

Delegated Decision Report

Application No:	26/0016	Statutory Period Expires:	5th February 2026
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Site:	Land At Uskmouth Power Station West Nash Road Nash Newport South Wales		
Proposal:	NON-MATERIAL AMENDMENT TO VARY WORDING OF CONDITION 7 OF 25/0407 REMOVAL OF STORED PULVERISED FUEL ASH (PFA) AND THE INSTALLATION OF A NEW BATTERY ENERGY STORAGE SYSTEM (BESS) WITH ALL ASSOCIATED DRAINAGE, INFRASTRUCTURE, ENGINEERING AND ASSOCIATED UTILITIES CONNECTIONS		
Applicant:	AW2 Energy Storage Limited		
Type:	Non-Material Amendment	Ward:	Llanwern
Decision:	APPROVED WITH CONDITIONS		

1. BACKGROUND

- 1.1 The full permission is for the installation of a battery energy storage system (BESS) at this established power station site including the removal of stored pulverised fuel ash (PFA) that remains on site as a by-product of the former coal fired power station, now redundant. The application site is only part of the much larger power station site and in the area of the Uskmouth B station on land that stretches to the south of the Combined Cycle Gas Turbine CCGT power station in third party ownership. Most of the site comprises land approved for PFA storage in 2006 as part of the Pollution Prevention and Control (PPC) Regulations at the time. These required the power station to create a permanent ash handling facility to provide storage of the PFA and an area at which it can be loaded into rail wagons. It comprised a reinforced concrete base slab with pre-cast reinforced concrete walls. In this case, the PFA was retained on site and is now largely vegetated. It was hoped that it could be re-used on site but it is not suitable and has to be removed. This will take place via road over a 15 months period to another location in the UK to be used in the manufacture of construction products. It is anticipated this will result in 30 HGV movements per day (15 in and 15 out) over the period. The site will then be clear and ready for construction phase which is anticipated to take place over a 24 months period. The operational lifetime of development is expected to be 40 years although some supporting documents refer to 50 years.
- 1.2 The full permission has not previously been amended.

2. SITE LOCATION AND CONTEXT

- 2.1 The wider site is very industrialised with existing industry to the north and across the River Usk. To the south is the RSPB Wetlands National Nature Reserve. The site is located within the Developed Coastal Area on a former power station site and current BESS development site, whereby the location of the development is entirely necessary to support existing energy development, in accordance with the requirements of Policy CE9.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks a non material amendment to planning permission 25/0407 to vary the wording of condition 7. This condition was requested by the NCC Highways Officer. The condition currently states:

No development shall take place on the site until a method statement comprehensively detailing the phasing and logistics of development has been submitted to and approved in writing by the Council as Local Planning Authority. The method statement shall include, but not be limited to:

PFA removal and construction phase traffic routes, including provision for access to the site and how conflict with other users will be avoided

The extent the on-site rail network can and will be used during the construction phase

Entrance/exit from the site for visitors/contractors/deliveries

Location of directional signage within the site

Siting of temporary containers

Parking for contractors, site operatives and visitors

Details of how access routes to neighbouring uses will be maintained or modified during construction phase

Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction

Temporary roads/areas of hard standing

Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements

Details of abnormal vehicles, frequencies, timing and routing

Storage of materials and large/heavy vehicles/machinery on site

Measures to control noise and dust

Details for the recycling/disposing of waste resulting from construction works

Hours of working

Phasing of works including start/finish dates

Emergency Plan

For the avoidance of doubt all development 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: To ensure that adequate on-site provision is made for development 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

- 3.2 The reason for the request is to amend the wording to introduce a phased approach, enabling the details relating to the PFA removal to be submitted and approved in advance of those relating to the construction of the BESS.

- 3.3 The applicant's proposed wording is as follows (with changes highlighted):

A method statement(s) comprehensively detailing the phasing and logistics of development shall be submitted to and approved in writing by the Council as Local Planning Authority in accordance with the following provisions:

- i) Prior to the commencement of the PFA removal/Phase1 and insofar as the Statement relates to the PFA removal phase only; and*
- ii) Prior to any other development hereby approved (excluding PFA removal).*

The method statement(s) shall include, but not be limited to:

PFA removal and construction phase traffic routes (as applicable), including provision for access to the site and how conflict with other users will be avoided

The extent the on-site rail network can and will be used during the construction phase

Entrance/exit from the site for visitors/contractors/deliveries

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Emergency Plan

For the avoidance of doubt all development 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/statement, unless otherwise agreed in writing with the Council as Local Planning Authority.

Reason: To ensure that adequate on-site provision is made for development 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.

4. RELEVANT SITE HISTORY

25/0407 REMOVAL OF STORED PULVERISED FUEL ASH (PFA) AND THE INSTALLATION OF A NEW BATTERY ENERGY STORAGE SYSTEM (BESS) WITH ALL ASSOCIATED DRAINAGE, INFRASTRUCTURE, ENGINEERING AND ASSOCIATED UTILITIES CONNECTIONS – granted with conditions 8th October 2025

5. PLANNING POLICY

5.1 LDP Designations and Site Characteristics

Site Designation:

- Archaeologically Sensitive Area - CE6
- Developed Coastal Zone – CE9
- Urban Boundary
- Flood Zone 2 and 3 (Sea) and TAN15 Defended Zone
- Parking Zone 6

Nearby Designations:

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

3.2 National Planning Policy and legislation

Future Wales: The National Plan 2040 (2021)

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

Policy 17 of Future Wales is of specific relevance to this project. The policy states that: "...the Welsh Government strongly supports the principle of development renewable and low carbon energy from all technologies and at all scales to meet our future energy needs.

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

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

3.3 Planning Policy Wales (Edition 12)

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

Section 5: Productive and Enterprising Places

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

Energy

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

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

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

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

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

Welsh National Marine Plan:

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

- Achieving a sustainable marine economy –
 - Contribute to a thriving Welsh economy by encouraging economically productive activities and profitable and sustainable businesses that create long term employment at all skill levels.
 - Support the opportunity to sustainably develop marine renewable energy resources with the right development in the right place, helping to achieve the UK's energy security and carbon reduction objectives, whilst fully considering other's interests, and ecosystem resilience.
 - Provide space to support existing and future economic activity through managing multiple uses, encouraging the coexistence of compatible activities, the mitigation of conflicts between users and, where possible, by reducing the displacement of existing activities.
 - Recognise the significant value of coastal tourism and recreation to the Welsh economy and well-being and ensure such activity and potential for future growth are appropriately safeguarded.
- Living within environmental limits
 - Support the achievement and maintenance of Good Environmental Status (GES) and Good Ecological Status (GeS).
 - Protect, conserve, restore and enhance marine biodiversity to halt and reverse its decline including supporting the development and functioning of a well-managed and ecologically coherent network of Marine Protected Areas (MPAs) and resilient populations of representative, rare and vulnerable species.
 - Maintain and enhance the resilience of marine ecosystems and the benefits they provide in order to meet the needs of present and future generations.

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

3.4 Technical Advice Notes

Technical Advice Note (TAN) 11: noise

Technical Advice Note (TAN) 15: development and flood risk (2025)

Technical Advice Note (TAN) 18: transport

Technical Advice Note (TAN) 23: economic development

3.5 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
- T1 Railways
- T2 Heavy Commercial Vehicle Movements
- 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 Highways Officer: no objections.

7. PUBLIC REPRESENTATIONS

None

8. ASSESSMENT

8.1 In deciding whether or not the proposed changes are non-material, consideration should be given to the effect of the change. When assessing and determining whether or not a proposed change would qualify as a non-material amendment, the following tests are applied as a starting point:

- Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?
- Would the proposed change result in a detrimental impact either visually or in terms of local amenity?
- Would the interests of any third party or body be disadvantaged in planning terms?
- Would the proposed change conflict with national or development plan policies?

5.3 Section 96A (non material amendment) enables the LPA to make changes to a planning permission so long as it is satisfied that it is non material. In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

5.4 The change to wording only alters the condition structurally by requiring the method statement document over two phases. No alterations are made to the fundamental elements of the document(s) required by the condition and clearly listed. It is understood that, operationally, the PFA removal and site clearance, and the BESS construction are two discreet phases and likely managed by separate parties for method statement purposes. The parties that will be responsible for the BESS construction are not yet known but the parties that will undertake PFA removal are known. Consequently, the method statement for this first phase can be finalised now, the method statement for the BESS construction phase cannot as there are unknown elements at present. To avoid delay in the clearance of the PFA, a two phase approach to the submission of this document is required.

5.5 When drafting conditions on the full permission, it was clear that the LPA were mindful of this phased approach and several conditions are worded to exclude PFA removal from pre-

commencement condition requirements. These include archaeological, biodiversity enhancement and landscape related conditions for example. However, it had not envisaged that such a phasing would be required for condition 7 and clearly this was not envisaged by the applicant either at time of reporting. Notwithstanding, the change is a logical one. It does not undermine the reason for the condition or fundamentally/materially alter the requirements of the condition. It does not alter the content of the Method Statement but merely requires its submission and scope over 2 phases rather than 1.

- 5.6.1 For the purposes of section 96A, the scale of the proposed change is not great enough to cause an impact different to that caused by the original approved development scheme; the proposed change would not result in a detrimental impact either visually or in terms of local amenity; the interests of any third party or body would not be disadvantaged in planning terms; and the proposed change does not conflict with national or development plan policies.

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 amendment to condition 7 is non material.

11. DECISION

APPROVED WITH CONDITIONS

07 A method statement(s) comprehensively detailing the phasing and logistics of development shall be submitted to and approved in writing by the Council as Local Planning Authority in accordance with the following provisions:

- i) Prior to the commencement of the PFA removal/Phase1 and insofar as the Statement relates to the PFA removal phase only; and
- ii) Prior to any other development hereby approved (excluding PFA removal).

The method statement(s) shall include, but not be limited to:

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For the avoidance of doubt all development 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/statement, unless otherwise agreed in writing with the Council as Local Planning Authority.

Reason: To ensure that adequate on-site provision is made for development 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.

NOTE TO APPLICANT

01 This decision relates to covering letter from Carney Sweeney dated 8th January 2026.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

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

It is considered that the decision has been made in conformity with the Marine Policy Statement (2011) and in accordance with marine national planning policy contained within

the Welsh National Marine Plan (2019) as demonstrated in the assessment of this proposal.