

Notice of Decision



E Reid
Tetra Tech
90 Victoria Street
Bristol
BS1 6DP

SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 [as amended]

Application No: **25/0213**

Application Type: **Renewals and Variation of Conditions**

Proposal: **VARIATION OF CONDITION 01 (APPROVED PLANS AND DOCUMENTS) OF PLANNING PERMISSION 23/0949 FOR BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED INFRASTRUCTURE AND WORKS, TO AMEND THE APPROVED DESIGN**

Site/Location: **Uskmouth Power Station, Land Adjacent To , West Nash Road, Nash, Newport, NP18 2BZ**

Decision Date: **8th May 2025**

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 18th March 2025. The application has been:-

Granted with Conditions

ADDITIONAL CONDITIONS IMPOSED BY THE COUNCIL

- 01 The development shall be implemented in accordance with the following plans and documents:
- Planning Statement: Afon Wysg Battery Energy Storage System by Pegasus Group July 2023;
 - Built Heritage note: Afon Wysg Battery Energy Storage System by Pegasus Group July 2023;
 - Bat Survey Report: Afon Wysg Battery Energy Storage System by RPS Group November 2023;
 - Pre Application Consultation Report: Afon Wysg Battery Energy Storage System by Enso Energy July 2023;
 - Design and Access Statement: Afon Wysg Battery Energy Storage System by Enso Energy May 2023;
 - Landscape and Visual Assessment: Afon Wysg Battery Energy Storage System by Pegasus Group July 2023;
 - Afon Wysg 1 Battery Energy Storage System (BESS) – Updated Preliminary Risk Assessment (PRA). Tetra Tech Limited, 784-B068873 Final Issue, December 2024.
 - Afon Wysg 1 BESS – Ground Investigation Interpretative Report. Tetra Tech Limited, Project No.: 784-B068873, December 2024.
 - Afon Wysg 1 BESS – Controlled Waters Detailed Quantitative Risk Assessment (CW_DQRA). Tetra Tech Limited, Project No.: 784-B068873, December 2024.
 - Afon Wysg 1 BESS – Reactive Remediation Strategy Report. Tetra Tech Limited, Project No.: 784-B068873, December 2024.
 - Transport Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023;
 - Arboricultural Impact Assessment: Afon Wysg Battery Energy Storage System by Baron Hyett July 2023;
 - Battery Management Plan: Afon Wysg Battery Energy Storage System by Enso Energy July 2023;
 - Breeding Bird Survey: Afon Wysg Battery Energy Storage System by RPS July 2023;
 - Ecological Impact Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023;
 - Flood Consequences Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023;
 - PSUK - 16219-230 - 132kV P01
 - 50624-BUR-GEN-XX-DR-C-0110 - P4.0
 - Context Site Location Plan UH-01-P17;

- Landscape and Ecological Management Plan: Afon Wysg Battery Energy Storage System by Enso Energy July 2023;
- 50624-BUR-GEN-XX-DR-C-0102-S1-P4.0-General Arrangement - Year 6
- TWIN SKID COMPACT GEN3 WITH TANK + HEMK GEN3
- PSUK - 16219-231 - Switch Room Elevations - P01
- PSUK - 16219-232 - BESS Control Room Elevations - P0
- CCTV Elevations drawing UH-01-P08;
- M120
- 50624-BUR-HFE-XX-DR-C0350-S3-P4.0-Fencing Detail -P04
- 784-B068690 Detailed Landscape Design_Green Infrastructure Plan P01
- Site Location Plan drawing UH-01-P01rev03.
- 50624-BUR-HGT-XX-DR-C0620-S1-P3.
- email from agent dated 15/1/25 in relation to application reference 24/0990
- Cover letter from Tetra Tech dated 6/12/24 in relation to application reference 24/0990
- 50624-BUR-HFE-XX-DR-C-0350 revision P3
- 50624-BUR-GEN-XX-DR-C-0110 revision P2
- SUDS report P01 by RPS dated 23/11/23
- Arboricultural Impact Assessment and Method Statement by Tetra Tech September 2024 in relation to application reference 24/0993
- Lighting Assessment by Tetra Tech 4th December 2024 in relation to application reference 24/0993
- Construction Environmental Management Plan (CEMP) & Construction Method Statement (CMS) AW1 Energy Storage Limited by Tetra Tech December 2024 in relation to application reference 24/0993
- Covering letter by Tetra Tech dated 06 December 2024 in relation to application reference 24/0993

Pre- building works above finished ground level conditions

02 No development building works above finished ground level, shall commence until the following component 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:

- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the approved remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: 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. Policies SP9 and GP5 of the LDP."

Pre Occupation/operation conditions

- 03 Prior to the operation 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.

Reason: 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. SP1, GP2, GP7 of Local Development Plan.

- 04 The development hereby approved shall be undertaken in accordance with the approved Landscape and Ecological Management Plan: Afon Wysg Battery Energy Storage System by Enso Energy July 2023 unless alternative details are sought and approved as part of the conditioning regime. A reporting timeframe to provide fully detailed Landscape Monitoring Reports and additional measures for the enhancement of habitat for Shriill Carder Bee are to be submitted to and approved in writing by the Local Planning Authority prior to first import or export of electricity from the site. The landscape and ecological management scheme shall thereafter be undertaken in strict accordance with the Landscape and Ecology Management Plan and associated reporting timeframe.

Reason: In the interests of visual amenity and ecology. SP1, GP5, SP8, SP9, GP2 of the Local Development Plan.

- 05 Prior to the operation of the development hereby approved, a final Battery Safety Management Plan shall be submitted to and approved in writing by the local planning authority and shall have regard to the preliminary document entitled Battery Management Plan: Afon Wysg Battery Energy Storage System by Enso Energy July 2023. The development shall be completed and managed in accordance with the approved Final Plan thereafter.

Reason: To safeguard against the effects of fire in the interests of amenity and the environment. GP2 and GP7 of the Local Development Plan.

- 06 Prior to occupation or operation of the development hereby approved, a scheme for the replacement of battery units and associated infrastructure over the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the cycles for battery replacement and how this will be managed having regard to traffic generation and potential for pollution/waste generation. The scheme shall thereafter be operated in accordance with the approved details.

Reason: To safeguard against the impacts of battery replacement over the lifecycle of the development in the interests of amenity and the environment SP1, GP2 and GP7 of the Local Development Plan.

- 07 Prior to first beneficial operation of the development hereby approved a scheme of Ultra Low Energy Vehicle infrastructure to serve the development shall be implemented in accordance with details first submitted to and approved in writing by the LPA.

Reason: To encourage use of low emission vehicles by site users having regard to air quality. Policies GP7 and GP2 of the LDP.

General conditions

- 08 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) 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.
Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. SP1, SP9, GP5 and GP7 of the Local Development Plan.
- 09 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.
Reason: To prevent pollution to the water environment. SP1, SP9 and GP5 of Local Development Plan.
- 10 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express consent of the Local Planning Authority prior to any such works taking place, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reason: There is an increase potential for pollution of controlled waters from inappropriate methods of piling. SP1, SP9 and GP5 of Local Development Plan.
- 11 No more than 18 HGV movements* per day Monday to Friday and 9 on Saturday (or 100 per week whichever is greater) shall enter and leave the site during the construction phase of the development and these vehicles shall use the vehicle route along Nash Road and West Nash Road in association with this development. There shall be no HGV vehicle movements on Sundays or Bank/Public Holidays. Such vehicles shall include all those associated with any site clearance, site preparation, construction, site commissioning and land raising/ engineering during the construction period. The applicant shall keep an up to date and legible log of all HGV and delivery traffic accessing and departing from site in association with the development and make this log available for inspection by officers appointed by the Council upon request. This log must record the number, type (of vehicle including size), registration number, time and date of each vehicle entering site. The log shall be kept on site by a nominated person(s) to be notified to the Local Planning Authority and for the duration of development activity at the site.
* a movement equates to a single one way movement to or from the site.
Reason: To safeguard residential and recreational amenity and highway safety and in accordance with policy SP1, GP2 and GP4 of the adopted Local Development Plan.
- 12 Four parking spaces shall be provided to serve operational staff in accordance with details included within Appendix A of the Transport Assessment hereby approved and prior to first beneficial use of the development. The approved parking area shall be retained for lifetime of development.
Reason: To ensure adequate on site parking provision is secured to minimise risk of parking on local. GP4, SP1 and GP2 of Local Development Plan.
- 13 All on site electrical infrastructure shall have a finished ground level no lower than 9.75m AOD.
Reason: To safeguard the development from flooding. SP1 of Local Development Plan.
- 14 The development shall be undertaken fully in accordance with all recommendations set out in the document entitled 'Flood Consequences assessment- Afon wysg Battery Energy Storage System', prepared by RPS for Enso Energy, document reference P36-FCA, dated July 2023.
Reason: To ensure mitigation of flood risk. SP1 of Local Development Plan.
- 15 The development shall be undertaken fully in accordance with all mitigation, compensation and enhancement measures set out in the following documents and this shall include all monitoring and maintenance requirements set out therein:
Ecological Impact Assessment – Afon Wysg Battery Energy Storage System" (including associated Shadow Habitats Regulation Assessment, prepared by RPS for Enso Energy, dated July 2023; and
Breeding Bird Survey: Afon Wysg Battery Energy Storage System by RPS July 2023; and
Landscape and Ecological Management Plan: Afon Wysg Battery Energy Storage System by Enso Energy July 2023.
All monitoring and maintenance related surveys will be shared with the Local Planning Authority over the lifetime of the development and a procedure for doing so shall be submitted to and approved in writing by the Local Planning Authority prior to first import/export of electricity to the site.
Reason: To safeguard European protected species. SP1, GP5 and SP9 of Local Development Plan.
- 16 No construction or site set up related operations shall take place outside the hours of 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturday. No works shall be undertaken on Sundays or Bank/Public Holidays.
Reason: In the interests of ecology and amenity. SP1, SP9, GP5 and GP2 of local Development Plan.
- 17 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first import/export of electricity or completion of development whichever is the sooner; and any trees or plants which within a period of 5 years* from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Written confirmation shall be provided to the Local Planning Authority once the landscaping scheme has been implemented in accordance with the approved details.
* The 5 year period referred to in this condition shall commence once the landscaping has been completed in accordance with the approved details.
Reason: In the interests of visual amenity and ecology. SP1, SP8, SP9, GP2, GP5 of Local Development Plan.
- 18 The Landscape Monitoring Reports required by Condition 4 of this permission shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the approved timetable approved as part of the aforementioned Condition. The Landscape Monitoring Report(s) shall include photographic records of the landscaping on site and outline what reinstatement measures, if necessary, are required for the landscaping along with a timetable for their implementation. All measures and works shall be completed in accordance with the approved details and programme following written approval from the Local Planning Authority.

Reason: To ensure appropriate landscaping is provided and well managed in the long term in the interests of ecology and visual amenity. SP1, GP2, SP8 and SP9 of Local Development Plan.

- 19 Noise emitted from any future 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 safeguard nearby sensitive receptors from unacceptable noise disturbance. GP2 and GP7 of Local Development Plan.
- 20 Any underground cabling required as part of the approved development shall not be fluid filled or placed below the water table.
Reason: In the interests of sustainability, biodiversity and the environment. SP1, SP9, GP5 of local Development Plan.
- 21 Engineering works on site associated with the changing of ground levels, slabs, retaining walls, piers or similar works required to elevate the electrical infrastructure shall be undertaken in accordance with approved details and shall ensure compliance with all recommendations set out in the supporting documents to this application. The works shall be retained for lifetime of development.
Reason: In the interests of visual amenity and flood risk mitigation. SP1, SP3, SP8, GP6 and GP2 of Local Development Plan.
- 22 The approved drainage strategy shall be completed in accordance with the approved details and retained for the lifetime of development.
Reason: To safeguard ecological and environmental interests. SP1, SP3, SP9 and GP5 of Local Development Plan.
- 23 The CEMP shall be implemented as approved during the site preparation and construction phases of the development. For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway. The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.
Reason: in the interests of amenity, ecology, landscape and safety and to ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers. SP1, SP9, GP2, GP4, GP5 of Local Development Plan.
- 24 The lighting shall be installed in accordance with approved details and retained during construction and operation.
Reason: To reduce the impacts of lighting in the interest of protected species, namely otters and bats, their places of shelter and breeding, and their foraging and commuting corridors and in the interests of visual amenity. SP1, SP9, GP5 and GP2 of the LDP.
- 25 All containerised units including switch room and control room and weld mesh fencing hereby approved shall be colour coated RAL 6005 -Moss Green at time of installation. The units and fencing shall be maintained and retained in this state for lifetime of development.
Reason: In the interests of visual and landscape amenity. GP6 and SP8 of Local Development Plan.
- 26 All works on site shall be undertaken in accordance with the approved Arboricultural Impact Assessment and Method Statement by Tetra Tech September 2024.
Reason: To protect valuable tree features on site. Policy GP5 of the LDP.

NOTE TO APPLICANT

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.

01 This decision relates to plan numbers and information set out at condition 01 and the following:

- Existing Site Plan UH-01-P18

02 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
- SP9 Conservation of the Natural, Historic and Built Environment
- SP18- Urban Regeneration
- GP1 General Development Principles – Climate Change
- GP2 General Development Principles – General Amenity
- GP3 General Development Principles – Service Infrastructure
- GP4 General Development Principles – Highways and Accessibility
- GP5 General Development Principles – Natural Environment
- GP6 General Development Principles – Quality of Design
- GP7 General Development Principles – Environmental Protection and Public Health
- CE2 Waterfront Development
- CE3 Environmental Spaces and Corridors
- CE6 Archaeology
- CE8 Locally Designated Nature Conservation and Geological Sites
- CE9 Coastal Zone
- CE10 Renewable Energy
- T3 Road Hierarchy
- T4 Parking
- T8 All Wales Coast Path
- W3 Provision for Waste Management Facilities in Development

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.

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
Regeneration and Economic Development
Civic Centre
Newport
South Wales
NP20 4UR

Tracey Brooks Bsc Hons Dip TP MRTPI ILM
Pennaeth Adfywio a Datblygu Economaidd / Head of Regeneration and Economic Development
Cyngor Dinas Casnewydd / Newport City Council

Application Number: 25/0213

Decision Date: 8th May 2025

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).