

Delegated Decision Report

Application No:	25/0592	Statutory Period Expires:	31st May 2026
Site:	<i>Land At Uskmouth Power Station West Nash Road Nash Newport NP18 2BZ</i>		
Proposal:	<i>S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 23/0835 S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) AND CONDITION 02 (SITE INVESTIGATION AND RISK ASSESSMENT) OF 22/0823 INSTALLATION OF A BATTERY ENERGY STORAGE SYSTEM (BESS). AMENDMENTS INCLUDE INSTALLATION OF FIRE WATER TANKS, RAISING LEVELS OF BANKED COMPOUND, ADJUSTMENTS TO ATTENUATION POND POSITION, SUBSTATION BUILDING LOCATIONS AND PLATEAU EARTHWORKS</i>		
Applicant:	<i>Private Energy Partners Limited</i>		
Type:	Renewals and Variation of Conditions	Ward:	Llanwern
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 The application seeks to make amendments to the approved site layout and update the list of approved plans for the scheme.

2. SITE LOCATION AND CONTEXT

- 2.1 The wider site is very industrialised with existing industry to the north and across the River Usk. To the south is the RSPB Wetlands National Nature Reserve. The development will primarily be viewed in the context of the adjoining former coal fired power station and CCGT station buildings and plant that are to be retained and are of significant scale. Other BESS sites are pending consideration or have been granted elsewhere on the former coal fired power station site.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 As the approved BESS facility is now under construction, minor design amendments to the layout and supporting infrastructure are necessary to accommodate the development and maximise efficiencies.

The amendments consist of:

- Installation of 2no. fire water tanks.
- Raising the levels of banking compound.
- Slight repositioning of the attenuation pond away from electrical pylon exclusion zone (whilst maintaining attenuation volumes).
- Adjusting the BESS plateau earthworks to avoid an existing coal hopper chute and avoid the need for geotextile reinforcement.
- Amending the substation building positions to avoid interfering with other proposed infrastructure.

4. RELEVANT SITE HISTORY

- 22/0823 - INSTALLATION OF A 230 MW BATTERY ENERGY STORAGE SYSTEM(BESS) – granted with conditions 8th December 2022
- 23/0111 - NON-MATERIAL AMENDMENT TO PLANNING PERMISSION
REFERENCE: 22/0823 FOR INSTALLATION OF A 230 MW BATTERY ENERGY STORAGE SYSTEM (BESS) TO AMEND RED LINE BOUNDARY TO UTILISE ADDITIONAL LAND FOR DRAINAGE/SUDS FEATURES – approved with conditions 9th March 2023.
- 23/0835 - S73 APPLICATION TO VARY CONDITIONS 1 (APPROVED PLANS) AND

CONDITION 2 (SITE INVESTIGATION AND RISK ASSESSMENT) OF 22/0823 INSTALLATION OF A 230 MW BATTERY ENERGY STORAGE SYSTEM (BESS). AMENDMENTS INCLUDE INCREASING THE AMOUNT OF BATTERY INFRASTRUCTURE, CHANGES TO THE SITE LAYOUT, CHANGES TO THE RED LINE BOUNDARY AND SOFT AND HARD LANDSCAPING – Granted with conditions 23rd November 2023

23/1120 - NON MATERIAL AMENDMENT APPLICATION TO AMEND THE DESCRIPTION OF DEVELOPMENT TO REMOVE MW REFERENCE IN RESPECT OF 23/0835 S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) AND CONDITION 02 (SITE INVESTIGATION AND RISK ASSESSMENT) OF 22/0823 INSTALLATION OF A 230 MW BATTERY ENERGY STORAGE SYSTEM (BESS) – approved with conditions 9th January 2024

5. PLANNING POLICY

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

Future Wales: The National Plan 2040 (2021)

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.

3.3 Planning Policy Wales (Edition 12)

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.

5.9.7 The local balance of the energy network will be a crucial consideration in this regard, and planning authorities should consider the best places for local renewable energy generation to help improve the resilience of the grid in the future.

Welsh National Marine Plan:

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals. The following chapters and sections are of particular relevance in the assessment of this planning application:

- Achieving a sustainable marine economy –
 - Contribute to a thriving Welsh economy by encouraging economically productive activities and profitable and sustainable businesses that create long term employment at all skill levels.
 - Support the opportunity to sustainably develop marine renewable energy resources with the right development in the right place, helping to achieve the UK’s energy security and carbon reduction objectives, whilst fully considering other’s interests, and ecosystem resilience.
 - Provide space to support existing and future economic activity through managing multiple uses, encouraging the coexistence of compatible activities, the mitigation of conflicts between users and, where possible, by reducing the displacement of existing activities.
 - Recognise the significant value of coastal tourism and recreation to the Welsh economy and well-being and ensure such activity and potential for future growth are appropriately safeguarded.
- Living within environmental limits
 - Support the achievement and maintenance of Good Environmental Status (GES) and Good Ecological Status (GeS).

- Protect, conserve, restore and enhance marine biodiversity to halt and reverse its decline including supporting the development and functioning of a well-managed and ecologically coherent network of Marine Protected Areas (MPAs) and resilient populations of representative, rare and vulnerable species.
- Maintain and enhance the resilience of marine ecosystems and the benefits they provide in order to meet the needs of present and future generations.

The above duties have been given due consideration in the determination of this application.

3.4 **Technical advice notes**

Technical Advice Note (TAN) 11: noise

Technical Advice Note (TAN) 15: development and flood risk

Technical Advice Note (TAN) 18: transport

Technical Advice Note (TAN) 23: economic development

5.3 **NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)**

LDP Designations and Site Characteristics

Site Designation:

- Archaeologically Sensitive Area - CE6
- Developed Coastal Zone – CE9
- Urban Boundary
- Flood Zone
- Parking Zone 6

Nearby Designations:

- Environmental Space - Church of St Mary, Nash (1.1km west)
- Special Landscape Area - The River Usk
- SINC –immediately adjacent
 - Julian's Gout Land (north east)
 - Gwent Wetland Reserve (south)
 - Alpha Steel Site (east)
- SSSI – immediately adjacent
 - RIVER USK (LOWER USK) (north)
 - NEWPORT WETLANDS (south)
 - SEVERN ESTUARY (west)
- RAMSAR and SPA – Severn Estuary
- Special Area of Conservation – RIVER USK / Severn Estuary
- Wales Coast Path - Adjacent to Nash Road and south of the site
- National Nature Reserve – NEWPORT WETLANDS (west and south)
- Landscape of Outstanding Historical Interest – Gwent Levels (east and west)
- Public Right of Way and Coastal Path - 401/12/1 (south)
- Accessible Natural Greenspace - Waterway (north)
- Accessible Natural Greenspace - Amenity (south)
- Historic Environment Record – Various within Uskmoth Power station

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

- 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

Supplementary Planning Guidance (Adopted)

- Sustainable Travel SPG (July 2020)
- 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 Natural Resources Wales:

We have no objection to the proposed development as submitted and provide the following advice.

Flood Risk

We have reviewed the supported plans and information and note that the electrical infrastructure at the banking compound is proposed to be raised to 9.8 mAOD floor level, to accord with the ground raising for the battery compound. This is to address condition 20 of 23/0835, which states that all site electrical infrastructure shall have a finished floor level no lower than 9.8mAOD. We note that, as with the battery compound, the same approved methods and aggregates material will be utilised for these works. We therefore raise no objection to the variation of condition 1 with regards to flood risk.

6.2 Local Highways Authority:

No objection.

6.3 Welsh Water:

Having reviewed the additional information submitted for this S73 application to vary condition 1, it is unlikely water supply system in the immediate vicinity has sufficient capacity to serve the development at the proposed rate of 13.7 l/s and will also cause detriment to existing customers' water supply. Furthermore, Dwr Cymru Welsh Water is not responsible for fire protection or for providing suitable fire flows. Providing fire flows and fire protection are the responsibility of the appropriate regional Fire Services. We refer you to the 3rd Edition of the National Guidance Document on the Provision of Water for Fire Fighting published by the Local Government Association and Water UK. We advise that the developer would need to source alternative means for a suitable water supply for the proposed fire sprinkler system. With the above above Dwr Cymru Welsh Water has no objection in principle to this proposed S73 application to vary condition 1 of planning permission 23/0835.

On 8th May, Welsh Water further advised;

Should there be any tanks proposed for firefighting that would need to be filled and refilled following use, we would only be able to provide a flow of equal to the domestic rate of 0.07l/s which has been estimated as the peak flow for domestic use of 20 people. We respectfully request that this is considered as being implemented as a condition to ensure our supply to existing customers is maintained and there is no detriment.

We note that the fire department have confirmed their satisfaction with the development. Therefore, DCWW have no further comments to make and trust that this is sufficient information to determine the application.

- 6.4 Network Rail:
No objection.
- 6.5 Fire Service:
Fires involving the installations detailed above can be very difficult to extinguish. Conditions can cause a thermal runaway within battery cells, which is a highly exothermic reaction creating toxic, flammable, and/or explosive chemical atmospheres. The developer of such sites should ensure they have suitable safety measures to contain and restrict the spread of fire, using fire-resistant materials and adequate separation between locations where energy systems may be stored. Active fire safety systems should be incorporated into the design if necessary and may include, automatic fire detection systems, automatic fire suppression and smoke control systems. The Authority recognises that the charging of electric vehicles and the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry, developers should consider the risks associated with such systems early in the design stage of the project.
- 6.6 Tree Officer:
No objections.
- 6.7 Waste Officer:
No objection.
- 6.8 Landscape Officer:
The proposed changes which are helpfully detailed in the covering letter do not appear to affect the landscape proposals. The detailed email of the applicant dated 16/9/25 confirms the proposed amendments will have no impact upon the approved soft landscape proposals and I have no objection.
- 6.9 CADW: no response received to date.
- 6.10 GGAT: no response received to date.
- 6.11 Gwent Wildlife Trust: no response received to date.
- 6.12 RSPB: no response received to date.
- 6.13 Environmental Health Officer: no response received to date.
- 6.14 SAB: no response received to date.
- 6.15 Network Rail: no response received to date.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 1st August 2025 (5no.), Site Notice was put up on 8th August 2025 and Press Notice dated 9th August 2025.

- 7.1 NEIGHBOURS: no responses received to date.
- 7.2 COUNCILLOR KELLAWAY: no comments received to date.
- 7.3 NASH COMMUNITY COUNCIL: no comments received to date.

8. ASSESSMENT

- 8.1 The approved development (ref: 22/0823, approved 08/12/2022 and varied by 2no NMAs – see above – and 23/0835, granted 23/11/23) is for the installation of a BESS, located on the former coal yard at Uskmouth B Power Station. The development involves placement of containerised battery storage units and associated electrical infrastructure. The system will connect to the National Grid via cables to the existing 132kV Uskmouth substation. The development is currently at an advanced stage of construction but is yet to be commissioned.
- 8.2 Amendments are now sought to the development as approved.
- 8.3 Previously, section 73 amendments have been agreed that consist of the following:
- Increasing the amount of battery infrastructure on site to provide 98 blocks, comprising 196 batteries and 98 Power Conversion Systems (PCS).

- Amending the layout of battery infrastructure on site, including re-location of electrical switch gear and transformers.
- Amending the red line boundary (to divert around existing structures along the road between the electrical bank and central battery area; and include additional land to the north of the battery storage area, for administration building and associated 8no. car parking spaces including disabled and EVC provision).
- Utilising existing drainage pond in the western part of the site, rather than relying on the existing power station attenuation pond as approved.
- Use of aggregates to raise ground levels, rather than use of pulverised fuel ash as approved.
- Improved ecology and biodiversity provision including a tiered attenuation basin.
- Refurbishment of an existing structure to provide a welfare building, designed in accordance with BREEAM standards.
- Introduction of primary substations.
- Increase fencing height from 2.25m to 2.4m.
- Amending the road construction from tarmac to permeable granular fill.

The current s73 changes include the following:

- Installation of 2no. fire water tanks.
- Raising the levels of banking compound.
- Slight repositioning of the attenuation pond away from electrical pylon exclusion zone (whilst maintaining attenuation volumes).
- Adjusting the BESS plateau earthworks to avoid an existing coal hopper chute and avoid the need for geotextile reinforcement.
- Amending the substation building positions to avoid interfering with other proposed infrastructure.

8.4 The changes are primarily to deal with factors requiring adjustment due to information becoming available over the course of the construction process and as a consequence of the general evolution of the final scheme. The current submission seeks no change to the red line boundary approved by 23/0835 which in itself altered the red line boundary pursuant to 23/0111 (NMA).

8.5 Taking the amendments proposed in turn, officers have considered as follows:

- *Installation of 2no. water tanks;*

The tanks are large units located at the western end of the operational area bordering the attenuation basin but located within the fenced area of the BESS. They are required to store water for firefighting purposes if required. The impact upon visual receptors is unlikely to substantially alter as the tanks form part of a wider industrial development and are compatible with their context. Previously the area of the tanks had no plant or structures upon it. The former coal stock yard which is now the BESS compound area, is viewed in the context of buildings and infrastructure of far greater scale. Important landscape and ecological features will remain such as the operational and boundary ditches and existing peripheral landscape features, and new landscape features and ecological enhancements will surround the site to contain the operational area.



Extract of drawing PG2505193-0001-P02-1.0

- 8.6 Originally, it was intended to deliver fire suppression requirements by utilising an existing tank house on site, however this building has been found to need significant repair works and its location would require extensive lengths of pipe to reach the water main. As a result, it is proposed to install the 2no. bespoke fire water tanks instead. The fire tanks extend to 2.77m height and 13.95m diameter and will each have a net capacity of 338m³, integrated into a below ground sprinkler system network, to ensure the fire safety of the site. They will be positioned on a concrete base and a pump house enclosure will be installed between the two tanks. The fire tanks are made of galvanised steel and will be painted green, to match the RAL colours of the battery units, which will help to visually integrate them into the site and surroundings. The fire pump house will be painted the same green colour. Ultimately, as stated above, the form, scale and design of the fire tanks is in keeping with the industrial nature of the BESS site and wider Uskmouth site. The tanks will be positioned within the approved perimeter fence for the BESS compound and will extend to a height of 2.77m. As a result, the fire tanks will be no more visually imposing than the approved battery units (which are 3m height) and will benefit from the visual screening of the boundary fence. Welsh Water initially responded with a holding objection on this aspect of the proposals pursuant to concerns about potable water supply impacts for the surrounding neighbourhood and specifically the impact on water pressure when the tanks are filled or refilled. Prolonged negotiation has taken place with the developer since then and additional information proposed so that the holding objection was removed. Welsh Water have confirmed that subject to filling of tanks being undertaken at domestic flow rates, there is no objection to the scheme. Welsh Water suggests a condition is required to ensure flow rates are as per their requirements. The agent has confirmed developer agreement to such a condition and it is considered that a planning condition is justified in this case.
- 8.7 *Slight repositioning of the attenuation pond away from electrical pylon exclusion zone (whilst maintaining attenuation volumes).*

This relates to the wildlife and attenuation pond that discharges to the operational ditch and is a second such pond serving the site, the first being the established feature at the northern/eastern end of the site. In the primary permission, the development was reliant entirely on the existing attenuation pond for surface water run off management but through intervening amendments to the permission, now also relies upon a second pond located at the southern end of the site. Both ponds link to the wider established surface water system for the site. The operational ditch is discreet to the site, helping to manage and treat run off when the area was used for coal stockpiling. Attenuation volumes are critical to

achievement of SUDS expectations on site and the amendment is confirmed as not impacting such volumes. The position of the new attenuation pond is slightly altered to account for a pylon exclusion zone but this amendment makes little impact in visual terms. The fundamental purpose of the pond does not change. The attenuation pond is required to be shifted slightly southwards and the pond design has been slightly amended as a result, however its broad location and siting remains as approved and the required attenuation volumes are retained to ensure sufficient drainage in accordance with the approved position.

8.8 *Adjusting the BESS plateau earthworks to avoid an existing coal hopper chute and avoid the need for geotextile reinforcement.*

Slight amendments are proposed to the extent of the BESS plateau. In the north eastern corner, the extent is to be shifted eastwards to avoid interfering with an existing coal hopper chute. The scheme is working around retained features of the former coal fired power station which benefitted from a network of above ground plant and structures linked in large part to the delivery of coal to the furnaces from the rail line. The BESS plateau is a raised feature, elevated to mitigate flood risk and provide a suitably engineered base for the battery units and associated infrastructure. In visual terms it has no discernible impact and material considerations such as flood risk, landscape and biodiversity are not affected.

8.9 *Raising levels of the banking compound*

The electrical infrastructure at the banking compound is proposed to be raised to 9.8m AOD floor level, to accord with the ground raising for the battery compound, to address condition 20 of ref: 23/0835 which states "All on site electrical infrastructure shall have a finished ground level no lower than 9.8m AOD". As with the battery compound, the same approved method and aggregates material will be utilised for these works. Given the context of the immediate surroundings of the banking compound, this amendment is not considered to present any adverse impacts on the development as a whole.

8.10 *Amending the substation building positions to avoid interfering with other proposed infrastructure*

A slight amendment to the position of substations within the battery compound is proposed, simply to avoid interference with existing infrastructure.

8.11 Key issues to consider having regard to all the amendments proposed and information supplied include ecology, flood risk and drainage, landscape and visual amenity, highways, ground condition and contamination. For ecology, there are 3 approved ecological related reports associated with the primary permission. These establish the baseline for assessment and identify the site sensitivities having regard to its proximity to the River Usk and Severn Estuary SAC and SSSI. They also detail proposed mitigation and enhancement measures. The changes proposed via section 73 are considered to not impact these conclusions or fundamentally alter these assessments as the area being developed for the battery units and associated works is the same and limited to the former coal stockyard. Furthermore, the changes proposed do not prejudice the delivery of the mitigation measures or biodiversity enhancement previously detailed and approved.

8.12 On the matter of flood risk, the primary permission requires a minimum finished level for the BESS. This does not change. The raising of ground level to 9.8mAOD and use of blocks to raise electrical infrastructure that is vulnerable to flood risk, is still proposed, meaning that Condition 20 of the full permission can be fully complied with. Overall, the variations sought do not prohibit the effective implementation of the flood risk mitigation as presented within the FCA v5, which was accepted as suitable when the full application was approved

8.13 In landscape and visual amenity terms a LVIA was submitted and approved as part of the primary permission. This document noted the proposal is of similar scale and height to existing neighbouring industrial features when considered within the existing wider industrial context. Furthermore, there is extensive vegetation to the south of the site, achieving a high level of screening from the proposal (pp. 8.4 of LVA). Overall, the proposal would not result in any changes to the majority of visual receptors during construction

phase, operation phase Year 1 and Year 15. The amendments now proposed will not materially alter this assessment.

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 amendments proposed as part of this section 73 application are acceptable.

11. DECISION

GRANTED WITH CONDITIONS

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

Uskmouth Battery Energy Storage System – Flood Consequences assessment and

Sustainable Drainage Strategy, prepared by RPS Group, document reference HLEF83600, version 5.5, dated October 2022; Biodiversity Mitigation and Enhancement Plan, Uskmouth Bess prepared by RPS, document reference ECO02497, version 1, dated 24th October 2022; Ecological Impact Assessment – Uskmouth BESS, prepared by RPS, dated 8th July 2022; Uskmouth BESS – Water Vole and Otter Report – 2, prepared by RPS, document reference ECO02497, dated 21st October 2022; Landscape and Ecology Management Plan by RPS 9th November 2022; Landscape and Visual Impact Assessment by RPS v4 updated 9th November 2022; Shadow Habitats Regulation Assessment v1 by RPS 10th November 2022; Water Vole Conservation Plan by RPS October 2022; Transport Assessment by RPS 18th August 2022; Preliminary Risk Assessment by RPS 22nd July 2022; Ground Investigation Factual and Interpretative Report by RPS 12th August 2022; Design and Access Statement by RPS August 2022; Outline Battery Safety Management Plan by PEP August 2022; Reptile Survey Report by RPS July 2022; Planning Statement by RPS 21st June 2022; covering letter by Carney Sweeney dated 14th September 2023; covering letter by Carney Sweeney dated 24th July 2025 and email from Clodagh Macken dated 16/9/25, along with the following drawings:

- Ecological Mitigation and Enhancement Plan by Tetrattech revision B 29th August 2023.
- Green Infrastructure Enhancement Plan by Tetrattech 24th August 2023.
- 50468-BUR-XX-XX-DR-C-0002-S3-P1.0-Site Location.
- 50468-BUR-SGN-XX-DR-C-1757-S4-P2.0-Foundation Type 8 Detail
- 50468-BUR-SGN-XX-DR-C-1756-S4-P2.0-Foundation Type 7 Detail.
- 50468-BUR-SGN-XX-DR-C-1755-S4-P4.0-Foundation Type 6 Detail
- 50468-BUR-SGN-XX-DR-C-1754-S4-P5.0-Foundation Type 5 Detail.
- 50468-BUR-SGN-XX-DR-C-1753-S4-P4.0-Foundation Type 4 Detail
- 50468-BUR-SGN-XX-DR-C-1752-S4-P5.0-Foundation Type 3 Detail
- 50468-BUR-SGN-XX-DR-C-1751-S4-P5.0-Foundation Type 2 Detail
- 50468-BUR-SGN-XX-DR-C-1750-S4-P5.0-Foundation Type 1 Detail
- 50468-BUR-SGN-XX-DR-C-1702-S4-P4.0-Structural General Arrangement
- 50468-BUR-HPV-XX-DR-C-0701-S4-P3.0-Road Pavements G.A
- 0478-RIO-XX-XX-DR-A-90002-P02 - Proposed Site Plan.
- 0478-RIO-XX-ZZ-DR-A-01002-P03 - Proposed Plans
- 0478-RIO-XX-ZZ-DR-A-02002-P01 - Proposed Elevations
- 50468-BUR-GEN-BC-DR-C-0101-S4-P2.0 - General Arrangement Banking Compound
- 50468-BUR-GEN-XX-DR-C-0100-S4-P5.0 - Scheme Overview.
- 50468-BUR-GEN-XX-DR-C-0101-S4-P9.0-Series 100 - Design Layout GA
- 50468-BUR-GEN-XX-DR-C-0110-S4-P2.0-Planning - Site Elevations
- 50468-BUR-GEN-XX-DR-C-0111-S4-P1.0-Planning - General Building Elevations
- 50468-BUR-HDG-XX-DR-C-0501-S4-P7.0-Sereis 500 - Storm Drainage GA
- 50468-BUR-HFE-XX-DR-C-0301-S4-P3.0-Fencing G.A
- 50468-BUR-HGT-XX-DR-C-0602-S4-P3.0-Stage 1 Class 1A Fill G.A
- 50468-BUR-HGT-XX-DR-C-0603-S4-P3.0-Stage2 6F5 Type 3 Fill G.A.
- 50468-BUR-HGT-XX-DR-C-0610-S4-P3.0-Cross Sections Earthworks Sheet 1.
- 50468-BUR-HGT-XX-DR-C-0620-S4-P3.0-Typical Cross Sections Earthworks.
- E24-069_RR_DWG_007 REV01 Temporary fencing general arrangement
- 50679-BUR-GEN-XX-DR-C-0100-P3.0-Series 0100
- PG2505193-0002 P03
- PG2505193-0003 P01 100-1.0
- PG2505193-0004 P01 90-1.0
- PG2505193-0001-P02-1.0

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 (excluding the installation of temporary acoustic barrier fence required by condition 11 of this permission), 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 OR the components of a scheme to deal with the risks associated with contamination at the site as approved in writing by the Local Planning Authority under LPA reference 23/1089 have been carried out in accordance with the approved details.

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 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 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.

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 arising to the environment and human health. SP1, SP9, GP7 and GP5 of Local Development Plan.

- 03 Prior to any engineering works, temporary barrier fencing such as Heras shall be installed along the northern bank of the operational drain. This channel and the raised trackway shall be located in an exclusion area for all construction activities and contractor personnel. There will be no light spill from construction lighting onto any part of the boundary ditch channel which will remain as a dark, unlit corridor. There will be no artificial lighting on the boundaries of the construction site outside of the working hours. The fencing shall be removed prior to first operation of the battery energy storage facility.
Reason: In the interests of ecology. SP9 and GP5 of Local Development Plan.

Pre Occupation/operation conditions

- 04 The development hereby approved shall be undertaken in accordance with the approved Landscape and Ecology Management Plan (LEMP) prepared by RPS dated 9th November 2022 and the reporting timeframe to provide fully detailed Landscape Monitoring Reports approved in writing by the Local Planning Authority pursuant to LPA reference 25/0441. The landscape 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 The development shall be completed and managed in accordance with the final Battery Safety Management Plan approved in writing by the Local Planning Authority pursuant to LPA reference 25/0397.
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 A scheme for the replacement of battery units and associated infrastructure over the lifetime of the development including details of the cycles for battery replacement and how this will be managed having regard to traffic generation and potential for pollution/waste generation, shall operate in accordance with details approved by the Local Planning Authority pursuant to LPA reference 25/0397.
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 The development shall operate in accordance with the Noise Impact Assessment (and any mitigation measures) for operational noise and activities approved in writing by the Local Planning Authority pursuant to LPA reference 24/0386.
Reason: To safeguard nearby sensitive receptors from unacceptable noise disturbance.

General conditions

- 08 All slabs, piers or similar works required to elevate the electrical infrastructure shall be undertaken in accordance with details and plans approved pursuant to Local Planning Authority reference 23/0724 dated 16th November 2023. 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.
- 09 A detailed drainage strategy for construction and operational phases of development shall be undertaken in accordance with details and plans approved pursuant to Local Planning Authority reference 23/0724 dated 16th November 2023 and retained for the lifetime of development.
Reason: To safeguard ecological and environmental interests. SP1, SP3, SP9 and GP5 of Local Development Plan.
- 10 The construction of the development shall be undertaken in accordance with the Construction Environmental Management Plan approved pursuant to Local Planning Authority reference 23/0724 dated 16th November 2023.
Reason: in the interests of amenity, ecology, landscape and safety. SP1, SP9, GP2, GP5 of Local Development Plan.
- 11 A temporary acoustic barrier shall be installed between the construction site and the attenuation pond in accordance with details (including timing) and plans approved pursuant to Local Planning Authority reference 23/0724 dated 16th November 2023. The acoustic barrier will be moved to the boundary of the BESS compound construction area further from the pond margin following the completion of the building and profiling of the raised landform and retained as such for the lifetime of the development.
Reason: In the interests of ecology. SP9 and GP5 of Local Development Plan.
- 12 The ecological enhancements shall be undertaken in accordance with the following documents:
- Biodiversity Mitigation and Enhancement Plan, Uskmouth BESS, prepared by RPS, document reference ECO02497, version 1, dated 24th October 2022
 - Uskmouth Ecology Programme updated pursuant to email from agent dated 9/10/23 and approved pursuant to Local Planning Authority reference 23/0724
 - Ecological Mitigation and Enhancement Plan by Tetrattech revision B 29th August 2023.
- The works shall be retained for lifetime of development.
Reason: In the interests of ecological enhancement. SP9 and GP5 of Local Development Plan.
- 13 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.
- 14 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.

- 15 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express 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.

Reason: There is an increase potential for pollution of controlled waters from inappropriate methods of piling. SP1, SP9 and GP5 of Local Development Plan.

- 16 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 hereby approved 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 demolition, 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.

- 17 A minimum of 26 parking spaces shall be provided to serve construction staff and associated traffic in accordance with details included within Appendix A of the Transport Assessment hereby approved and prior to any other engineering works commencing on site. The approved parking area shall be retained for the duration of construction phase works and available for use by contractors and other construction personnel. If the area is to be retained beyond the construction period, a scheme for the provision of EV charging to include a minimum of 10% of overall spaces and a timetable for installation shall be submitted to and approved in writing by the Local Planning Authority prior to the end of the construction period. The parking area shall be provided (and removed/retained) in accordance with the approved details.

Reason: To ensure adequate on site parking provision is secured to minimise risk of parking on local highways and ensure that, if retained, the parking area provides appropriate EV charging infrastructure. GP4, SP1 and GP2 of Local Development Plan.

- 18 All on site above ground electrical infrastructure shall have a finished ground level no lower than 9.8m AOD.

Reason: To safeguard the development from flooding. SP1 of Local Development Plan.

- 19 The development shall be undertaken fully in accordance with all recommendations set out in the document entitled 'Uskmouth Battery Energy Storage System – Flood Consequences assessment and Sustainable Drainage Strategy', prepared by RPS Group, document reference HLEF83600, version 5.5, dated October 2022.

Reason: To ensure mitigation of flood risk. SP1 of Local Development Plan.

- 20 The development shall be undertaken fully in accordance with all recommendations and mitigation measures set out in the following documents and this shall include all monitoring and maintenance requirements set out therein:

Biodiversity Mitigation and Enhancement Plan, Uskmouth Bess", prepared by RPS, document reference ECO02497, version 1, dated 24th October 2022.

"Ecological Impact Assessment – Uskmouth BESS", prepared by RPS, dated 8th July 2022.

"Uskmouth BESS – Water Vole and Otter Report – 2", prepared by RPS, document reference ECO02497, dated 21st October 2022

Uskmouth Ecology Programme updated pursuant to email from agent dated 9/10/23 and approved pursuant to Local Planning Authority reference 23/0724

Ecological Mitigation and Enhancement Plan by Tetrattech revision B 29th August 2023.
Shadow Habitats Regulation Assessment v1 by RPS dated 10th November 2022.

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.

- 21 Notwithstanding the details submitted, all containerised units and permanent fencing hereby approved shall be colour coated dark green at time of installation and shall be maintained and retained in this state thereafter.

Reason: In the interests of visual and landscape amenity. GP6 and SP8 of Local Development Plan.

- 22 With the exception of aggregate deliveries by rail and associated offloading, 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. Aggregate deliveries by rail outside the hours of 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturday will be limited to one delivery only per day outside those prescribed hours, with all associated lighting, activity, unloading and departure ceasing by 2200 hours.

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.

- 23 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.

- 24 The Landscape Monitoring Reports required by Condition 06 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.

- 25 Insofar as it relates to the aggregate lay down area and incoming rail deliveries only, the development shall be implemented in accordance with the following plans and documents: Scheme Overview Phase 1 General Arrangement – drawing no. 50468-BUR-GEN-XX-DR-C-0105 Revision P1.0 and email from Peter Waldren dated 23rd June 2023 approved pursuant to Local Planning Authority reference 23/0459.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

- 26 The fire water tanks hereby approved shall be filled and refilled following use, at a maximum flow rate equal to the domestic rate of 0.07l/s. The inflow pipes shall include

apparatus such as flow meters, level sensors or level meters that limit and monitor the fill flow rate to the specified figure. Such features and the restricted flow rate shall be retained for the lifetime of development.

Reason: To ensure the filling and refilling of the tanks does not prejudice the potable water supply to the surrounding neighbourhood in the interests of amenity. Policy GP2, GP7 and SP1 of the adopted Newport Local Development Plan.

NOTE TO APPLICANT

01 This decision relates to plan Nos identified in condition 01.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP9, GP2, GP5, GP6, GP7 were relevant to the determination of this application.

03 The proposed development (including any demolition) has previously been screened under the Environmental Impact Assessment Regulations and the amendments proposed under this section 73 submission do not alter this assessment. It is considered that an Environmental Statement is not required.

04 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.