

Delegated Decision Report

Application No:	26/0083	Statutory Period Expires:	31st March 2026
Site:	Land At Uskmouth Power Station West Nash Road Nash Newport South Wales		
Proposal:	PARTIAL DISCHARGE OF CONDITION 6 (BREEDING BIRD PROTECTION PLAN) 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:	Discharge Conditions	Ward:	Llanwern
Decision:	APPROVED		

1. BACKGROUND

1.1 This is a partial discharge of condition request relating to full planning permission 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 will be within 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.

1.2 Condition 6 was requested by NRW.

2. SITE LOCATION AND CONTEXT

2.1 The wider site is very industrialised with existing industry to the north and across the River Usk. To the south is the RSPB Wetlands National Nature Reserve. The development will primarily be viewed in the context of the adjoining coal fired power station and CCGT station buildings and plant that are to be retained and are of significant scale

3. DESCRIPTION OF DEVELOPMENT

3.1 Condition 6 states:

No development or phase of development, shall commence until a Breeding Bird Protection Plan (BBPP) has been submitted to and approved in writing by the Local Planning Authority. The BBPP shall include but not be limited to:

- i. Methods for survey including locations of monitoring (vantage point locations) and walked routes;*
- ii. Timing and duration of monitoring;*
- iii. Appropriately qualified persons and equipment to carry out monitoring;*
- iv. Timing and format for presenting and dissemination of monitoring results including submission to all data relevant databases;*
- v. Contingency prescriptions that will be carried out in the event of failure to undertake required surveillance;*
- vi. Details of prescriptions to avoid disturbance to breeding birds; particularly in relation to species listed under Schedule 1.*

The BBPP shall be carried out in accordance with the approved details.

Reason: A BBPP should be submitted to ensure that potential adverse impacts on breeding birds are appropriately managed, particularly in relation to those listed under Schedule 1. Policy SP9 of the LDP.

3.2 NRW previously justified the request for this condition on the basis that the breeding bird report submitted with the full application was undertaken late into the breeding season. The surveys in the report were spaced relatively close together and with three of the four visits occurring in mid to late in June. Combined, these meant that the surveys missed the early part of the breeding season and only represented a short period within the whole of the breeding season and species may have been missed. It was noted that the habitats on

site could support breeding Little Ringed Plover, a Schedule 1 species under the Wildlife & Countryside Act 1981 (as amended) and consequently, given these limitations, NRW recommended that a Breeding Bird Protection Plan is submitted via condition. This needed to include details of appropriate curtailment or redirection of activities during particular times of year if additional species (such as Little Ringed Plover) were found to be nesting on site.

4. RELEVANT SITE HISTORY

- 06/0844** ERECTION OF NEW COMBINED GAS TURBINE POWER STATION – this was a consultation to the Authority by the former Department of Trade and Industry (i.e. the determining authority). This application was subsequently granted with conditions and subject to unilateral legal undertaking and the power station is now built.
- 22/0823** INSTALLATION OF A 230 MW BATTERY ENERGY STORAGE SYSTEM (BESS) – granted with conditions 8th December 2022
- 23/0949** BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED INFRASTRUCTURE AND WORKS – granted with conditions 11th January 2024
- 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 National Planning Policy and legislation

Future Wales: The National Plan 2040 (2021)

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.

Policy 9 is to ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

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.

The Step Wise approach (paragraph 6.4.21) sets the framework for managing biodiversity.

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.

3.3 Local Planning Policy Adopted Local Development Plan

The following LDP policies are considered to be relevant:

- SP1 Sustainability
- SP9 Conservation of the Natural, Historic and Built Environment
- GP5 General Development Principles – Natural Environment
- CE8 Locally Designated Nature Conservation and Geological Sites
- CE9 Coastal Zone

Supplementary Planning Guidance (Adopted)

- Wildlife and Development SPG (Aug 2015)

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales: no objection.

6.2 NCC Ecology Officer: no response received to date.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 The Wildlife & Countryside Act 1981 (as amended) makes it an offence to intentionally kill, injure or take wild birds, or to take, damage or destroy the nest of any wild bird while it is in

use or being built. In relation to the Uskmouth site this requires avoidance of vegetation clearance and noisy activities during the breeding season (generally March–August inclusive) where nests or breeding behaviour are present. Species listed on Schedule 1 of the Wildlife & Countryside Act 1981 (as amended) receive stricter protection against disturbance while nesting or breeding; disturbance that would impair breeding success is an offence unless an explicit licence is granted by Natural Resources Wales.

8.2 The BBPP document sets out the scope of work required as follows:

- A monitoring framework that demonstrates compliance with planning condition and informs adaptive mitigation and supplies data to the Local Planning Authority and South East Wales Biodiversity Records Centre (SEWBReC) where appropriate.
- Methods that will be in place to prevent killing, injuring, or taking, damaging or destroying the nest of any wild bird while it is in use or being built during the removal of PFA and construction phases of the development;
- For Schedule 1 bird species, additional methods will be required to avoid disturbing these birds while they are nesting, have dependent young or in any other way to otherwise impede breeding success; and
- An outline of the contingency measures if monitoring cannot be completed or if impacts to nesting birds are detected.

8.3 NRW has reviewed the Plan and confirmed no objections to it. Insofar as the details supplied are acceptable, the condition is partially discharged. The content of the Plan must be complied with in accordance with the condition.

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 Breeding Bird Protection Plan (BBPP) is acceptable.

11. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to Breeding Bird Protection Plan 784-B070326 by Tetra Tech 7th January 2026.

- 02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP9, GP5 and CE8 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.