

Notice of Decision



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

Application No: **25/0592**

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

Proposal: **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**

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

Decision Date: **14th May 2026**

In pursuance of its powers under the above Act the Council of the City of Newport notifies you of its decision in respect of your application, registered by them on 24th July 2025. The application has been:-

Granted with Conditions

ADDITIONAL CONDITIONS IMPOSED BY THE COUNCIL

- 01** The development shall be implemented in accordance with the following plans and documents:
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. GP2 and GP7 of Local Development Plan.

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.

The development shall be carried out fully in accordance with the proposals shown in the application and in the plans and particulars accompanying such application as varied and amended by this permission.

01 This decision relates to plan 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.

Signed on behalf of the Council



Newport City Council
Regeneration and Economic Development
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NP20 4UR

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Pennaeth Adfywio a Datblygu Economaidd / Head of Regeneration and Economic Development
Cyngor Dinas Casnewydd / Newport City Council

Application Number: 25/0592

Decision Date: 14th May 2026

IMPORTANT! PLEASE READ THE NOTES ON THE REVERSE OF THIS FORM

Notes for Applicants

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Appeals to the Welsh Government

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission or grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act (as amended).
- Appeals must be made within a prescribed time period that is dependent on the application type. These time periods along with further information on the appeals process are available here and should be checked immediately: [Planning appeals | Sub-topic | GOV.WALES](#)
- Appeals in respect of:
 - Householder and 'minor commercial' development must be received within 12 weeks from the date of the decision notice;
 - Advertisement consent applications must be received within 8 weeks from the date of the decision notice; and,
 - Other types of planning application must be received within 6 months from the date of the decision notice.

Appeal forms can be downloaded at Planning Casework (gov.wales) or are obtainable from Planning and Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ, email PEDW.Casework@gov.wales

- The Welsh Ministers can allow a longer period for giving notice of an appeal, but are not normally prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Welsh Ministers do not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices

- If either the Local Planning Authority or the Welsh Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).