

Delegated Decision Report

Application No:	25/0213	Statutory Period Expires:	13th May 2025
------------------------	----------------	----------------------------------	----------------------

Site:	<i>Uskmouth Power Station, Land Adjacent To West Nash Road Nash Newport NP18 2BZ</i>		
Proposal:	<i>VARIATION OF CONDITION 01 (APPROVED PLANS AND DOCUMENTS) OF PLANNING PERMISSION 23/0949 FOR BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED INFRASTRUCTURE AND WORKS, TO AMEND THE APPROVED DESIGN</i>		
Applicant:	<i>AW1 Energy Storage Limited</i>		
Type:	Renewals and Variation of Conditions	Ward:	Llanwern
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 A full application 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 was granted planning permission subject to conditions on 11th January 2024. The purpose of this application is to amend the drawing list associated with the original planning permission to account for changes that have arisen during the detailed design and development process. These adjustments are necessary to enhance the efficiency and functionality of the BESS scheme. The proposed development will remain as approved under the description of development and the updated plans simply reflect a level of construction detail beyond planning approval.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site is only part of the much larger power station site and will be within the area of the Uskmouth B station on an area previously occupied by cooling towers that are now demolished. The wider site is very industrialised with existing industry close by and across the River Usk. To the south is the Uskmouth Power station buildings and the former coal stockpile area being developed for battery energy storage recently granted permission (23/0823). 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 east 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. All these factors are of significant merit and must be afforded substantial weight in favour of the scheme. The benefits of energy storage appear well made with very clear national policy support and being a brownfield site

in an existing industrial location with existing supporting infrastructure appears to support basic and general sustainability principles. The proposed development will also continue to secure significant investment in this underused urban industrial site.

3. DESCRIPTION OF DEVELOPMENT

3.1 It is proposed to amend the Plans Schedule referred to in Condition 1. The proposed amendments which form part of this submission are summarised in the covering letter forming part of this application and described as follows:

- Attenuation Basin adjustments – Detailed construction design has highlighted the need to relocate the attenuation basin further to the east within the green infrastructure area. The revised drainage design remains based on the principles and recommendations set out in the approved Flood Consequences Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023 and therefore complies with condition 22 of the original planning permission and the recently approved details under original condition 4 (24/0990). The Applicant's contractor has advised the Sustainable Drainage Approving Body (SAB) have engaged with NCC SAB via a technical advice session, NCC SAB have confirmed that the SAB approval remains valid based on the detailed surface water drainage design undertaken by Burroughs. This was formalised in an email to NCC SAB on 16th January 2025. This has resulted in the need to reconfigure the proposed green infrastructure in this area however the planting specifications previously approved remain the same.
- Sub-Station re-orientation – The previously approved substation orientation did not appropriately accommodate the correct direction of incoming HV connection. It has therefore been necessary to rotate the sub-station to accommodate the grid connection. The sub-station remains within the allocated area of hardstanding within previously agreed mesh fencing and parking and access remains unaltered.
- BESS and Inverters – The previously approved layout provided a simplified view of the battery and inverter units. The revised layout and elevations have therefore been updated to provide the details of the chosen equipment. The BESS and inverters remain within the previously approved areas of hardstanding however due to technology and design efficiencies there is now a requirement for a reduction in battery storage components. The revised BESS and inverter details represent improved operational efficiencies.

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

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

5.2 Planning Policy Wales (Edition 12)

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.

5.3 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.
 - 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.
- Ensuring a strong, healthy and just society
 - Improve understanding and enable action supporting climate change adaptation and mitigation.
- 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. Negative impacts and mitigating factors have been considered and set out in the assessment.

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

5.4 Local Planning Policy

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
- 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 NCC ECOLOGY: no response received.

6.2 NCC LANDSCAPE: The Detailed Landscape Design/Green Infrastructure Plan rev PO1 shows the revised Attenuation Basin position. The covering letter by Tetra Tech confirms that plant species, type and numbers have been maintained from the original approval. I have no objection to the changes.

6.3 NCC TREES: No objections.

6.4 NCC DRAINAGE: no response received.

6.5 NCC ENVIRONMENTAL HEALTH: no response received.

6.6 NCC HIGHWAYS: The proposed changes are not anticipated to have any impact on highway matters. No objections.

6.7 NATURAL RESOURCES WALES:

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

Flood Risk

We note the proposed variation of condition includes the relocation of the approved attenuation basin further towards the eastern boundary of the site. We have no objection to this relocation as we note from the submitted cover letter (Ref: 784-B068873, dated 18th March 2025) that the drainage design remain based on the principles and recommendations set out in the approved Flood Consequences Assessment (FCA) (by RPS, dated July 2023).

6.8 The following consultees were undertaken on the original application but not reconsulted on this section 73, having regard to the changes proposed, for reasons stated:

GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: Confirmed previously that “there is unlikely to be an adverse archaeological impact to this proposed development, and consequently, as the archaeological advisors to your Members, we do not make

any recommendation for archaeological mitigation, and have no objections to the positive determination of this application.”

WELSH WATER: previously raised no objections.

CADW: previously provided no response and were consulted as a building on site was being considered for listing (and subsequently confirmed as not eligible for listing).

WILDLIFE IN NEWPORT GROUP: no response previously received.

NEWPORT ACCESS GROUP: no response previously received.

SENIOR FIRE PREVENTION OFFICER: no response previously received.

NCC Scientific Officer: conditions and comments recommended remain relevant and will be considered as per previous application.

HEAD OF INFRASTRUCTURE (STRUCTURES): no response previously received.

HEAD OF INFRASTRUCTURE (SAB): Confirmed that it had received a SAB application for the scheme which has been approved.

HEAD OF INFRASTRUCTURE (STREETWORKS): no response previously received.

HEAD OF INFRASTRUCTURE (PUBLIC RIGHTS OF WAY): no response previously received and no PROW on or adjoining the site.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters (one neighbour) were sent on 19th March, Site Notice was put up on 21st March and Press Notice dated 29th March.

7.1 NEIGHBOURS: no response received.

7.2 COUNCILLOR Kellaway: no response received.

7.3 COMMUNITY COUNCIL: no response received.

8. ASSESSMENT

The Development

8.1 The proposed development is for a Battery Energy Storage System (BESS) with associated infrastructure and works. This is a Section 73 submission to seek approval for amendments to the previously approved plans that the applicant confirms are required as efficiencies to the layout were identified during the construction design process. As several conditions of the original permission have also been partially discharged over the intervening period, the amendments also include updates to the conditional regime. The proposed amendments to drawings would optimize the arrangement of the battery enclosures and facilitate better integration with the grid connection point. The BESS will provide high-speed energy balancing services to the National Grid. All associated plant and equipment, together with associated development (such as CCTV and fencing), landscaping, surface water drainage system and works are included within the proposals. An itinerary of proposed changes to the approved plans has been confirmed as follows:

- Attenuation Basin adjustments – Detailed construction design has highlighted the need to relocate the attenuation basin further to the east within the green infrastructure area. The revised drainage design remains based on the principles and recommendations set out in the approved Flood Consequences Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023 and therefore complies with condition 22 of the original planning permission and the recently approved details under condition 4 (24/0990). The Applicant's contractor has advised the Sustainable Drainage Approving Body (SAB) have engaged with NCC SAB via a technical advice session, NCC SAB have confirmed that the SAB approval remains valid based on the detailed surface water drainage design undertaken by Burroughs. This was formalised in an email to NCC SAB on 16th January 2025. This has resulted in the need to

reconfigure the proposed green infrastructure in this area however the planting specifications previously approved remain the same.

- Sub-Station re-orientation – The previously approved substation orientation did not appropriately accommodate the correct direction of incoming HV connection. It has therefore been necessary to rotate the sub-station to accommodate the grid connection. The sub-station remains within the allocated area of hardstanding within previously agreed mesh fencing and parking and access remains unaltered.
- BESS and Inverters – The previously approved layout provided a simplified view of the battery and inverter units. The revised layout and elevations have therefore been updated to provide the details of the chosen equipment. The BESS and inverters remain within the previously approved areas of hardstanding however due to technology and design efficiencies there is now a requirement for a reduction in battery storage components. The revised BESS and inverter details represent improved operational efficiencies.

This is further confirmed by a plans issue and update schedule:

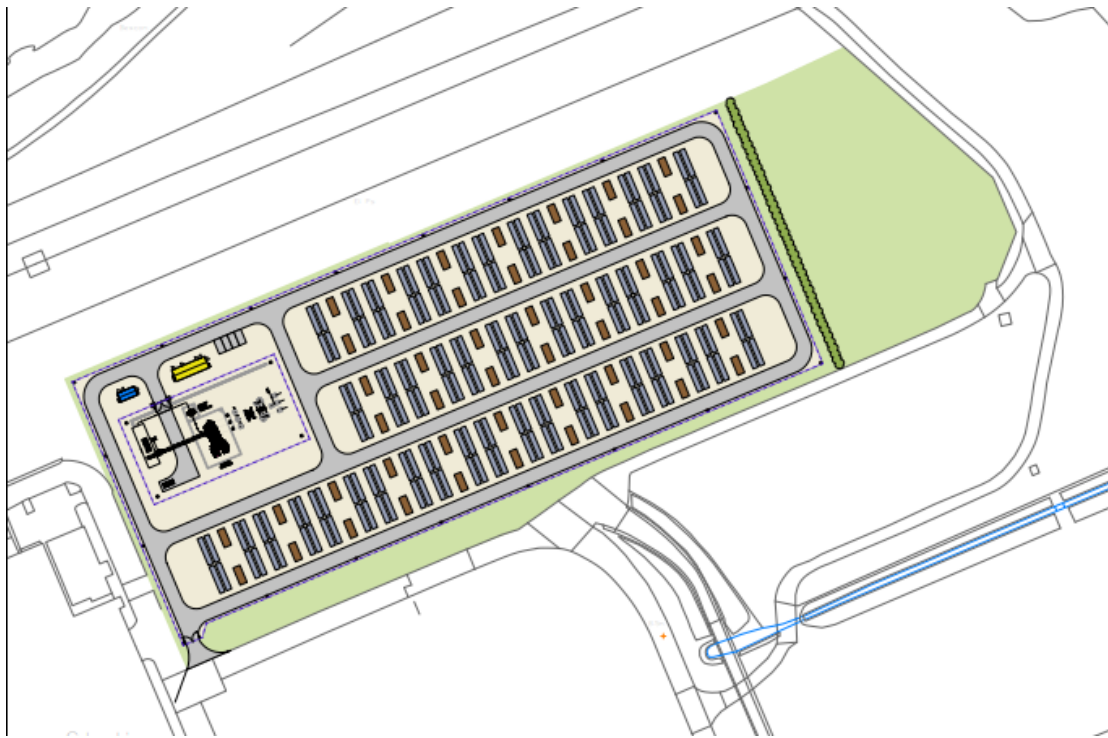
Plan Type	Plan Approved under Condition 1 of approval 23/0949	Proposed Replacement Plans	Design Comments
132kV Substation	UH—1-P10	PSUK - 16219-230 - 132kV Compound GA (Issue for Planning) - P01	The orientation of the Switch room / Transformer has been swapped to accommodate the correct direction of the incoming HV connection. The sizes of the BESS Control Room and Switch room have also been updated. The Substation remains within the proposed compound area.
General Site Elevations	UH-01-P15	50624-BUR-GEN-XX-DR-C-0110 - P4.0	The site elevations have been updated to accurately show the reconfiguration of the substation and battery storage units.

Proposed Site Plan	UH-01-P02rev01	50624-BUR-GEN-XX-DR-C-0101-S1-P9.0-General Arrangement - Year 1 (for information only)	Updated to show correct BESS and 132kV Compound Layout (correct sizes / orientation).
		50624-BUR-GEN-XX-DR-C-0102-S1-P4.0-General Arrangement - Year 6	Drainage Basin included (only previously shown on Flood Consequence Assessment / Landscaping Plans). Basin Shape and Position Adjusted to suit existing site conditions. As development will be phased a General Arrangement Plan for Year 1 has been provided for information however the Year 6 General Arrangement Plan is the final development outcome and replaces the previously approved layout.
Inverter	UH-01-P03	TWIN SKID COMPACT GEN3 WITH TANK + HEMK GEN3	Provides updated elevations of the Inverter type now confirmed being used for the scheme. Selected provider
Internal Access Road Detail	UH-01-P04	50624-BUR-HGT-XX-DR-C-0620-S3-P3.0-Typical Cross Sections Earthworks	An updated cross section drawing has been provided which provides additional details but remains in compliance with previously approved drawing.
Switch Room	UH-01-P05	PSUK - 16219-231 - Switch Room Elevations - P01	Updated to show slight increase in length/width.

Control Room Elevations	UH-01-P06	PSUK - 16219-232 - BESS Control Room Elevations - P0	Updated to show slight increase in length/width.
Battery Container Elevations	UH-01-P09	M120	Provides updated elevations of the Battery type now confirmed being used for the scheme.
CCTV Elevations	UH-01-P08	N/A	No Changes.
Battery Fence and Gate Elevations	UH-01-P09	50624-BUR-HFE-XX-DR-C-0350-S3-P4.0-Fencing Detail -P04	Fencing details remain in line with drawing previously approved however a more detailed drawing has been provided for completeness.
Detailed Landscape Proposals & Green Infrastructure Plan	nol P22-3216_EN_04 rev B	784-B068690 Detailed Landscape Design_Green Infrastructure Plan	The plan has been updated to accommodate the revised Attenuation Basin position. The plant species, type and numbers have been maintained from the original approval.
	P22-3216_en_03revB		
Site Location Plan	UH-01-P01rev03.	N/A	No Changes.

The connection to the grid will still be made at the National Grid Substation, located approximately 350m west of the BESS compound. The cable would run below ground from the boundary of the site directly to National Grid owned land at the substation.

- 7.2 The redundant cooling towers that occupied the site have already been demolished as part of the project and pursuant to separate notification considered in respect of these demolition works and the Council's confirmation that its prior approval was not required (LPA reference 23/1045). The construction would include all electrical works and engineering works required for the development.
- 7.3 Approved site layout:



Proposed site layout:



7.4 Visual Impact of changes

The battery storage units and inverters will continue to be set out in uniform rows as was previously approved. Due to a reduction in the size of battery units and number of batteries required, design efficiencies have resulted in an overall reduction in proposed floorspace and reduced batteries from 192 to 124, inverters reduced from 48 to 21 with corresponding notable reductions in the floorspace of the battery compartments on site. The previously approved battery units were 2.6m in height in comparison to the revised battery units which are 2.89m in height. It is considered this increase in height is marginal particularly in the context of a fenced complex within an existing industrial site, viewed against the backdrop of considerably larger buildings. The containers will continue to be compatible with the wider industrial appearance of the site and will have a green finish (RAL 6005-Moss Green) as recently confirmed by the partial discharge of condition 7 (24/0990). The sub-station has been rotated to accommodate the grid connection so will be within a different location on site. The sub-station remains within

the allocated area of hardstanding and will remain contained within the previously agreed mesh fencing. Ancillary buildings for control and plant rooms will remain and be subject to relatively minor enlargement. All these changes are considered acceptable and clearly within the spirit of the previous permission with matching boundaries, general layout and a significant reduction in the battery storage plant floorspace.

7.5 Drainage and Flood risk

The proposed variation of plans condition includes the relocation of the approved attenuation basin however the drainage design remains based on the principles and recommendations set out in the approved Flood Consequences Assessment (FCA) (by RPS, dated July 2023) and NRW has raised no objection on this basis. Condition 21 of the original permission requires all site electrical infrastructure to have a finished ground level no lower than 9.75m AOD and this condition will be retained. Details of ground levels were recently submitted and approved under discharge of condition application 24/0990 and confirmed that ground levels will be raised to 9.75m by construction of a concrete slab. At the time the officer's report stated that the proposed height of the engineered platform would protect it from the AOD flood mitigation level and Natural Resources Wales confirmed no comment on the details. The proposed relocation of the attenuation basin and other changes do not alter proposed/approved ground levels.

7.6 Biodiversity and Landscape

Landscape design will alter to accommodate the revisions and the NCC Landscape Officer has confirmed no objections. The relocation of the attenuation basin has resulted in the need to reconfigure the proposed green infrastructure in this area however the same area will still be provided for the biodiversity enhancements and the planting specifications previously approved. An updated detailed biodiversity management plan accompanies this application and continues to include:

- Native hedgerow to surround the southern and eastern boundaries of the BESS;
- Dedicated area of wildflower meadow with scattered native tree planting; 11 GP-TEM-009-07
- Attenuation feature seeded with an appropriate meadow seed mix tolerant of occasional water submergence;
- Creation of invertebrate banks;
- Areas of crushed stone sown with short ephemeral wildflowers.

The proposed biodiversity enhancements will therefore continue to be in compliance with the recently approved CEMP (24/0993), Arboricultural Impact Assessment: Afon Wysg Battery Energy Storage System by Baron Hyett July 2023, and Ecological Impact Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023. The Applicant has also confirmed they will ensure compliance with the relevant landscaping conditions (Conditions 12, 25 and 26 of the original permission that will be reimposed on this decision – numbering may vary).

- 7.7 The recently approved CEMP provides a framework for the protection of environmental receptors during the development and operational phases. The period of higher construction noise relates to the construction of the BESS plateau which remains unchanged. The principles set out in relation to mitigation for wintering and breeding birds during construction will continue to be followed. Similarly, during construction, the woodland, grassland and bankside will not be illuminated by artificial light during hours of darkness as is set out in the approved CEMP in relation to mitigation for bats, otters and badgers. This is also confirmed by the details approved under condition 6. In landscape and biodiversity terms, the changes proposed are acceptable.

Approved Landscape Drawing

such an effect is likely, then a competent authority must then undertake an 'appropriate assessment' of the implications of the plan or project for the site, in view of the site's conservation objectives. Such an assessment was undertaken for the primary permission but as the effect of this section 73 is to issue a new consent, this assessment is also considered to be required in this case and must be completed before a determination is made. No concerns or comments are made in relation to the Habitats Directive and protected species as no changes are proposed that impact proposals in this regard. Therefore the previous assessment remains robust and is reproduced below for completeness.

The Habitats Directive applies the precautionary principle to relevant designated areas, in so much as plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of a SPA or SAC, collectively termed Natura 2000 sites. The following sites require assessment for effects:

- River Usk/Afon Wysg SAC (main focus species are Sea lamprey, Twaite shad and European otter whilst secondary focus species are River lamprey, Allis shad and Atlantic salmon;*
- Severn Estuary/Môr Hafren SAC;*
- Severn Estuary/Môr Hafren SPA; and*
- Severn Estuary/Môr Hafren Ramsar site.*

There will be no potential effects on intertidal habitats with a stand off of over 30m. As such, there is no potential for any of the migratory fish species listed under the River Usk SAC (or more widely within the Severn Estuary) to be adversely effected.

The shadow HRA provides an appropriate assessment analysis that officers consider can and should be adopted as the LPA appropriate assessment for the purposes of satisfying its obligations under the Habitats Regulations. The full report is included as part of this application and the following is a summary inclusion of its findings.

Table 6-1: Summary of Stage 2 Conclusions

Impact Pathway	Screening Outcome	Designated Site	Feature
Habitat loss and fragmentation, reduced connectivity	No Likely Significant Effect	n/a	n/a
Direct loss or damage of habitats used by interest species	No Likely Significant Effect	n/a	n/a
Change in water quality (including siltation, pollution, nutrient enrichment and pH changes)	No Likely Significant Effect	n/a	n/a
Entrapment/ obstruction during construction	No Likely Significant Effect	n/a	n/a
Disturbance during construction (from lighting)	No Likely Significant Effect	n/a	n/a
Disturbance during operation (from lighting)	No Likely Significant Effect	n/a	n/a
Disturbance during construction (from human activity and noise)	Likely Significant Effect cannot be screened out	River Usk SAC Severn Estuary EMS	Otter Wintering Bird Assemblage of International Importance
Disturbance during operation (from human activity)	No Likely Significant Effect	n/a	n/a
Habitat loss (construction)	No Likely Significant Effect	n/a	n/a
Disturbance during operation (from noise)	Likely Significant Effect cannot be screened out	River Usk SAC Severn Estuary EMS	Otter Wintering Bird Assemblage of International Importance
Disturbance (all other potential pathways)	No Likely Significant Effect	n/a	n/a

Two matters are not screened out above and require further consideration/mitigation for the purposes of the assessment.

Disturbance during Construction (human activity and noise)

Construction activities will be undertaken during the day with no activities after 19:00 or before 07:00. Although otters can be active during the day they are typically more active at night. The extent to which the construction works will overlap the periods otters would be actively moving within the power station site should be very limited.

Otter surveys undertaken in 2023 have found no resting sites/couches/laying up places within 200m of the laydown area or BESS development site. No larger mammal paths indicating regular use were found on the perimeter of dense vegetation. All areas of dense vegetation are a minimum of 50m from the construction areas. The European otter is known to tolerate considerable levels of airborne noise related to development activities within their home range. The extent of any potential displacement impacts for foraging animals would be very limited in extent and duration. There is potential for individual otters that are actively moving through their territory during the day to avoid sections of the River Usk, the banksides or adjoining woodland adjoining the construction area at times of elevated noise. Under a worst case scenario, a change in behaviour would have a temporary indirect effect and only effect a relatively short distance. Finally, there is very limited potential for human activity on site to impact otters.

In relation to wintering waterbirds it is anticipated that the majority of construction activity would fall in the category of low to moderate level disturbance. Activities resulting in greater variation in noise levels would constitute a moderate level disturbance. During all high level noise disturbances and some moderate level noise disturbances, sensitive waterfowl would be expected moving away from the sources of noise into less disturbed locations, resulting in temporary displacement from a small part of the total foraging habitat used by small numbers of birds. The levels of human activity in the construction site will increase from current levels. The land raising operations will primarily involve vehicle movements and earth moving with relatively few people on foot within the working area. The construction of the BESS compound and installation of the associated infrastructure will involve a larger workforce on foot. Mitigation is proposed in the form of solid hoarding around the construction site that will screen the majority of activity from habitats used by wintering birds. There is potential for tall machinery to be visible though given the distance between the working area and foraging habitat this is unlikely to significantly affect foraging behaviour. A condition securing mitigation in accordance with the Assessment is recommended.

Operational Disturbance – Otter Population

Given the industrial nature of the local area it is likely that otter will continue to use the adjoining habitat. In a worst case scenario, there may be minor changes to the routes otters use along the section of the River Usk to the north of the BESS while foraging. This would not result in an effect on the survival of otters or status of the local population.

Operational Disturbance - Effect on Wintering Waterfowl

Use of habitats around the BESS development should be considered in the existing industrial context of the power station site. The populations of birds present in area will be habituated to background noise and human activity through their use of a range of disturbed habitats across the wider River Usk, River Ebbw, and Severn Estuary area. The proposed development is unlikely to significantly affect the behaviour of wintering birds in the River Usk and Pill. In a worst case scenario, there may be minor changes to the numbers of birds using areas in close proximity to the BESS. This would not affect the overall conservation value of wintering populations which are qualifying features of the Severn Estuary SPA.

In combination Effects

In combination effects have been considered having regard to projects set out at Appendix A of this report.

Conclusion of Appropriate Assessment

The proposed development will have no impacts upon the habitats of the River Usk SAC and Severn Estuary. There is potential for the development to result in minor disturbance to otter, a qualifying feature of the River Usk SAC, during the construction phase this will not result in a likely significant effect. The BESS construction may result in displacement of wintering waterfowl for which the Severn Estuary Special Protection Area and Ramsar are designated. The majority of species using the area close to development constitute less than 1% of the Severn Estuary population. Larger numbers of gadwall and redshank are present. Displaced wildfowl would move to adjoining habitat and the overall integrity of the wintering wildfowl assemblage would be maintained. It has therefore been concluded that there would not be an adverse effect on the integrity of the National Sites Network and on any interest features within the River Usk SAC, Severn Estuary SAC, SPA and Ramsar sites during the construction or operational phases of the Proposed Development either alone or in combination.

- 7.9 Insofar as European Protected Species are concerned, NRW previously advised as follows:

A European protected species (EPS) Licence might be required for this development.

Consequently, officers considered the Derogation tests as part of the primary permission and these also remain unchanged by the amendments sought as part of this section 73 application. The assessment of tests was as follows:

Derogations potentially required in the case of European Protected Species (in this case otter)

i. Regulation 52(3) the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

This site is an existing industrial site within the urban area in accordance with the adopted Local Development Plan. The site is underused and forms part of a larger former coal fired power station, having been used in the recent past as cooling towers. The development would provide battery storage capacity for which Welsh Government and national planning policy is supportive and will aid energy supply and network resilience within the National Grid. This is a significant merit and will facilitate the efficiency of an energy network moving towards greater renewable production by capturing such energy during peak generation and releasing when generation reduces due to weather or other conditions. Energy security and stability of supply is a key material consideration having regard to wider objectives to reduce carbon emissions.

ii. There is no satisfactory alternative;

This site is capable of creating a substantial sustainable development which provides new and large scale battery storage without having an unacceptable adverse impact provided the key features of the site are retained and mitigation is provided. The site is located close to existing power generating plants, in a well established but underused industrial site, is relatively flat and free of operational impediments, and has direct access to the grid without the need for unsightly or unviable additional development for connection. Such attributes are not found anywhere else in Newport or the wider area. It is considered that there are no satisfactory alternatives, nor would any alternate site of this scale be promoted through and considered part of a holistic

LDP approach.

iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

This planning application includes a shadow Habitats Regulation Assessment which identifies the ecological value of the site and assesses the development impact. The HRA and associated documents including surveys and Landscape and Ecological Management Plan and Ecological Impact Assessment and outlines the mitigation measures to minimise any disturbance to European Protected Species and conditions would be attached to any grant of consent for a CEMP. NRW has raised no objection in relation to European Protected Species nor has the Council's Ecologist subject to specified conditions being included. It is considered that this proposal together with the specified mitigation measures would not be detrimental to the favourable conservation status of the European Protected Species on this site.

Doing nothing in this case would be a missed opportunity to re-use previously developed and underused land and the benefits of doing so in this case, with mitigation, are considered to outweigh any harm

- 7.10 In this case, the NRW response does not mention that a licence may be required but its comments on the primary permission did. NRW also indicated that in its view impacts upon this species would be negligible, so officers could reasonably assess that a European Protected Species licence would either not be needed, or that if it were, NRW would be likely to grant it.

Officers are satisfied with the information provided and subject to reimposition of the relevant conditions and continued reliance upon the shadow HRA, the development still accords with policies SP9 and GP5.

7.8 Access and Parking

The officer's report for the original approval confirmed that the proposed construction of an access road into the new battery storage site from the existing site access road was minor in context and acceptable. The external access point to the site remains unchanged. There are no changes proposed to the internal site access apart from access to the substation has moved approximately 15m to the northeast to accommodate the reconfiguration of the substation. The proposed amendments will not impact the number of employees or the proposed number of parking spaces. The proposed amendments will not impact or change construction traffic, the impact of which has previously been assessed and is controlled by the recently approved CEMP (24/0993). Given the above, the amended proposal is considered to remain compliant with the previously approved Transport Assessment and the traffic impact is therefore considered compliant with Policy GP4.

7.9 Other Matters

Plant noise will continue to be managed by condition 19 to safeguard any sensitive receptors from noise disturbance and all conditions will remain applicable, some updated to suit agreement on details in the intervening period between original approval and time of writing.

9. OTHER CONSIDERATIONS

9.1 ***Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

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

9.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

10. CONCLUSION

10.1 The proposed development will secure significant investment in this underused urban industrial site. Battery energy storage has national planning policy support and is encouraged in principle. It contributes to an efficient energy supply network and facilitates energy supply resilience and security. It supports the use of renewable energy sources as part of the supply network by removing excess supply, storing it and releasing it back to grid when wind and solar produce less energy (less light or wind) thereby encouraging a more stable network. National support stems from its contribution to a reliable energy supply derived from renewable (and sometimes inconsistent) sources. This site has many attributes that lend it to this type of development and the vital grid connection to make it viable is secured.

- 10.2 Conditions continue to be reasonable and necessary to ensure the scheme is delivered and operated in an acceptable manner in planning terms. These conditions can be suitably updated to take account of information already received and approved via discharge of conditions requests on the primary permission. The scheme continues to have significant merit and the application is granted.

11. DECISION

GRANTED WITH CONDITIONS

- 01 The development shall be implemented in accordance with the following plans and documents:
- Planning Statement: Afon Wysg Battery Energy Storage System by Pegasus Group July 2023;
 - Built Heritage note: Afon Wysg Battery Energy Storage System by Pegasus Group July 2023;
 - Bat Survey Report: Afon Wysg Battery Energy Storage System by RPS Group November 2023;
 - Pre Application Consultation Report: Afon Wysg Battery Energy Storage System by Enso Energy July 2023;
 - Design and Access Statement: Afon Wysg Battery Energy Storage System by Enso Energy May 2023;
 - Landscape and Visual Assessment: Afon Wysg Battery Energy Storage System by Pegasus Group July 2023;
 - Afon Wysg 1 Battery Energy Storage System (BESS) – Updated Preliminary Risk Assessment (PRA). Tetra Tech Limited, 784-B068873 Final Issue, December 2024.
 - Afon Wysg 1 BESS – Ground Investigation Interpretative Report. Tetra Tech Limited, Project No.: 784-B068873, December 2024.
 - Afon Wysg 1 BESS – Controlled Waters Detailed Quantitative Risk Assessment (CW_DQRA). Tetra Tech Limited, Project No.: 784-B068873, December 2024.
 - Afon Wysg 1 BESS – Reactive Remediation Strategy Report. Tetra Tech Limited, Project No.: 784-B068873, December 2024.
 - Transport Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023;
 - Arboricultural Impact Assessment: Afon Wysg Battery Energy Storage System by Baron Hyett July 2023;
 - Battery Management Plan: Afon Wysg Battery Energy Storage System by Enso Energy July 2023;
 - Breeding Bird Survey: Afon Wysg Battery Energy Storage System by RPS July 2023;
 - Ecological Impact Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023;
 - Flood Consequences Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023;
 - PSUK - 16219-230 - 132kV P01
 - 50624-BUR-GEN-XX-DR-C-0110 - P4.0
 - Context Site Location Plan UH-01-P17;
 - Landscape and Ecological Management Plan: Afon Wysg Battery Energy Storage System by Enso Energy July 2023;
 - 50624-BUR-GEN-XX-DR-C-0102-S1-P4.0-General Arrangement - Year 6

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

Pre- building works above finished ground level conditions

02 No development building works above finished ground level, shall commence until the following component of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination. Policies SP9 and GP5 of the LDP.”

Pre Occupation/operation conditions

03 Prior to the operation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning

Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. SP1, GP2, GP7 of Local Development Plan.

- 04 The development hereby approved shall be undertaken in accordance with the approved Landscape and Ecological Management Plan: Afon Wysg Battery Energy Storage System by Enso Energy July 2023 unless alternative details are sought and approved as part of the conditioning regime. A reporting timeframe to provide fully detailed Landscape Monitoring Reports and additional measures for the enhancement of habitat for Shril Carder Bee are to be submitted to and approved in writing by the Local Planning Authority prior to first import or export of electricity from the site. The landscape and ecological management scheme shall thereafter be undertaken in strict accordance with the Landscape and Ecology Management Plan and associated reporting timeframe.
Reason: In the interests of visual amenity and ecology. SP1, GP5, SP8, SP9, GP2 of the Local Development Plan.
- 05 Prior to the operation of the development hereby approved, a final Battery Safety Management Plan shall be submitted to and approved in writing by the local planning authority and shall have regard to the preliminary document entitled Battery Management Plan: Afon Wysg Battery Energy Storage System by Enso Energy July 2023. The development shall be completed and managed in accordance with the approved Final Plan thereafter.
Reason: To safeguard against the effects of fire in the interests of amenity and the environment. GP2 and GP7 of the Local Development Plan.
- 06 Prior to occupation or operation of the development hereby approved, a scheme for the replacement of battery units and associated infrastructure over the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the cycles for battery replacement and how this will be managed having regard to traffic generation and potential for pollution/waste generation. The scheme shall thereafter be operated in accordance with the approved details.
Reason: To safeguard against the impacts of battery replacement over the lifecycle of the development in the interests of amenity and the environment SP1, GP2 and GP7 of the Local Development Plan.
- 07 Prior to first beneficial operation of the development hereby approved a scheme of Ultra Low Energy Vehicle infrastructure to serve the development shall be implemented in accordance with details first submitted to and approved in writing by the LPA.
Reason: To encourage use of low emission vehicles by site users having regard to air quality. Policies GP7 and GP2 of the LDP.

General conditions

- 08 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.
Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. SP1, SP9, GP5 and GP7 of the Local Development Plan.
- 09 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
Reason: To prevent pollution to the water environment. SP1, SP9 and GP5 of Local Development Plan.
- 10 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express consent of the Local Planning Authority prior to any such works taking place, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reason: There is an increase potential for pollution of controlled waters from inappropriate methods of piling. SP1, SP9 and GP5 of Local Development Plan.
- 11 No more than 18 HGV movements* per day Monday to Friday and 9 on Saturday (or 100 per week whichever is greater) shall enter and leave the site during the construction phase of the development and these vehicles shall use the vehicle route along Nash Road and West Nash Road in association with this development. There shall be no HGV vehicle movements on Sundays or Bank/Public Holidays. Such vehicles shall include all those associated with any site clearance, site preparation, construction, site commissioning and land raising/ engineering during the construction period. The applicant shall keep an up to date and legible log of all HGV and delivery traffic accessing and departing from site in association with the development and make this log available for inspection by officers appointed by the Council upon request. This log must record the number, type (of vehicle including size), registration number, time and date of each vehicle entering site. The log shall be kept on site by a nominated person(s) to be notified to the Local Planning Authority and for the duration of development activity at the site.
* a movement equates to a single one way movement to or from the site.
Reason: To safeguard residential and recreational amenity and highway safety and in accordance with policy SP1, GP2 and GP4 of the adopted Local Development Plan.
- 12 Four parking spaces shall be provided to serve operational staff in accordance with details included within Appendix A of the Transport Assessment hereby approved and prior to first beneficial use of the development. The approved parking area shall be retained for lifetime of development.
Reason: To ensure adequate on site parking provision is secured to minimise risk of parking on local. GP4, SP1 and GP2 of Local Development Plan.
- 13 All on site electrical infrastructure shall have a finished ground level no lower than 9.75m AOD.

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

- 14 The development shall be undertaken fully in accordance with all recommendations set out in the document entitled 'Flood Consequences assessment- Afon wysg Battery Energy Storage System', prepared by RPS for Enso Energy, document reference P36-FCA, dated July 2023.

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

- 15 The development shall be undertaken fully in accordance with all mitigation, compensation and enhancement measures set out in the following documents and this shall include all monitoring and maintenance requirements set out therein:
Ecological Impact Assessment – Afon Wysg Battery Energy Storage System” (including associated Shadow Habitats Regulation Assessment, prepared by RPS for Enso Energy, dated July 2023; and
Breeding Bird Survey: Afon Wysg Battery Energy Storage System by RPS July 2023; and

Landscape and Ecological Management Plan: Afon Wysg Battery Energy Storage System by Enso Energy July 2023.

All monitoring and maintenance related surveys will be shared with the Local Planning Authority over the lifetime of the development and a procedure for doing so shall be submitted to and approved in writing by the Local Planning Authority prior to first import/export of electricity to the site.

Reason: To safeguard European protected species. SP1, GP5 and SP9 of Local Development Plan.

- 16 No construction or site set up related operations shall take place outside the hours of 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturday. No works shall be undertaken on Sundays or Bank/Public Holidays.

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

- 17 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first import/export of electricity or completion of development whichever is the sooner; and any trees or plants which within a period of 5 years* from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Written confirmation shall be provided to the Local Planning Authority once the landscaping scheme has been implemented in accordance with the approved details.

* The 5 year period referred to in this condition shall commence once the landscaping has been completed in accordance with the approved details.

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

- 18 The Landscape Monitoring Reports required by Condition 4 of this permission shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the approved timetable approved as part of the aforementioned Condition. The Landscape Monitoring Report(s) shall include photographic records of the landscaping on site and outline what reinstatement measures, if necessary, are required for the landscaping along with a timetable for their implementation. All measures and works shall be completed in accordance with the approved details and programme following written approval from the Local Planning Authority.

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

Local Development Plan.

- 19 Noise emitted from any future plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142 2014, does not exceed a level of 5dB below the existing background level, with no tonal element to the plant.
Reason: To safeguard nearby sensitive receptors from unacceptable noise disturbance. GP2 and GP7 of Local Development Plan.
- 20 Any underground cabling required as part of the approved development shall not be fluid filled or placed below the water table.
Reason: In the interests of sustainability, biodiversity and the environment. SP1, SP9, GP5 of local Development Plan.
- 21 Engineering works on site associated with the changing of ground levels, slabs, retaining walls, piers or similar works required to elevate the electrical infrastructure shall be undertaken in accordance with approved details and shall ensure compliance with all recommendations set out in the supporting documents to this application. The works shall be retained for lifetime of development.
Reason: In the interests of visual amenity and flood risk mitigation. SP1, SP3, SP8, GP6 and GP2 of Local Development Plan.
- 22 The approved drainage strategy shall be completed in accordance with the approved details and retained for the lifetime of development.
Reason: To safeguard ecological and environmental interests. SP1, SP3, SP9 and GP5 of Local Development Plan.
- 23 The CEMP shall be implemented as approved during the site preparation and construction phases of the development. For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway. The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.
Reason: in the interests of amenity, ecology, landscape and safety and to ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers. SP1, SP9, GP2, GP4, GP5 of Local Development Plan.
- 24 The lighting shall be installed in accordance with approved details and retained during construction and operation.
Reason: To reduce the impacts of lighting in the interest of protected species, namely otters and bats, their places of shelter and breeding, and their foraging and commuting corridors and in the interests of visual amenity. SP1, SP9, GP5 and GP2 of the LDP.
- 25 All containerised units including switch room and control room and weld mesh fencing hereby approved shall be colour coated RAL 6005 -Moss Green at time of installation. The units and fencing shall be maintained and retained in this state for lifetime of development.
Reason: In the interests of visual and landscape amenity. GP6 and SP8 of Local Development Plan.
- 26 All works on site shall be undertaken in accordance with the approved Arboricultural Impact Assessment and Method Statement by Tetra Tech September 2024.
Reason: To protect valuable tree features on site. Policy GP5 of the LDP.

NOTE TO APPLICANT

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

- Existing Site Plan UH-01-P18

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

- SP1 Sustainability
- SP3 Flood Risk
- SP8 Special Landscape Areas
- SP9 Conservation of the Natural, Historic and Built Environment
- SP18- Urban Regeneration
- GP1 General Development Principles – Climate Change
- GP2 General Development Principles – General Amenity
- GP3 General Development Principles – Service Infrastructure
- GP4 General Development Principles – Highways and Accessibility
- GP5 General Development Principles – Natural Environment
- GP6 General Development Principles – Quality of Design
- GP7 General Development Principles – Environmental Protection and Public Health
- CE2 Waterfront Development
- CE3 Environmental Spaces and Corridors
- CE6 Archaeology
- CE8 Locally Designated Nature Conservation and Geological Sites
- CE9 Coastal Zone
- CE10 Renewable Energy
- T3 Road Hierarchy
- T4 Parking
- T8 All Wales Coast Path
- W3 Provision for Waste Management Facilities in Development

As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

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