

Delegated Decision Report

Application No:	25/0397	Statutory Period Expires:	18th July 2025
Site:	Land At Uskmouth Power Station West Nash Road Nash Newport NP18 2BZ		
Proposal:	PARTIAL DISCHARGE OF CONDITIONS 7 (BATTERY SAFETY MANAGEMENT PLAN) AND 8 (REPLACEMENT BATTERY UNIT SCHEME) 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). AMENDMENTS INCLUDE INCREASING THE AMOUNT OF BATTERY INFRASTRUCTURE, CHANGES TO THE SITE LAYOUT, CHANGES TO THE RED LINE BOUNDARY AND SOFT AND HARD LANDSCAPING		
Applicant:	Uskmouth Energy Storage Limited		
Type:	Discharge Conditions	Ward:	Llanwern
Decision:	APPROVED		

1. BACKGROUND

- 1.1 The site has planning permission for the installation of a battery energy storage system at this established power station site including the raising of land levels to create an elevated engineered platform designed to support the new infrastructure and mitigate flood risk.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site is only part of the much larger power station. It is previously developed land. The wider site is very industrialised with existing industry close by and across the River Usk. Nearby there is the Uskmouth Power station buildings. Beyond the power station buildings (the former coal fired station and the newer gas fired station) lies the RSPB Wetlands National Nature Reserve. To the north is the Liberty Steel plant and eastward is the Welsh Water Treatment works. The development will primarily be viewed in the context of the adjoining coal fired power station buildings that are to be retained and are of significant scale.
- 2.2 There continues to be significant national and local policy support for proposals that make a positive contribution to sustainable development and energy supply resilience. Battery storage of this kind can support renewable energy generation, reduce energy wastage, and supports the transition to a low carbon economy. It can improve energy security along with a more balanced and reliable supply of electricity. Battery storage has an important role to play in the energy network and will supplement the grid during periods when supply of energy may have fallen below optimum levels for any reason. The development will also continue to secure significant investment in this underused urban industrial site.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This relates to the partial discharge of 2no. conditions as follows:

07 Prior to the occupation or operation of the development hereby approved, a final Battery Safety Management Plan in accordance with the Outline Battery Safety Management Plan hereby approved, shall be submitted to and approved in writing by the local planning authority. The development shall be completed and managed in accordance with such a Plan thereafter.

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

08 Prior to occupation or operation of the development hereby approved, a scheme for the replacement of battery units and associated infrastructure over the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the cycles for battery replacement and how this will

be managed having regard to traffic generation and potential for pollution/waste generation. The scheme shall thereafter be operated in accordance with the approved details.

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

- 3.2 Condition 07 was an officer condition confirmed by Planning Committee and not requested by the Fire Service or other consultees. There is a fire risk for obvious reasons and whilst a Management Plan was submitted with the application, it was only a draft outline strategy and needed a final version. Condition 08 was imposed to better understand the changing over regime of new for old battery units and the impact this may have on the road network and the environment.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
23/0949	BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED INFRASTRUCTURE AND WORKS	GC	11.01.2024
23/1045	PRIOR NOTIFICATION OF DEMOLITION OF 2NO. RANKS OF COOLING TOWERS AND ASSOCIATED STRUCTURES	PRIOR APPROVAL NOT REQUIRED	14.12.2023
24/0990	PARTIAL DISCHARGE OF CONDITIONS 3 (SLAB, RETAINING WALL AND PIER DETAILS), 4 (DRAINAGE STRATEGY) AND 7 (RAL COLOUR) OF 23/0949 BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED INFRASTRUCTURE AND WORKS	APPROVED	23.01.2025
24/0993	PARTIAL DISCHARGE OF CONDITIONS 5 (CEMP), 6 (LIGHTING DETAILS), 8 (CONSTRUCTION PHASING AND LOGISTICS METHOD STATEMENT), 9 (ARBORICULTURAL METHOD STATEMENT) AND 10 (TREE PROTECTION PLAN) OF 23/0949 BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED INFRASTRUCTURE AND WORKS	APPROVED	16.01.2025
24/1016	PARTIAL DISCHARGE OF CONDITION 2 (CONTAMINATION) OF 23/0949 BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED INFRASTRUCTURE AND WORKS	APPROVED	09.01.2025

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

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 Adopted Local Development Plan

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
- CE8 Locally Designated Nature Conservation and Geological Sites
- CE9 Coastal Zone
- CE10 Renewable Energy
- T3 Road Hierarchy
- T8 All Wales Coast Path
- W3 Provision for Waste Management Facilities in Development

Supplementary Planning Guidance (Adopted)

- Sustainable Travel SPG (July 2020)
- Wildlife and Development SPG (Aug 2015)
- Air Quality (SPG) (Feb 2018)

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales:

We consider we did not request conditions 7 (battery safety management plan) and 8 (replacement battery unit scheme) of 23/0835 S73 application to vary condition 1 (approved plans) and condition 02 (site investigation and risk assessment) of 22/0823, which this application is seeking to discharge. We therefore do not have any comment to make on the discharge of these conditions.

6.2 Local Highways Authority:

7 (BATTERY SAFETY MANAGEMENT PLAN): No comment.

8 (REPLACEMENT BATTERY UNIT SCHEME) : No objection to discharge.

Highway Comments: The submission provides sufficient detail of how and when batteries are likely to be transported and we would consider the proposals acceptable from a highways' perspective.

6.3 Senior Scientific Officer:

I have no comments in respect of the above application in terms of air quality or contaminated land.

6.4 Environmental Health Officer:
No response received.

6.5 Fire Service:
No response received.

7. **PUBLIC REPRESENTATIONS**
None.

8. **ASSESSMENT**

8.1 The officer report for the original application 22/0823 sets out the reasoning for these conditions as follows:

This is considered relevant as battery fires may be infrequent but can have major implications. This proposal is of large scale, the largest certainly in Newport and in Wales so far. Similarly, batteries have a limited lifespan and their disposal is relevant in terms of the wider environmental implications of this. The site will have an operating lifespan of approximately 35 years. At pre application stage, the applicant confirmed that each battery unit or cell will be replaced at years 12 and 24 when they have degraded by approximately 40% of their operational effectiveness. The cells slide out of the casing and require no major works for their removal. The cells removed will be recycled and are not at end of life as can be used in secondary operations if demand exists. However, they are replaced to maximise storage and operational efficiency in this context. In short they still have value in operational terms so are unlikely to be waste. That said, officers are conscious that batteries give rise to hazardous waste that has to be disposed of carefully or risk environmental harm. Clearly the greater the frequency of battery renewal, the greater the potential for harm however in this case we understand there are effectively 2 periods of battery renewal over the anticipated lifespan of the development and the first of these will be 12 years into the project. The removal of the cells in itself is unlikely to pose any environmental effects and limited risks on site. Battery waste is not new or novel in environmental terms and processes exist for the safe dismantling as required but the effectiveness of disposal and recycling of lithium-ion batteries is a moot point at present with arguably more demand than supply in terms of recycling and disposal needs as this type of battery usage has surged to suit carbon reduction expectations. There are no plans to dispose of the batteries on site but clearly they will have to be disposed of and dismantled elsewhere. Large scale battery storage systems such as this will add pressure to safely dispose of these battery cells and it is reasonable to consider that the opportunities and efficiency of doing so will only improve over coming years to deal with demand. Officers consider that a condition for a scheme of battery replacement to be agreed is appropriate as large scale battery replacement cycles will have other implications, notably on traffic generation.

Fire risks are mitigated by each container including fire detection and gas fire suppression systems that are fully automated. Good management and observation of battery faults for example will also limit risk along with monitoring of heat within the system itself. The fire risk in this type of system is low to our knowledge and clearly there are economic implications of any fire as well as environmental impacts so it is reasonable to expect operators to take all steps possible to mitigate risk. Over and above the matters identified in relation to fire risk, there are other mitigating factors that can be employed including clearance distances between containers, use of non combustible materials in the insulation and use of fire walls or breaks, particularly perhaps on larger schemes such as this. The implications of any fire on a site with this scale of battery units would have environmental effects in terms of emissions to air and likely spillage to ground but there is opportunity to significantly reduce such risks. The likelihood of fire is low and the likelihood of a large fire is negligible so the overall likelihood of environmental effects from the development arising from fire risk is not significant. No objections have been raised by any technical consultees on this issue including the Fire Service and whilst fire safety matters are often controlled by other regulatory authorities, in this case there may be a regulatory gap that the LPA will be required to fill. An Outline Battery Safety Management Plan has been submitted with this application and sets out design recommendations that should be complied with along with

the requirement for a final version of the document once design is complete. This is recommended to be conditioned.

- 8.2 There are a plethora of other regulatory controls relevant to this development, including:
- a. The Health and Safety and Work Etc. Act 1974 (“HSWA”),
 - b. The Design risks and the Construction (Design and Management) Regulations 2015 (“CDM”),
 - c. The Regulatory Reform (Fire Safety) Order 2005 (“FSO”),
 - d. The Building Regulations 2010 (“BR”),
 - e. The Electricity Safety, Quality and Continuity Regulations 2002 (“ESQCR”),
 - f. The Electricity at Work Regulations 1989 (“EWR”),
 - g. The Dangerous Substances and Explosive Atmospheres Regulations 2002 (“DSEAR”),
 - h. The Control of Substances Hazardous to Health Regulations 2002 (“COSHH”),
 - i. The Health and Safety (Consultation with Employees) Regulations 1996 (“HSCER”),
 - j. The Lifting Operations and Lifting Equipment Regulations 1998 (“LOLER”),
 - k. The Management of Health and Safety at Work Regulations 1999 (“MHSWR”),
 - l. The Provision and Use of Work Equipment Regulations 1998 (“PUWER”),
 - m. The Work at Height Regulations 2005 (“WHR”),

A detailed Battery Energy Safety Plan (April 2025) has been submitted and details all relevant matters such as (but not limited to);

- Compliance with Applicable Legislation.
- Design Response to Risk.
- Emergency Response Protocol (During Construction).
- Standard Operation Procedures (Relevant to Safety).
- Emergency Response Protocol (During Operation).
- Battery Transportation Plan; and
- Environmental Risk Assessment.

- 8.3 The Plan discusses thermal runaway and both the mechanisms to prevent this and to respond to it should it occur. The likelihood of a major accident or disaster is considered to be extremely unlikely; however, the Plan has taken a conservative approach in its assessments to inform the emergency response protocols. The most likely credible scenario considered if safeguards were to fail is a thermal runaway occurrence of a single module and left untreated could affect all 40 modules within a single enclosure, therefore, the most credible worst-case thermal runaway scenario has been considered to be a single enclosure simultaneously entering into thermal runaway. To provide additional levels of safety factors to inform the emergency response protocols a conservative approach has been undertaken within the assessments performed and such assessments consider two enclosures simultaneously entering thermal runaway. Thermal runaway events left untreated could result in a battery gas venting or burning scenarios, although considered to be extremely unlikely the most credible worst-case scenario considered has been on the basis of an entire enclosure entering into thermal runaway simultaneously and therefore resulting in a single enclosure subsequently entering into a fire scenario. Due to the physical distances between enclosures, it is considered that a fire will not propagate from one container to another, however to provide additional safety factors to inform the emergency response protocols the assessments performed consider two enclosures simultaneously entering a fire scenario. A full analysis of potential airborne pollution consequences of such an event is included in the Plan and the Senior Scientific Officer raises no objection to this information. Confirmation of on site emergency training by the local Fire Service is also given.

- 8.4 Transportation of battery modules following the initial group installation, are to be co-ordinated in a just in time basis to avoid additional storage and handling modules. Details of fire prevention and detection arrangements for the transportation phase are also provided.

- 8.5 The Plan is comprehensive and satisfies the requirement of condition 07.

- 8.6 A Battery Replacement Scheme document has been prepared by Uskmouth Energy Storage Limited (‘UESL’) to accompany the partial discharge of condition 08. The

replacement lifecycle of various elements are confirmed as; Battery Storage Units 10 - 15 years, Power Conversion Systems 20 - 25 years, High Voltage Substations 30 – 40 years and Transformers 30 – 40 years. This aligns with expectations at full application stage. The Highways Officer raised no concern in relation to the Plan.

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 information provided to partially discharge conditions 07 and 08 is acceptable and approved.

11. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to:

- Battery Safety Management Plan (prepared by Uskmouth Energy Storage Limited, April 2025, Rev A)
- Battery Replacement Scheme (prepared by Uskmouth Energy Storage Limited, May 2025, Rev A)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The following policies were relevant to the determination of this application:

- SP1 Sustainability
- SP3 Flood Risk
- SP8 Special Landscape Areas
- SP9 Conservation of the Natural, Historic and Built Environment
- SP18- Urban Regeneration
- GP1 General Development Principles – Climate Change
- GP2 General Development Principles – General Amenity
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03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

It is considered that the decision has been made in conformity with the Marine Policy Statement (2011) and in accordance with marine national planning policy contained within the Welsh National Marine Plan (2019) as demonstrated in the assessment of this proposal.