

Ein cyf/Our ref: CAS-285622-T6V5
Eich cyf/Your ref: 25/0407

Newport City Council
Civic Centre
Newport
NP20 4UR

Dyddiad/Date: 09 September 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: 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

LLEOLIAD/LOCATION: Land At Uskmouth Power Station, West Nash Road, Nash, Newport, NP18 2BZ

Thank you for reconsulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 31 July 2025.

We continue to have concerns with the application as submitted. We advise that based on the information submitted to date, conditions regarding, land contamination and controlled waters, flood risk, ornithology, designated sites and protected species should be attached to any planning permission granted. Without the inclusion of these conditions we would object to this planning application.

Land Contamination and Controlled Waters

Our advice and request for further information and conditions remains as detailed in our response dated 19th June 2025, our reference: CAS-281781-M2C2. This is attached for ease of reference.

We therefore advise the following conditions be included on any permission granted:

Condition

No development, of land known to be / suspected of contamination, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
 - a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors
 - d. potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Justification: 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.

Condition

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.

Justification: 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 operation. To prevent unacceptable risks to controlled waters and ecological systems.

Condition

Prior to the operation of the development, a long term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for x years)
- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification: A long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters.

Condition

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.

Justification: 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.

Flood Risk

The planning application proposes the removal of stored pulverised fuel ash (PFA) and the installation of a new battery energy storage system (BESS) with all associated drainage, infrastructure, engineering works and associated utilities connections. The Flood Map for Planning identifies the application site to be at risk of flooding and largely within Flood Zone 2 and 3 (Sea) and TAN15 Defended Zone.

We refer you to Section 10 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN15) for advice on how you should consider this application in line with current planning policy. Our role is to provide you with detailed advice on the findings and conclusions of the Flood Consequences Assessment (FCA) in relation to flooding from rivers and/or the sea, including the impact on flooding elsewhere. For advice on flood risk from surface water and or small watercourses you should consult with your Lead Local Flood Authority

In our previous response dated 19th June 2025, our reference: CAS-281781-M2C2 (attached), we advised:

- We are satisfied that the BESS element of the proposal will be raised above/to the precautionary 0.5% (1 in 200 year) plus climate change 2100 undefended scenario flood levels and highlight that other parts of the site will be at risk of flooding.
- With regards to the breach assessment we are of the view that for completeness of the FCA our comments regarding breach are also still valid. If the consultant determines that a breach assessment is not required justification for this must be provided.

We note the submission of a Technical Note regarding 'Breach Modelling Request' by RPS dated 25 July 2025. We confirm that this Technical Note provides justification why a full breach assessment is not being undertaken to support this planning application.

As previously stated, the site benefits from flood defences and is partially within a TAN 15 Defended Zone, which according to TAN 15 requires overtopping and breach assessments. Our previous response highlighted the requirement for the further

assessment, or justification for not doing such an assessment, so the FCA could be considered complete.

The Technical Note states that the undefended scenario has been used to inform mitigation on site, with the FCA stating that the new proposed development on site will be raised to 9.75m AOD which is the given Undefended 0.5% (1 in 200 year) Climate Change horizon year 2100 Upper End 95th percentile confidence level flood level on site. The justification for using this to inform mitigation is given, based on the site's location, size, and access requirements. The Technical Note states 'through using an undefended model scenario, with conservative estimates of extreme water levels, the most appropriate level available has been used to inform levels of mitigation.'

The Technical Note further states 'The FCA presents a direct comparison of the events and scenarios in the modelling and the required scenarios for the 2025 FCA. The report concludes that the 2016 modelling presents a conservative proxy for the required scenarios', that is that they represent flood levels with higher climate change factors than modelling undertaken after 2016.

We are satisfied that a full breach assessment is not required for the site, and that mitigation is based upon the most extreme flood Sensitivity event. The justification provided in the Technical Note is sufficient to satisfy the more explicit new TAN 15 requirements for overtopping and breach.

We would recommend that the finished floor level (FFL) is conditioned should planning permission be granted, with FFL set at a minimum of 9.75m AOD as suggested in the supporting FCA.

Ornithology

We welcome the breeding bird report (Uskmouth AW2 Battery Energy Storage System 784-B070326 Breeding Bird Survey Report, Revision V2, by Tetra Tech Ltd dated July 2025). We note that the surveys were undertaken late into the breeding season, although this is acknowledged under the limitations section. We also note that the surveys were spaced relatively close together and with three of the four visits occurring in mid to late in June. Combined, these mean that the surveys miss the early part of the breeding season and only represent a short period within the whole of the breeding season and species may have been missed. We note that the habitats on site could support breeding Little Ringed Plover, a Schedule 1 species under the Wildlife & Countryside Act 1981 (as amended).

While it is for your authority to decide if it has sufficient information to determine the application, given the above limitations we recommend that a Breeding Bird Protection Plan is submitted via condition. This should include details of appropriate curtailment or redirection of activities during particular times of year if additional species (such as Little Ringed Plover) are found to be nesting on site. Where buffer distances are required or need to be considered then reference should be made to [Goodship & Furness 2022](#) or alternative published references for species not listed within Goodship & Furness 2022.

Condition

No development or phase of development, shall commence until a Breeding Bird Protection Plan (BBPP) has been submitted to and approved 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;
- iii. Timing and duration of monitoring;
- iv. Appropriately qualified persons and equipment to carry out monitoring;
- v. Timing and format for presenting and dissemination of monitoring results including submission to all data relevant databases;
- vi. Contingency prescriptions that will be carried out in the event of failure to undertake required surveillance;
- vii. 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.

Justification: 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.

Designated Sites

The River Usk Special Area of Conservation (SAC) and the Severn Estuary Special Protection Area (SPA), SAC and Ramsar site are all located within 300m of the proposal site.

In our previous response dated 19th June 2025, our reference: CAS-281781-M2C2 (attached), we requested Construction Environmental Management Plan to be conditioned should planning permission be granted to avoid impact to designated sites during construction and advised that the proposal will need to be considered under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

We have reviewed the submitted document 'Uskmouth AW2 Battery Energy Storage System 784-B070326 Report to Inform an Appropriate Assessment - Habitats Regulations Assessment Stage 1 Screening for Likely Significant Effect and Stage 2 Appropriate Assessment' Version 3 by Tetra Tech dated 29th July 2025.

It is unclear whether your Authority is to 'adopt' this document in carrying out a test of likely significant effects.

Generally, in consideration of the mitigation measures detailed we agree with the conclusion that the development is unlikely to have an adverse effect upon the integrity of the River Usk SAC and the Severn Estuary SPA, SAC and Ramsar site. In particular, we request we are consulted on the Construction Environmental Management Plan (please see previous response for details to be included in the CEMP).

We note on page 45 of the 'Report to Inform an Appropriate Assessment', under 'Discharge to Surface Water Body' that it is intended to discharge water under permit ref: LP3131SW. It is queried whether the applicant has the permission/an agreement with the permit holder to use this consented discharge point. Also it is queried how the applicant is to ensure that any additional discharges will not cause a breach of the conditions pertaining to this permit. Finally it is queried what mitigation measures will be implemented to ensure this. You may wish to consider this in fulfilling your requirements as competent Authority.

Advice - Battery Energy Storage System Fire Risk

Our advice remains as detailed in our response dated 19th June 2025, our reference: CAS-281781-M2C2.

Protected Species

Our advice and request for conditions remains as detailed in our response dated 19th June 2025, our reference: CAS-281781-M2C2. This is attached for ease of reference.

Drainage

Our pre-application advice remains as detailed in our response dated 21st May 2025, our reference: CAS-279229-N5B4. This is attached for ease of reference.

Internal Drainage District

Our pre-application advice remains as detailed in our response dated 21st May 2025, our reference: CAS-279229-N5B4. This is attached for ease of reference.

Advice for the Developer – Permits and Waste

Our advice remains as detailed in our response dated 19th June 2025, our reference: CAS-281781-M2C2. This is attached for ease of reference.

Other Matters

The advice in this letter relates to matters which are included on our [consultation topics list](#). We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Annabelle Evans

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

E-bost/E-mail: southeastplanning@cyfoethnaturiolcymru.gov.uk

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.