S73 application to vary conditions 1 (approved plans), 7 (landscaping and planting scheme), 10 (noise survey) of 20/0039 erection of 4no. three-storey data centre buildings comprising B8 use and ancillary B1 use, provision of emergency generators, security lodge, hard and soft landscaping, internal access roads, car parking and sustainable drainage. Amendments are to agree changes to colour of cladding.	Withdrawn 11 Apr 2025
24/0589	NMA application to vary conditions 1 (approved plans) of 23/0549 S73 application to vary conditions 1 (approved plans), 7 (landscaping and planting scheme), 10 (noise assessment) and 122 (noise survey) of 20/0039 erection of 4no. three-storey data centre buildings comprising of B8 use and ancillary B1 use, provision of emergency generators, security lodge, hard and soft landscaping, internal access roads, car parking and sustainable drainage. Proposed non material amendments include provision of a link bridge at second storey level between two data centre buildings.	Conditionally approved, 25 Jul 2024
24/0531	Partial discharge of conditions 3 (retaining wall) and 5 (landscape bund planting) of 23/0954 provision of an attenuation basin, substation, sprinkler tank, security boundary fence, CCTV, external lighting and hard and soft landscaping	Conditionally approved, 20 Sep 2024
24/0530	Partial discharge of conditions 7 (landscape bund planting), 11 (noise mitigation) and 16 external lighting scheme) of 23/0549 S73 application to	Discharged 20 Sep 2024



	vary conditions 1 (approved plans), 7 (landscaping and planting scheme), 10 (noise assessment) and 11 (noise survey) of 20/0039	
24/0432	Partial discharge of conditions 6 (site investigation) and 10 (foundation details) of 23/0954 provision of an attenuation basin, substation, sprinkler tank, security boundary fence, CCTV, external lighting and hard and soft landscaping	Discharged 25 Jun 2024
23/0954	Provision of an attenuation basin, substation, sprinkler tank, security boundary fence, CCTV, external lighting and hard and soft landscaping	Conditionally approved 30 Apr 2024
23/0549	S73 application to vary conditions 1 (approved plans), 7 (landscaping and planting scheme), 10 (noise assessment) and 11 (noise survey) of 20/0039 Erection of 4no.three-storey data centre buildings comprising B8 use and ancillary B1 use, provision of emergency generators, security lodge, hard and soft landscaping, internal access roads, car parking and sustainable drainage. Amendments include changes to building footprints and design, location of generators, changes to drainage strategy and landscaping and other layout changes	Conditionally approved 26 Oct 2023
23/0463	Partial discharge of conditions 13 (CEMP), 16 (biodiversity construction environmental management plan), 17 (landscape and ecological management plan), 23 (contamination land reporting), 31 (arboriculturalist) and 32 (archaeological written scheme of investigation) of 20/0039 Erection of 4no. three-storey data centre buildings comprising B8 use and ancillary B1 use, provision of emergency generators, security lodge, hard and soft landscaping, internal access roads, car parking and sustainable drainage	Discharged 8 Aug 2023
21/0613	Partial discharge of conditions 5 (drainage details), 6 (parking layout) and 12 (noise mitigation) of planning permission 20/0039 for the erection of	Discharged 10 Aug 2021

	4no. three-storey data centre buildings comprising B8 use and ancillary B1 use, provision of emergency generators, security lodge, hard and soft landscaping, internal access roads, car parking and sustainable drainage	
21/0594	Non material amendment application to vary condition 6 (parking survey) of planning permission 20/0039 for the erection of 4no. three-storey data centre buildings comprising B8 use and ancillary B1 use, provision of emergency generators, security lodge, hard and soft landscaping, internal access roads, car parking and sustainable drainage	Granted 5 Aug 2021
20/0039	Erection of 4no. three-storey data centre buildings comprising B8 use and ancillary B1 use, provision of emergency generators, security lodge, hard and soft landscaping, internal access roads, car parking and sustainable drainage.	Conditionally approved 2 Sept 2020



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