

Our Ref: CAS-304537-D5Z2

Your Ref: 26/0191

Newport City Council
Civic Centre
Newport
NP20 4UR

Dyddiad/Date: 30 April 2026

Annwyl Syr/Madam/Dear Sir/Madam,

Bwriad/Proposal: Outline planning application for the creation of a secure compound and the installation of external plant and equipment to create a modular data centre together with associated equipment and structures, engineering operations, staff accommodation and associated works

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

Thank you for consulting Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) about the above, which we received on 30 March 2026.

We have **concerns** with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding **protected species, land contamination, controlled waters and foul drainage**. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, **conditions** regarding **land contamination, controlled waters and pollution control (construction environmental management)** should be attached to any planning permission granted. Without the inclusion of these conditions we would object to this planning application.

Protected Species

Great Crested Newts

We have reviewed the following information which has been submitted in support of the application:

- Preliminary Ecological Appraisal Revision 01, prepared by Environmental Business Solutions, dated 06/03/2026.

The information has identified that great crested newts (GCN) are material to the application site and recommends that GCN eDNA surveys are undertaken on all water bodies within 250m of the site, prior to works commencing. However, we consider that there is insufficient information to assess the potential effects of the proposal on any GCN that may be present. We therefore advise that GCN surveys should be undertaken by the Applicant and submitted to the Local Planning Authority (LPA) as part of the current planning application.

GCN and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981. Where GCN are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three tests set out in the Regulations. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- ii. There is no satisfactory alternative; and,
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

To avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note 5 into account when considering development proposals where a European Protected Species is present.

Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the third test “demonstration of no detriment to the maintenance of the favourable conservation status of European protected species”. We advise that before any consent is given, as informed by the provisions of Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) the LPA satisfy itself as to whether the scheme satisfies the other two tests, namely a relevant Habitats Regulations purpose and whether there is no satisfactory alternative to the proposal.

We advise that the works are carried out under licence. We refer you to the Chief Planning Officer’s letter dated 1 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site. Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

With regard to licensing, please advise the Applicant that Natural Resources Wales is the appropriate licensing body, rather than Natural England.

Land contamination and controlled waters

Our records indicate that the proposed development is located on an area of historic landfill. This is a landfill that was formerly used for the permanent deposit of waste. The relevant Local Authority is the lead regulator for historical sites that are not regulated by NRW, as is the case for this site.

We therefore advise you to consult with your authority's Environmental Health and Building Control Departments, as they may hold detailed records, and may wish to make appropriate recommendations in respect of landfill gas investigation/remedial work. The developers should be made aware of the existence of the landfill site so that they can decide whether or not to make their own investigations into the presence of landfill gas. It should also be noted that Waste Management Paper 27 states "It has been found that many sites which have taken only supposedly 'inert' waste have produced gas".

Development on a landfill site should consider the landfill engineering and infrastructure, together with any impact on the landfill cap, leachate collection systems and general site drainage. We therefore advise that a preliminary risk assessment (PRA) should be submitted to support the planning application. In particular, information should be provided in respect of:

- Landfill details including the nature of the waste, capping details, existing drainage, leachate system management and historical monitoring.
- Installation of hardstanding including proposed materials, groundworks and any removal of soils or capping.
- Confirmation of whether any piling would be required.
- Details of proposed surface water drainage. We advise that infiltration methods could affect the landfill engineering.

Based on the conclusions of the PRA, further intrusive site investigation, risk assessment and remediation may be necessary. The following conditions are therefore recommended to cover this eventuality and because we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

In line with the advice given in Planning Policy Wales, we understand that the LPA must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition we would recommend that the following conditions are imposed.

Condition: Preliminary risk assessment

No development, of land known to be / suspected of contamination, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:

- i. all previous uses
 - ii. potential contaminants associated with those uses
 - iii. a conceptual model of the site indicating sources, pathways and receptors
 - iv. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification

To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition: Verification report

Prior to the occupation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Justification

To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition: Long term monitoring plan

Prior to the operation of the development a long term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required
- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification

A long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters.

Condition: Unsuspected contamination

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification

To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to the water environment, and to ensure that the development can be carried out safely without unacceptable risks.

Condition: Piling/foundation design

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Justification

There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

Condition: Infiltration of surface water

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Justification

To prevent pollution to the water environment.

Protected sites

The proposed development is located approximately 500m from the River Usk Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Julian's Reen is located approximately 500m to the south and is hydrologically connected to the River Usk SAC/SSSI and the Gwent Levels Nash and Goldcliff SSSI.

We have reviewed the Habitats Regulations Assessment (HRA) Screening Report provided in Appendix 3 of the Supporting Planning Statement (March 2026), prepared by Era4 Limited. We have concerns that an adverse effect from the proposed development on the SAC cannot be ruled out.

To secure appropriate mitigation measures, we advise that the condition below should be attached to any planning permission for this development. This should include details of mitigation to be implemented to prevent any potential impacts to designated sites from pollution and run-off to a watercourse during construction. Provided the development is carried out in accordance with the condition, we do not consider that it will adversely affect the integrity of the SAC. Providing the impact pathways referenced above for the SAC are adequately addressed, we consider that the notified features of the SSSI will also be adequately safeguarded.

Condition: Construction environmental management plan

No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed
- General site management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain
- Soil management: details of any topsoil strip, storage and amelioration for re-use
- CEMP masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures
- Control of nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and

vibration from piling activities, for example acoustic barriers; details of dust control measures; and measures to control light spill

- Resource management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic management: details of site deliveries, plant on site, wheel wash facilities
- Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification

A CEMP should be submitted to ensure necessary management measures are agreed and implemented for the protection of the environment during construction.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), your authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC/SPA/Ramsar site, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC.

Foul drainage

No information has been provided regarding the disposal of foul waters from the proposed development. Further information should therefore be provided in support of the application.

We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new developments, and specifically paragraphs 2.3-2.5, which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer.

Please re-consult us if foul sewage from the proposed development is to be disposed of by a private sewerage system.

Flood risk

The planning application proposes less vulnerable development. The Flood Map for Planning identifies the access to the site to be at risk of flooding and within Flood Zone 3 (Sea), TAN15 Defended Zone and Recorded Flood Extents.

We refer you to Section 10 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN15) for advice on how you should consider this application in line with current planning policy. Our role is to provide you with detailed advice on the findings and conclusions of the Flood Consequences Assessment (FCA) in relation to flooding from rivers and/or the sea, including the impact on flooding elsewhere. For advice on flood risk from surface water and/or small watercourses you should consult with your Lead Local Flood Authority.

Therefore, we have reviewed the FCA undertaken by Tetra Tech (Rev. P02), dated March 2026. Our advice to you is that the FCA confirms that the proposed modular data centre is located outside of Flood Zone 3 and the risk of flooding is considered to be low. However, the FCA does not provide any information with regard to the access road.

It is for planning authorities to determine whether the risks and consequences of flooding are acceptable. Therefore, you should be satisfied that the proposal has fully considered access requirements, including evacuation routes used in an emergency flood event. As such you may require the Applicant to submit further information to cover appropriate access/evacuation routes from the proposed development (see Figure 2 in TAN15 – Technical requirements of an FCA).

Other matters

The advice in this letter relates to matters which are included on our [consultation topics list](#). We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

Advice for the developer

Contaminated Land risk management

NRW recommends that developers should:

1. Follow the risk management framework provided in [Land contamination risk management \(LCRM\)](#)
2. Refer to '[Land Contamination: a guide for developers](#)' (WLGA, 2023) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our [groundwater protection](#) advice on www.gov.uk

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the [CL:AIRE Definition of Waste: Development Industry Code of Practice](#). This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations is clear. If in doubt, NRW should be contacted for advice at an early stage to avoid any delays.

Permits

The Liberty Steel site is currently regulated by NRW. We note that the proposed access crosses the Liberty Steel permit boundary, but the data centre complex is located outside the permit boundary.

We advise early liaison with NRW to establish whether there is a need to vary existing permits or apply for new permits, to try to ensure there is no conflict between any planning permission granted and the permit requirements. It is important to note a grant of planning permission does not guarantee a permit will be granted, should a proposal be deemed to be unacceptable. The Applicant should ensure they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

If you have any queries about the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Jessica Jones

Cynghorydd - Cynllunio Datblygu/Senior Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

E-bost/E-mail: southeastplanning@cyfoethnaturiolcymru.gov.uk

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.