

Delegated Decision Report

Application No:	25/0084	Statutory Period Expires:	8th August 2025
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Site:	<i>Leeway House Leeway Leeway Industrial Estate Newport South Wales</i>		
Proposal:	<i>SITING OF BATTERY ENERGY STORAGE SYSTEM AND ASSOCIATED WORKS INCLUDING ERECTION OF FENCING</i>		
Applicant:	<i>A Pegg</i>		
Type:	Full	Ward:	Liswerry
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site comprises an irregularly shaped parcel of land to the east of an existing industrial unit at Leeway House. It is bound to the north by the A4810, to the east by a car and van rental unit and an area of woodland/vegetation and to the south and west by existing commercial/industrial units within Leeway Industrial Estate. The site comprises an area of hardstanding/concrete and appears to be in use as overflow parking for Leeway House. The wider site context comprises Newport Retail Park to the north, the Glan Llyn development site to the northeast, a number of car garages to the east, Leeway Industrial Estate to the south and Coleg Gwent and the Newport International Sports Village to the west.

2.2 The site is located within an Archaeologically Sensitive Area and within Zone 3 as outlined on the Flood Map for Planning.

3. DESCRIPTION OF DEVELOPMENT

3.1 In the UK, the National Grid is struggling to cope with fluctuating peaks in power demand. Energy storage utilises flexible technology to absorb surplus electricity at times of excess generation and releasing it when needed. The technology has the ability to import or export energy for seconds, minutes or hours. The system is responsive to the demand for energy and can switch from charge to discharge within seconds. Energy storage facilitates the balancing of volatility in supply and demand of energy. It performs a valuable role in the continued adoption of renewable energy projects that contribute towards the UK's initiative to combat climate change and the targets for achieving carbon net zero status. The connection to the grid will be made at the National Grid Substation, located approximately 1.7km southwest of the BESS compound.

3.2 The proposed development itself comprises the siting of a 20.6MW battery energy storage facility and formation of access, and associated works. The battery storage facility is sought for a temporary period of 25 years, after which time, it is anticipated the facility would be decommissioned and replaced with more efficient technology. The proposals comprise the installation of the following:

- An asphalt internal access road with gated access;
- 9 x battery racks which would measure 6m in length, 2.4m in depth and 2.8m in height;
- 9 x MV Skid (transformer) racks which would measure 6m in length, 2.4m in depth and 2.8m in height;
- 1 x HV Switchroom GRP Enclosure which would measure 10m in length, 4m in depth and 3m in height;
- 1 x LV Switchroom GRP Enclosure which would measure 5m in length, 3m in depth and 3m in height;
- Grid connection substation equipment;
- 1 x Transformer;
- 1 x DNO Switchroom which would measure 6.5m in length, 5.1m in depth and 4.8m

- in height;
- CCTV posts;
- Water tank;
- Drainage ditch to the east of the site; and
- 2.4m high fence to surround battery site.

- 3.3 The battery racks and MV transformers would be within shipping container units and finished in white marine grade paint, the control room would be faced with marble grey concrete facing brick (or similar) and roofed with concrete roof tile in dark grey (or similar). The switch room enclosures would be finished in green coloured steel. The proposed fencing is 2.4 metres high galvanised steel palisade railings. Site access will be on an existing and unchanged levelled site and the site surface inside the development boundary would be gravel, with the site equipment placed on top of concrete plinths.
- 3.4 The applicant has sought a viable connection to the National Grid. The grid connection for the proposed development would be installed below ground and would be undertaken by the statutory undertaker, under permitted development rights.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Future Wales together with PPW will ensure the planning system focuses on delivering a decarbonised and resilient Wales through the places we create the energy we generate, the natural resources and materials we use and how we live and travel. Regarding energy generation, Future Wales identifies that Wales can become a world leader in renewable energy technologies. Wales's wind and tidal resources, potential for solar generation, its support for both large and community scaled projects and commitment to ensuring the planning system provides a strong lead for renewable energy development means it is well placed to support the renewable sector, attract new investment and reduce carbon emissions.

Policy 17 of Future Wales is of specific relevance to this project. The policy states that:

"...the Welsh Government strongly supports the principle of development renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency." It goes on to state that "...new strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities" and "...proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities." In addition, to topic-based policies, Future Wales establishes four regions and policies appropriate to them. Newport is within the 'South East' region in which it is noted that decarbonisation and responding to the threats of the climate emergency should be central to all regional planning.

There is strong potential for wind, marine and solar energy generation and Strategic and

Local Development Plans should provide a framework for generation and associated infrastructure. The Welsh Government wishes to see energy generation, storage and management play a role in supporting the South East Wales economy. Local ownership and distribution are important for ensuring communities in proximity to renewable energy development benefit from it and that the future energy system better serves Wales.

5.2 PLANNING POLICY WALES (EDITION 12) 2024

National Planning policy is clear that a Globally Responsible Wales is promoted by reducing our carbon footprint through measures such as the promotion of renewable energy over carbon-emitting sources. The benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance. The policy notes that the planning system should optimise energy storage and maximise renewable and low carbon energy generation.

Section 5: Productive and Enterprising Places

“Embracing the challenge of decarbonising our energy and transport sectors including phasing out of fossil fuels and moving towards local, decentralised renewable energy systems, the increased use of energy storage to balance supply and demand and the challenge this creates on our distribution networks”

Energy

5.7.6: The planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. This forms part of the Welsh Government’s aim to secure the strongest economic development policies, to underpin growth and prosperity in Wales, recognising the importance of decarbonisation and the sustainable use of natural resources, both as an economic driver and a commitment to sustainable development.

5.7.7 The benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, is of paramount importance. The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change. The planning system should:

- integrate development with the provision of additional electricity grid network infrastructure;
- optimise energy storage;
- facilitate the integration of sustainable building design principles in new development;
- optimise the location of new developments to allow for efficient use of resources;
- maximise renewable and low carbon energy generation;
- maximise the use of local energy sources, such as district heating networks;
- minimise the carbon impact of other energy generation; and
- move away from the extraction of energy minerals, the burning of which is carbon intensive.

5.7.12 Energy storage has an important part to play in managing the transition to a low carbon economy. The growth in energy generation from renewable sources requires the management of the resultant intermittency in supply, and energy storage can help balance supply and demand. Proposals for new storage facilities should be supported wherever possible.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

The following LDP policies are considered to be relevant to the proposed development of this site:

- SP1 Sustainability
- SP3 Flood Risk
- SP9 Conservation of the Natural, Historic and Built Environment
- 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
- CE6 Archaeology
- CE10 Renewable Energy
- T3 Road Hierarchy
- T4 Parking
- W3 Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Archaeology and Archaeologically Sensitive Areas SPG (Aug 2015)
- Wildlife and Development SPG (Aug 2015)
- Parking Standards SPG (Aug 2015)
- Air Quality (SPG) (Feb 2018)

6. CONSULTATION RESPONSES

- 6.1 ECOLOGY OFFICER: The Preliminary Ecological Appraisal dated December 2024 does not highlight any significant ecological concerns with this proposal, and I support that conclusion.

I cannot see any lighting diagrams among the documents, but any new lighting should avoid light spillage onto the woodland habitats to the east of the site. As is set out in the PEA, the existing site is already likely to be well-lit with artificial lighting, so the current proposal should seek to reduce, or at least not increase, current lighting levels at night. This being the case, I support the advice in section 5.1.3 of the PEA, which should be included in an advisory note if consent is granted.

I note the comment by NRW in their response of 18th March 2025 that the proposed method of decommissioning should avoid adverse impacts on the features for which the Gwent Levels statutory nature conservation site has been notified/ designated.

We should require a biodiversity enhancement plan to be submitted and implemented, via our standard condition.

- 6.2 LANDSCAPE OFFICER: No objections in principle, however:

- The proposed planting specification is acceptable
- It is noted that the “Site Surface inside development boundary to be Gravel or crushed Granite of size approx 40mm, with a bed depth of 100 - 150mm, unless otherwise stated”. It would be at the applicant’s own risk as to whether they have a cellular reinforcement system under the gravel.

- 6.3 DRAINAGE OFFICER: Having reviewed the information, a SAB application will likely be required due to the scale of the works.

- 6.4 ENVIRONMENTAL HEALTH OFFICER: I confirm I have no objections to the proposals; however the following condition should be attached to any permission granted;

Plant and Equipment Noise –

Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142:2014+A1:2019, does not exceed a level of 5dB below the existing background level, with no tonal element to the plant.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

- 6.5 CONTAMINATED LAND OFFICER: No objections.

- 6.6 WASTE MANAGER: There is no requirement for waste services
- 6.7 FIRE PREVENTION OFFICER: No response.
- 6.8 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: The proposal is located within the Newport Archaeologically Sensitive Area (ASA) and close to the edge of the Gwent Levels Registered Historic Landscape. However there are no known sites in the vicinity. Furthermore the previous development of the industrial estate is likely to have had an adverse effect on any potential remains that may be present. Additionally, the current application is relatively limited in scale. Overall it is unlikely that archaeologically significant material will be encountered during the course of the proposed works. As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.
- 6.9 HIGHWAYS OFFICER: No objections.
- 6.10 NATURAL RESOURCES WALES: We have no objection to the proposed development as submitted and provide the following advice.

Flood Risk

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

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.

We have reviewed the updated FCA undertaken by JBA dated June 2025 referenced PXS-JBA-XX-XX-RP-Z-0001-S3-P01-Leeway_House_FCA which supersedes the FCA prepared by Sustain Environmental dated January 2025. The JBA FCA incorporates detailed analysis of updated flood modelling of Newport to provide a more comprehensive and robust assessment, addressing our concerns raised dated 18th March 2025.

Consequently, this FCA is now based upon the March 2025 release of Technical Advice Note 15: Development, Flood Risk and Coastal Erosion. Our advice to you is that the FCA satisfactorily demonstrates that the risks and consequences of flooding are manageable to an acceptable level. Therefore, we have no objection to the application as submitted. Further detail is provided below

Pollution Prevention

The proposed scheme involves the storage of large battery systems that contain lithium ion electrolytes and hydrocarbons which have the potential to cause pollution in the event of fire at the site as a result of battery failure.

We are not the expert body to advise as to whether measures proposed by the applicant to minimise the risk of fire, or to suppress a fire at the site are adequate. We recommend that you seek advice from a Battery Energy and Electrical process safety expert and the relevant Fire and Rescue Service in determining whether the proposed measures to minimise the risk of fire, and to suppress a fire at the site are adequate.

You may also wish to consult the below guidance in relation to such matters:

- The National Fire Chiefs Council (NFCC) provide Grid Scale Battery Storage System Planning guidance;
- HSE guidance on managing health and safety in grid scale electrical energy storage systems which includes an assessment of the principal hazards.
- CIRIA C736 - Design of containment systems for the prevention of water pollution from

industrial incidents.

Before determining the planning application, you should be satisfied that in the event of a fire all contaminated firewater can be fully contained on site and cannot enter the wider environment. We advise that measures to avoid pollution from contaminated firewater should be clearly set out by the applicant and provided in sufficient detail in support of the planning application e.g. in a Containment Plan which demonstrates to your satisfaction that:

- thermal runaway detection equipment, automated alert systems, automated fire suppression systems and planned responses to a fire are adequate in detecting and prevent the spread of fire. The relevant Fire and Rescue Service may advise you on these matters.
- sufficient spacing between units to help to prevent further spread of fires;
 - contaminated firewater and foam run-off is prevented from infiltrating the ground or any offsite drainage networks with the use of impermeable surfaces, secondary containment and sealed drainage systems;
- the scheme includes sufficient storage capacity to contain contaminated firewater in the event of a fire. The relevant Fire and Rescue Service may advise you on what they consider to be adequate storage capacity;
- where the site is located within a flood risk area, demonstrate how the risk of fire from battery exposure to a flood event has been avoided, and the proposed method of containing contaminated firewater will operate effectively without the risk of pollution;
- the proposed method of transporting contaminated firewater off-site will be effective, including under the prevailing conditions of a fire at the site;

the proposed method of decommissioning acceptably avoids adverse impacts on the features for which the Gwent Levels statutory nature conservation site has been notified/ designated

- 6.11 DWR CYMRU WELSH WATER: Having reviewed the additional information submitted, it seems that the public sewer and its protection zone has been taken into account the proposed development will not encroach the protection zone measured 3m either side of the centre line of the pipe We therefore remove our holding objection on this application and request that that if you are minded to grant Planning Consent for the above development that the Condition and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 24/02/2025, Site Notice was put up on 28/02/2025.

- 7.1 NEIGHBOURS: Neighbours with a common boundary and opposite were consulted and a site notice erected and no responses were received.

8. ASSESSMENT

Principle of the Proposed Development

- 8.1 The site is located within the urban boundary on an existing industrial estate, the principle of the proposed development is therefore considered acceptable in accordance with policies SP1 and CE10, subject to other material planning considerations.

Design and Amenity

- 8.2 The proposed development would be located to the southeast of Leeway House, adjacent to an area of existing vegetation. The tallest structure proposed would be the DNO Switchroom which would be a maximum of 4.8m in height, this would be lower than the eaves of the adjacent warehouse building. Views from the A4810 are well screened by existing vegetation to the north, and the existing vegetation together with the new hedgerow proposed would also aid in screening views from the east and south, the proposed development would also be read in the context of the existing buildings from this direction.

The existing warehouse building would entirely screen views from the west. Overall, the proposed development would not be highly visible from the surrounding area and its design is considered to remain in keeping with the industrial context of the wider area.

- 8.3 In terms of amenity, the proposed development would be located adjacent to a blank elevation along the eastern side of Leeway House and the closest residential dwelling is located over 290m away to the northeast of the site. It would therefore not result in a loss of privacy or be considered overbearing in relation to neighbouring buildings.
- 8.4 In relation to noise, the proposed plant would operate 24 hours a day but would mainly function for a brief 2- hour window when energy is imported, typically starting at 1pm in summer when solar energy is abundant. The proposed plant would then discharge energy during peak demand, between 5-7pm. The highest noise levels would occur for around 4 hours a day. The application is accompanied by a noise report which confirms that the proposed development would not result in an unacceptable noise impact. The Environmental Health Officer has reviewed this report and has confirmed they have no objections to the proposal. On this basis the proposed development is considered acceptable in accordance with policies GP2 and GP6.

Highways and Parking

- 8.5 Access to the site would be via the existing access road serving Leeway House off Leeway. Traffic generated during construction would be minimal and would be over a limited period. Construction is expected to take less than a month, with few vehicle movements. Once operational, there will be no staff based on site and the facility will be managed remotely. The site will be visited for routine maintenance and inspections, which is expected as a maximum to be one to two, two-way movements per week.
- 8.6 In terms of car parking, the site has a gated entrance which is accessed through the Telermate car park which prevents unauthorised parking around Leeway House. The retained businesses within Leeway House are as follows:
- Units A & B – Braithwaite Engineers Ltd: Water tank manufacturer and storage use with 10 employees working on site
 - Units C & D – Fagan & Whalley: Storage company with 2 employees on site
 - Unit E – TSS Ltd: Tube and steel stockholder with 12 employees on site.
 - Marks Garage: Vehicle maintenance with 2 employees on site.

The rear yard is currently occupied by two Tenancy at Will companies who use part of this space on a temporary, short-term basis for storage of lorries and scaffolding and is not used for parking by the existing business units on the estate, who already have sufficient space to the front of the building.

- 8.7 The development would include 2no. dedicated parking spaces as part of the proposed layout which is considered sufficient to accommodate staff vehicles for routine inspections. The Highways Officer has reviewed the existing and proposed parking arrangements at the site and has no objection to the proposals. On this basis the proposed development is considered acceptable in accordance with policies T4 and GP4.

Ecology and Landscape

- 8.8 With regards to ecology, the application is accompanied by a Preliminary Ecological Appraisal dated December 2024. The Ecology Officer has reviewed this appraisal and advised that it does not highlight any significant ecological concerns with the proposal. Notwithstanding this, any new lighting should avoid light spillage onto the woodland habitats to the east of the site. As is set out in the PEA, the existing site is already likely to be well-lit with artificial lighting, so the current proposal should seek to reduce, or at least not increase, current lighting levels at night. This can be secured by way of a condition. The Ecology Officer also supports the comments by NRW in their response of 18th March 2025 that the proposed method of decommissioning should avoid adverse impacts on the features for which the Gwent Levels statutory nature conservation site has been notified/

designated.

- 8.9 The PEA also suggests the provision of a landscaped edge to the development to protect the wooded area to the east and help screen the proposal from the surrounding area. Further details of this area have been provided within a landscape plan which the landscape officer has reviewed and confirmed is acceptable.
- 8.10 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy SP9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Whilst the applicant has not indicated any measures as part of the application, it is considered reasonable and necessary in this instance to secure a scheme of biodiversity enhancement measures to ensure that a net benefit is provided to biodiversity as part of the application. These measures can be secured via condition. In addition, in accordance with Chapter 6 of PPW 12 due regard has been given to the fact that the application should be accompanied by a Green Infrastructure Statement, however due to the scale and nature of the proposed development it is not considered proportionate to request one in this instance. On this basis the proposed development is considered acceptable in accordance with policy GP5.

Flood Risk and Drainage

- 8.11 An updated version of TAN15 was published on March 31st 2025. The flood map for planning identifies the application site to be at risk of flooding and within flood zone 3 (sea)/TAN15 defended zone. Any planning applications which were submitted and registered before the publication of the new TAN will continue to be assessed against the previous version. As this application was registered in February 2025, it is being assessed against the previous version. The proposed development is stated by the applicants as being less vulnerable for the purposes of flood risk assessment but this point is moot. The Council has considered other BESS as highly vulnerable development and is of the view this case is no different. Notwithstanding, this development has a short life and does not meet either the 100 years lifetime (normally assessed for HVD development) or the 75 years lifetime of development (normally assessed for LVD). This is a defended zone and a FCA has been provided that NRW are satisfied with and shows the site to be flood free under all conditions.
- 8.12 An FCA was undertaken by JBA dated June 2025 referenced PXS-JBA-XX-XX-RP-Z-0001-S3-P01-Leeway_House_FCA which supersedes the FCA prepared by Sustain Environmental dated January 2025. The JBA FCA incorporates detailed analysis of updated flood modelling of Newport to provide a more comprehensive and robust assessment, addressing concerns that were previously raised by NRW.
- 8.13 BESS have a significantly shorter operational lifetime of development compared to other forms of industrial and commercial development, typically with operational lifetimes of less than 40 years. The battery storage facility is sought for a temporary period of 25 years, after which time, the applicant has advised that it is anticipated the facility would be decommissioned and replaced with more efficient technology. Consequently, the flood risk assessment has been based on a lifetime of development of 40-50 years - varying within this range to make best use of available flood risk data. In this instance, the shorter lifetime of development that has been used for the flood risk assessment is considered appropriate given the nature of the development. A condition will be required to limit the effective life of the development.
- 8.14 The survey only covers the eastern part of the site and not the access road included within the redline boundary. The FCA has utilised the NRW Open Source 1m Light Detection and Ranging (LiDAR) data¹ has been used to identify the topographic levels in this area. It should be noted that the LiDAR data in the south-western area does not match the topographic survey. This is likely due to this area being levelled after the LiDAR data was flown. The eastern area of the site is shown to be generally flat with ground levels between 5.73-5.99m AOD. A concrete base forms the highest area of the site at a level of 6.28m AOD. Along the access road of the site, ground levels rise from east to west from 5.78-

6.64m AOD, respectively.

- 8.15 The FCA states that tidal flooding to the site can occur through two separate but associated flood mechanisms. The first is tidal flooding of the open coast; the second is tidal flooding of the River Usk. These two mechanisms have been separately modelled by NRW, although the extents of the models overlap and also the modelling of the boundary conditions. Therefore, to adequately consider the flood risk at the site two separate flood mapping models have been considered; The NRW Stephenson Street River Usk model and the Caldicot and Wentlooge Coastal model. Model results from both tidal flood models were reviewed to identify the primary flood mechanism at Leeway House, and therefore which of the two models provides the most appropriate assessment of flood risk for the site. This review indicated that, assuming a 50-year lifetime of development, the site is not at risk of flooding from the open coast. Close inspection of the Caldicot and Wentlooge Coastal model results show that all the flooding of the site predicted by this model comes from the River Usk and not the open coast. Flood water that ponds behind the Caldicot coastal defences reach a flood depth far less than the level of the site and therefore would not reach the site. This model demonstrates that a maximum water level of 6.00m AOD in the extreme 0.1% AEP (2073) event is expected which is below the typical ground level of the developed area around the site, and approximately the same as the current site level.
- 8.16 The River Usk is therefore considered the main source of flooding and when allowing for approximately 50 years of climate change significant overtopping of the existing flood defences is predicted to occur to the south of the A48 crossing over the Usk. The risk of flooding from the River Usk has recently been significantly reduced in this area through the NRW Stephenson Street FAS, which has been under construction since 2023 and is nearing completion. The flood modelling developed to support the scheme and its own FCA therefore provides the most relevant and accurate information on tidal flood risk at the Leeway House site. Based on data from this flood model, it is concluded that the whole site is predicted to be flood free in both a 1 in 200 year plus climate change event (2069) and a 1 in 1000 year plus climate change event (2069). The evacuation routes are predicted to be flood free in the 0.5% AEP plus climate change and the 0.1% AEP plus climate change events.
- 8.17 As the site is not predicted to flood, there will be no increase in flood risk to third parties. NRW have advised that the proposals are in line with the requirements of TAN 15 and are satisfied with the use of the modelling to determine the flood risk to the site. Consequently, NRW have advised that the FCA satisfactorily demonstrates that the risks and consequences of flooding are manageable to an acceptable level and therefore have no objection to the application as submitted.
- 8.18 Having regard to the new TAN15 document, section 10.17 states:
On brownfield sites redevelopment proposals should not over intensify use neither should they reduce the area's ability to absorb flood water nor cause problems with flooding elsewhere. All applications should consider opportunities to incorporate flood resilient design as appropriate and any proposal involving highly vulnerable development must be compliant with the tolerable conditions set out in section 11.

The development proposals are for a battery storage area within the established Leeway House site. The development proposals will not result in an over-intensification of development within the wider Leeway House site, as development is proposed within an area of the site already established for use as storage and used by the site owners.

- 8.19 The proposal is considered to meet the justification criteria having regard to the assessment above and policy support. The proposal has been shown to meet acceptability criteria, notably as the site has been shown to be flood free for the lifetime of development and evacuation routes are predicted to be flood free during the 1 in 200 and 1 in 1000 year events plus climate change.

Archaeology

- 8.19 The site is located within an archaeologically sensitive area, GGAT have advised that the previous development of the industrial estate is likely to have had an adverse effect on any

potential remains that may be present. Furthermore, the proposed development is relatively limited in scale. Overall it is unlikely that archaeologically significant material will be encountered during the course of the proposed works. On this basis, GGAT have no objection to the proposed development and it is considered to be in accordance with policies SP9 and CE6.

Other Matters

- 8.20 The proposed scheme involves the storage of large battery systems containing lithium-ion electrolytes and hydrocarbons which have the potential to cause pollution in the event of fire at the site as a result of battery failure. The LPA must be satisfied that in the event of a fire, all contaminated firewater can be fully contained on site and cannot enter the wider environment and the site has a fire safety plan and fire safety arrangements in place. These measures should be clearly set out in a containment plan which can be controlled by condition.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

- 9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

- 9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 *Planning (Wales) Act 2015 (Welsh language)*

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 *Newport's Well-Being Plan 2018-23*

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

- 10.1 The proposed development is considered acceptable in accordance with the relevant policies of the Newport Local Development Plan 2011-2026.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents:

- 24140LEE-LHC-00-00-DR-AR-0001 P1 Battery Rack or MV Transformer Container
- 24140LEE-LHC-00-00-DR-AR-0103 P6 Proposed Site Layout Diagram
- 24140LEE-LHC-00-XX-DR-AR-0401 P2 Proposed Site Elevations with Palisade Fence
- 24140LEE-LHC-00-XX-DR-AR-0402 P2 Site Elevations without Palisade Fence
- 24140LEE-LHC-00-00-DR-AR-0102 P7 Proposed Site Plan
- 24140LEE-LHC-00-00-DR-AR-0002 P2 HV Switchroom GRP Enclosure
- 24140LEE-LHC-00-00-DR-AR-0003 P2 LV Switchroom GRP Enclosure
- 24140LEE-LHC-00-00-DR-AR-0004 P2 DNO Switchroom
- 24140LEE-LHC-00-00-DR-AR-0100-P2 Site Location Plan
- Planting Specification May 2025
- Leeway House Newport Flood Consequence Assessment Version 1 June 2025 JBA Consulting PXS-JBA-XX-XX-RP-Z-0001-S3-P01-Leeway_House_FCA
- Noise Impact Assessment Report No.P24-279-R01v1 December 2024
- Historic Environment Desk Based Assessment January 2025 Project Ref.10336A
- Preliminary Ecological Appraisal Revision 1 December 2024
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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

02 No development, to include demolition, shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of the following during development:

- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- contractor parking/compound;
- details of wheel wash facilities;
- details of delivery routes and any abnormal loads.

Development works shall be implemented in accordance with the approved CMP.

Reason: In the interests of highway safety.

03 No development, (other than demolition) shall commence until:

A) Appropriate supplementary intrusive site investigation, risk assessment and remediation strategy (if necessary), shall be submitted and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

B) If required, a Completion/Verification Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

C) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

04 Prior to the commencement of development, a scheme of Biodiversity Enhancement Measure(s) and an Implementation Timetable shall be submitted to and approved in writing

by the Local Planning Authority. The Biodiversity Enhancement Measure(s) shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and policies SP9 and GP5 of the Newport Local Development Plan 2011-2026.

05 Prior to occupation or operation of the development hereby approved, a Containment Plan shall be submitted to and approved in writing by the local authority. The plan shall demonstrate the following:

- thermal runaway detection equipment, automated alert systems, automated fire suppression systems and planned responses to a fire are adequate in detecting and prevent the spread of fire.
- sufficient spacing between units to help to prevent further spread of fires;
- contaminated firewater and foam run-off is prevented from infiltrating the ground or any offsite drainage networks with the use of impermeable surfaces, secondary containment and sealed drainage systems;
- the scheme includes sufficient storage capacity to contain contaminated firewater in the event of a fire. The relevant Fire and Rescue Service may advise you on what they consider to be adequate storage capacity;
- where the site is located within a flood risk area, demonstrate how the risk of fire from battery exposure to a flood event has been avoided, and the proposed method of containing contaminated firewater will operate effectively without the risk of pollution;
- the proposed method of transporting contaminated firewater off-site will be effective, including under the prevailing conditions of a fire at the site;

The development shall be completed and managed in accordance with such plan thereafter.

Reason: To safeguard against the effects of fire in the interests of amenity and the environment. Policies GP2 and GP7 of the Newport Local Development Plan 2011-2026.

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: In the interests of amenity and highway safety. SP1, GP2, GP4 and GP7 of the Local Development Plan.

General conditions

07 This permission shall be for a limited period expiring on 18th July 2050 when the use shall be discontinued and any associated development with its use shall be removed from the land in its entirety and the land shall be restored to its former condition on or before 18th July 2025 in accordance with a scheme of work submitted to and approved in writing by the local planning authority prior to the commencement of development.

Reason: Permission is for a temporary period only in the interests of amenity, safety and flood risk. SP1, GP2, GP5, SP9, SP3 of the adopted Newport Local Development Plan 2011-2026.

08 No external lighting shall be erected on site unless full details have first been submitted to and agreed in writing by the Local Planning Authority. Any new lighting must avoid light spillage onto the woodland habitats to the east of the site. The development shall be carried out in accordance with the approved lighting details and retained as approved for the lifetime of development.

Reason: To ensure dark corridors are maintained around the site in the interests of Ecology. SP9 and GP2 of the Newport Local Development Plan 2011-2026.

09 The mitigation measures stipulated in the Preliminary Ecological Appraisal (dated December 2024) shall be carried out in full prior to the first beneficial use of the development hereby approved and managed/maintained thereafter.

Reason: In the interests of protecting European Protected Species. Policy GP5 and SP9 of

the Newport Local Development Plan 2011-2026.

10 The scheme of landscaping, planting specification, tree planting and management schedule hereby approved (Planting Specification May 2025) shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development or the first export/import of electricity, whichever is the earlier. Thereafter the trees and shrubs shall be retained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and retained until satisfactorily established. For the purpose of this condition, a full planting season shall mean the period from October to April.

Reason: To secure the satisfactory implementation of the proposal in the interests of amenity and ecology. GP5, GP2 and SP9 of the Newport Local Development Plan 2011-2026.

11 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. Policy SP1, SP3 of the Newport Local Development Plan 2011-2026.

12 Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142:2014+A1:2019, does not exceed a level of 5dB below the existing background level, with no tonal element to the plant.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected. GP2 of the Newport Local Development Plan 2011-2026.

13 Hard surfacing of the site shall be in accordance with approved details and be permeable throughout. No alternative surfacing material shall be installed without details having first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate on site drainage is provided in the interests of amenity and flood risk. Policies SP1, SP3, GP2 of the Newport Local Development Plan 2011-2026.

NOTE TO APPLICANT

01 This decision relates to plan nos:

- 24140LEE-LHC-00-00-DR-AR-0001 P1 Battery Rack or MV Transformer Container
- 24140LEE-LHC-00-00-DR-AR-0101 P2 Existing Site Plan
- 24140LEE-LHC-00-00-DR-AR-0103 P6 Proposed Site Layout Diagram
- 24140LEE-LHC-00-XX-DR-AR-0401 P2 Proposed Site Elevations with Palisade Fence
- 24140LEE-LHC-00-00-DR-AR-0100 P2 Site Location Plan
- 24140LEE-LHC-00-XX-DR-AR-0402 P2 Site Elevations without Palisade Fence
- 24140LEE-LHC-00-00-DR-AR-0102 P7 Proposed Site Plan
- 24140LEE-LHC-00-00-DR-AR-0002 P2 HV Switchroom GRP Enclosure
- 24140LEE-LHC-00-00-DR-AR-0003 P2 LV Switchroom GRP Enclosure
- 24140LEE-LHC-00-00-DR-AR-0004 P2 DNO Switchroom
- Planting Specification May 2025
- Leeway House Newport Flood Consequence Assessment Version 1 June 2025 JBA Consulting PXS-JBA-XX-XX-RP-Z-0001-S3-P01-Leeway_House_FCA
- Noise Impact Assessment Report No.P24-279-R01v1 December 2024
- Historic Environment Desk Based Assessment January 2025 Project Ref.10336A
- Preliminary Ecological Appraisal Revision 1 December 2024
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02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, GP4, GP5, GP6 and GP7 were relevant to the determination of this application.

03 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.