

Traston Road: Section 73 Planning Statement

Field Newport Ltd

11 February 2025

LICHFIELDS

69605/01/GW
33197921v7

Contents

1.0	Introduction	1
2.0	Background to the Application	2
3.0	Site Context	3
4.0	Proposed Amendments	6
5.0	Planning Policy Context	7
6.0	Planning Policy Assessment	10
7.0	Conclusion	14

1.0 Introduction

- 1.1 This report has been prepared by Lichfields on behalf of Field Newport Ltd ('The Applicant'). It accompanies a Section 73 application requesting permission for changes to the installation of a permitted battery energy storage system (BESS) and associated infrastructure at Land South of Traston Road, Newport. There is already permission in place for the BESS development, with construction having commenced in August 2023. We understand that development is nearing completion. This application relates to minor material changes that have taken place during construction and the proposed erection of new 'harmonic filter' equipment. These will be detailed further in Section 4.
- 1.2 There is no statutory definition of 'minor-material'. The Development Management Manual advises that a 'minor material amendment' is "one whose scale and nature results in a development which is not substantially different from the one which has been approved". We therefore consider that the Section 73 procedure is the appropriate method of agreeing the variations sought.
- 1.3 The proposed development provides essential energy infrastructure to support the growth of renewable energy generation in Wales by increasing the capacity that is available to store energy. The development will store excess electricity generated offsite and release it back into the grid at times of high demand. The development will deliver numerous environmental benefits, aiding in the Wales' efforts to adapt and address the consequences and causes of climate change. It will further aid the advancement of local and national renewable energy and carbon reduction policies as explained throughout this statement. The proposed material changes will aid in the delivery of this important infrastructure and is in full accordance with the Development Plan and National Policy Guidance. In addition, all material considerations support the granting of permission.

Report Structure

- 1.4 This statement comprises the following sections:
- 1 Section 2 provides a brief background to the applicant and the development;
 - 2 Section 3 describes the application site and its context and relevant planning history;
 - 3 Section 4 describes the proposed amendments;
 - 4 Section 5 sets out the planning policy context for the determination of the application;
 - 5 Section 6 assesses the proposed amendments against local and national planning policy; and,
 - 6 Section 7 provides an overall conclusion.

2.0 **Background to the Application**

- 2.1 The generation of energy is shifting from a centralised energy system with large generators at National Grid level, to a more decentralised system. This decentralised energy system allows the generation of power at the local and regional level. This has a number of benefits, in particular it ensures transmission losses are reduced (the quantity of electricity going into the system and where it is used) and facilitates renewables being connected to the network.
- 2.2 There is also an objective of increasing the volume of renewables connected to the grid network. However, an increasing reliance on intermittent renewables such as wind and solar energy provision can lead to issues if they do not produce sufficient and consistent levels of electricity, therefore, a balanced system of electricity generation is required. Backup energy facilities, such as battery storage systems, are, therefore emerging as crucial elements of Wales' energy mix. Without them, excess energy is wasted as any surplus cannot be stored on the system.
- 2.3 The development provides numerous benefits in terms of helping the National Grid balance electricity supply and demand nationally, strengthening distribution locally and providing environmental and social benefits.

Field Newport Ltd (the Applicant)

- 2.4 Field Newport Ltd is part of the Field group, who develop, build and operate renewable energy infrastructure seeking to contribute towards the national net zero target.
- 2.5 The Field Newport BESS will have the capacity to generate 40 MWh, aiding in creating a greener, more reliable and flexible grid.

3.0 Site Context

The site and surrounding area

- 3.1 The site is located along Traston Road, Newport. It sits to the East of UK Power Reserve. Surrounding the site is a substantial industrial area, with various industrial warehouses located in close vicinity. These include Traston Welders to the north and Solutia UK Limited to the east. Directly bordering the site to the south and east are trees and shrubbery. The site itself, as depicted in figure 1, comprises previously developed land. The site is laid to hard-standing. Development of the BESS on the site is underway and is nearing completion.

Figure 1 Aerial View of the Site and Surroundings



Source: Google Maps

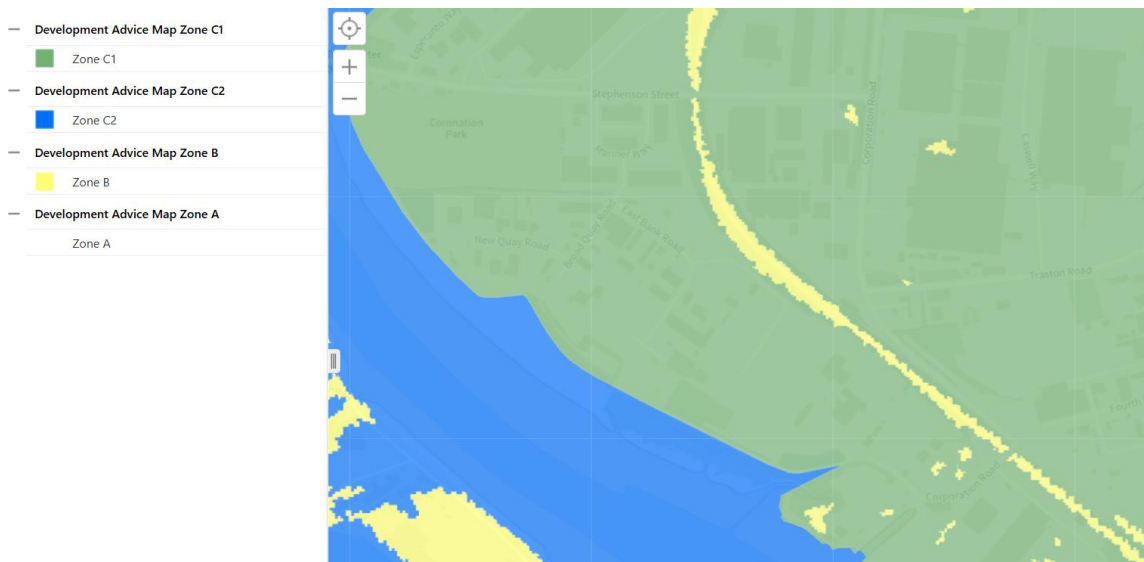
Planning context

Planning designations

- 3.2 The site is located within the settlement boundary of Newport.
- 3.3 The site does not contain any ecological designations of International, National or Regional Importance. The site is not covered by any local ecology designations.
- 3.4 There are no Listed Buildings on site or within the vicinity of the Site. The Site does not form part of a Conservation Area, nor would its development affect the setting of one. There are no non-designated heritage assets on or within the vicinity of the site.
- 3.5 The site is however located within an archeologically sensitive area. Nevertheless, as the Site has been previously developed any potential remains are likely to have been disturbed.

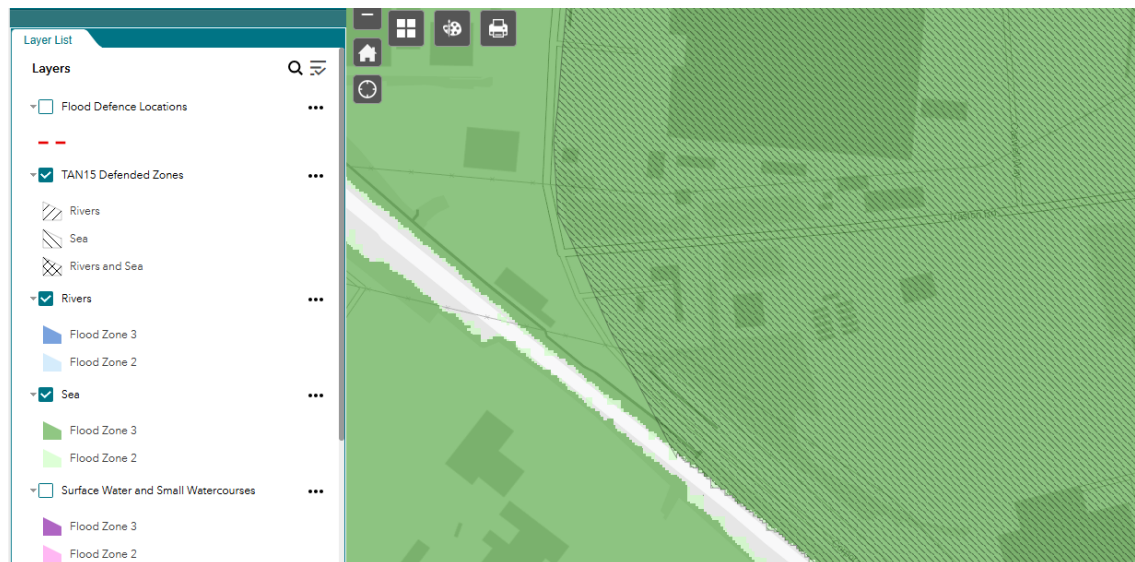
- 3.6 NRW's Development Advice Maps places the application site entirely within Zone C1, land considered to be at risk of flooding but served by significant flood infrastructure. The NRW Flood Map for Planning, which is to replace Development Advice Maps highlights that the site is located within Sea flood zone 3. Again, this area is served by significant infrastructure and flood defences.

Figure 2: NRW Development Advice Maps



Source: NRW

Figure 3: NRW Flood Map for Planning



Source: NRW

Planning History

- 3.7 Planning permission for the Newport Energy Storage Facility was originally granted permission in November 2016 (Reference no.16/0855).

- 3.8 The time limit for implementing the planning permission was extended in February 2022 (Reference no.21/1067) and amendments to the design and layout were approved (via Section 96A) in August 2022 (Reference no.22/0712). A Non-Material Amendment application which sought a drainage spur for the drainage strategy was approved in March 2023 (Reference no.22/0961).
- 3.9 A further Non-Material Amendment application (Reference no.23/0104) was refused in March 2023. This Non-Material Amendment application sought to supersede the approved plans listed in Condition 1, it was however refused consent on the grounds that an updated Flood Consequences Assessment (FCA) was not submitted with the application. Subsequently, a Section 73 application (Reference no.23/0282) was submitted which included an updated FCA. This was approved in July 2023.
- 3.10 A Discharge of Condition Application (Reference no.23/0990) for the partial discharge of condition 4 (External Lighting) and a variation of condition 1 (Approved Plans) was submitted and approved in December 2024. Most recently, a partial Discharge of Condition 2 Application (Part B Only) (Remediation Verification Report) (Reference no.23/1023) was submitted and approved in January 2024.

4.0 **Proposed Amendments**

- 4.1 The enclosed s.73 application is seeking permission for further minor amendments to site components as a result of the design development of the site. It is important to note that the proposed alterations do not seek to alter the quantum (battery storage) or use of the permitted development. The amendments relate only to minor and necessary changes, which do not give rise to any new impacts beyond those already assessed and approved. The development is nearing completion; however, we understand that the new 'harmonic filter' equipment is yet to be erected. Whilst we believe that the proposed amendments are minor in scale and are entirely consistent with the nature of the permitted scheme, for completeness and transparency, the applicant is seeking permission for the proposed amendments by way of the enclosed s.73 application.
- 4.2 The following amendments are proposed for which permission is being sought:
- 1 The construction of a new 'harmonic filter' equipment. This addition will help reduce electrical and harmonic noise on the local grid network. This is a requirement of the grid connection agreement with the Distribution Network Operator.
 - 2 The relocation of the LV cabinets from between the battery strings to between the PCS units and batteries to better suit cabling arrangements.
 - 3 The arrangement of battery racks amended to comply with the confirmed augmentation strategy.
 - 4 Slight adjustments to the compound layout. Minor adjustments have been made to the arrangement of electrical equipment to better suit maintenance access and cabling arrangements across the site.
 - 5 The extension of approximately 40m of fencing.
 - 6 The removal of an access barrier in favour of a gate.
 - 7 Amendment of site buildings. The site buildings are to remain in the same location; however, the platforms have been amended to allow for maintenance and to comply with relevant HSE requirements and regulations relating to electrical management.
 - 8 Minor amendments to the welfare building to allow the installation of a clean water storage tank and waste tank beneath the building.
 - 9 The increased height of CCTV post lighting and the addition of non-lit CCTV posts
 - 10 Extension of the planted hedgerow to infill a small break in the hedgerow where the car park is.
- 4.3 The enclosed Proposed Site Layout Plan (reference BTGBNEW_001.1) sets out the full details of the proposed amendments. Appendix 1 sets out the amended plans and documents as well as the additional plans and documents necessary to amend condition 1 of the most recent S.73 application (reference no.23/0282).

5.0 **Planning Policy Context**

5.1 Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places statutory duty on Local Planning Authorities to determine planning application in accordance with the development plan unless material considerations indicate otherwise.

5.2 In this case, the statutory development plan comprises:

- 1 Future Wales: the national plan 2040 (published 24 February 2021); and
- 2 Newport City Council Local Development Plan (“LDP”) 2010-2025 (adopted January 2015)

Future Wales: the national plan 2040

5.3 Future Wales: the national plan was published in February 2021. The document forms the national development framework, setting the direction of travel for development in Wales to 2040. It forms part of the development plan and provides a strategy for addressing key national priorities through the planning system including, notably, decarbonisation and climate resilience.

5.4 The relevant policies within Future Wales are:

- 1 Policy 1 – Where Wales will grow
- 2 Policy 9 – Resilient Ecological Networks and Green Infrastructure
- 3 Policy 17 – Renewable and Low Carbon Energy Associated Infrastructure

5.5 Policy 1 identifies Newport as a National Growth Area. Policies 9 and 17 highlight the Welsh Governments support for renewable and low carbon energy developments.

Newport Local Development Plan 2011-2026

5.6 Newport LDP sets out the local planning context against which the application should be determined unless material indicate otherwise.

5.7 The following policies are of relevance to the proposed development:

- SP1 – Sustainability
- SP3- Flood Risk
- GP2 - General Amenity
- GP4- Highways and Accessibility
- GP5- Natural Environment
- GP6- Quality of Design
- GP7 - Environmental Protection and Public Health

Planning Policy Wales

- 5.8 Planning Policy Wales (“PPW”) Edition 12 (February 2024) is a material consideration. The importance of renewable energy and low carbon development is prevalent throughout the document.
- 5.9 The relevant sections are:
- Section 3: Strategic and Spatial Choices
 - Section 5: Productive and Enterprising Places
- 5.10 Section 3 reinforces the role of the planning system in tackling climate change and recognises the importance of developments that aid in Wales’ goal of becoming net zero by 2050. Paragraphs 3.61-3.63 note that planning authorities and infrastructure providers (such as utilities) should work collaboratively to ensure provision of services are sustainable and fit for purpose.
- 5.11 Section 5 recognises the importance of renewable and low carbon developments and the role that BEES play in the transition to a low carbon economy. It is stated that proposals for new energy should be supported wherever possible.

Technical Advice Note 15 (TAN 15) (2004)

- 5.12 The Welsh Government’s TAN 15 is a material consideration and provides guidance in relation to development and flooding.
- 5.1 TAN15 notes that application sites that lie within zone C1 (areas of floodplain which are served by significant infrastructure, including flood defences). TAN15 advises that development can take place in Zone C1 subject to application of the justification test, including acceptability of consequences. New development should only be permitted within zones C1 and C2 if determined by the local authority to be justified in that location, it must be demonstrated that:-
- i *Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,*
 - ii *Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,*
 - iii *It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,*
 - iv *The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.*
- 5.2 TAN 15 notes that where development is justified, an assessment will be necessary to determine suitable mitigation measures to be incorporated within the design to ensure there is:

- *Minimal risk to life;*
- *Minimal disruption to people living and working in the area;*
- *Minimal potential damage to property;*
- *Minimal impact of the proposed development on flood risk generally; and*
- *Minimal disruption to natural heritage.*

5.3 TAN 15 notes that the nature of the development will need to be assessed against particular flooding consequences. The permitted battery storage scheme on the site has been accepted by Newport Council to meet the justification and consequences test. The proposed minor amendments to the permitted scheme not alter this conclusion.

Summary and key issues for consideration

5.4 The review of planning policy confirms that planning policies, at both national and local level, support the development of renewable energy technologies, subject to any adverse impacts in terms of local residents, businesses and the environment being appropriately mitigated.

5.5 Taking into account the relevant national and local policy considerations, we consider that the key issues in determining the S73 application can be distilled down to the following questions:

- 1 Do the proposed amendments impact the principle of development?
- 2 How do the proposed changes impact previous conclusions regarding flood risk?
- 3 How do the proposed changes impact previous assessments with regards to amenity?
- 4 How do the proposed changes impact the biodiversity of the site?
- 5 How do the proposed changes impact highways and accessibility?

6.0 Planning Policy Assessment

- 6.1 This section assesses the development proposals against the planning policy framework and key planning considerations set out in Section 5.

Do the proposed amendments impact the principle of development?

- 6.2 This application concerns minor material changes arising from the detailed design evolution of the permitted battery energy storage system. The proposed minor amendments are critical to the delivery of the permitted scheme.
- 6.3 Paragraphs 5.7.7 and 5.9.1 of the PPW highlight that the planning system should facilitate developments which seek to optimise energy storage. Paragraph 5.7.12 of the PPW states that proposals for new energy storage should be supported wherever possible. The proposed changes are necessary to ensure that the BEES is deliverable. The principle of development has previously been appraised and found to be acceptable on three separate occasions. Firstly, as part of planning permission (reference no.16/0855) and two separate S.73 applications (reference no.21/1067 and reference no.23/0282). The proposed further amendments are minor in scale and would not give rise to any changes in the nature of the permitted scheme.
- 6.4 We therefore consider that the principle of the development remains entirely acceptable.

How do the proposed changes impact previous conclusions regarding flood risk?

- 6.5 The application is accompanied by an updated Flood Consequences Assessment prepared by SWECO. The latest TAN 15 Development Advice Map (DAM) for the area shows the site to be within Flood Zone C1 – land considered to be at risk of flooding but is served by significant flood infrastructure. Commercial developments are classified as Less Vulnerable, which is permitted in Zone C1 following a satisfactory completion of the justification test and acceptability of consequences.
- 6.6 SWECO advise that the provision of this site is justifiable as it contributes key energy infrastructure which will support employment development by improving security of supply. It is also to be partly constructed on previously developed land and the consequences of flood events is considered below with necessary mitigation provided.
- 6.7 As the site is commercial, the users are deemed as less vulnerable to flooding and suitable evacuation time should be available following the users signing up to NRW's early warning flood system. There is to be no permanent presence on the site, however, the occupiers of the site should subscribe to all available NRW early warning systems and have the ability to remotely shut down all electrical equipment in order to protect the site in a severe storm event.
- 6.8 The Q1000 + 75 year climate change level for the site has been calculated as 8.1mAOD.
- 6.9 It is proposed that all equipment will be raised 600mm above the Q200 with an allowance for climate change level of 8.51mAOD. Floor levels of the buildings are elevated as the building(s) is proposed to be constructed on stilts. The proposals would cause negligible flood storage displacement therefore no flood compensation is required.

- 6.10 There is an existing drainage ditch located along the south western boundary of the application site, which flows to the River Usk. There is also a ditch flowing parallel with Traston Road. The proposed drainage solution would involve attenuation before discharging at the Qbar rate of 2.5l/s for all events up to the Q100 + 40% Climate Change event.
- 6.11 A storage estimate of 441m³ has been calculated using MicroDrainage. It is proposed that the attenuation will be provided in sub-base storage within the site.
- 6.12 As the site is not to be manned, no foul connection is required.
- 6.13 SWECO conclude that the site can be constructed with no detrimental flood risk effect on the surrounding area. The conclusions reached in respect of Flood Risk on the previous s.73 permission therefore remain unchanged and the proposal is in full compliance with LDP policy SP3 and TAN15.

How do the proposed changes impact previous assessments with regards to amenity?

- 6.14 Policy GP7 of the LDP ensures that development will not result in unacceptable harm to the environment, local amenity or public health and safety. Policy GP2 of the LDP sets out criteria that must be met to ensure that new developments do not significantly harm people in their local environment. The proposed changes are in accordance with each and every one of the criteria, as set out below:

- 1 *There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;*

The proposed changes will not have an adverse impact in terms of noise. The supplier has confirmed that the proposed harmonic filter will have a source Sound Pressure Level (SPL) of no more than 50 dB at a distance of 1 metre. The background sound levels have been measured at 53 dB LA90(1 hr) in the daytime and 51 dB LA90(1 hr) at nighttime, and source noise levels of the other noise emitting items of plant associated with the development ranges from 65 - 75 dBA sound power level (SWL). Considering this, the noise emitted by the harmonic filter will be negligible in comparison and will not affect the overall outcome of the previously approved noise impact assessment. In light of the above, an updated noise impact assessment is not considered necessary for the determination of this application as the proposed minor amendments would not give rise to any discernible change on local amenity in terms of noise. Therefore, the noise assessment prepared by TA Enviro, submitted as part of the original submission (16/0855) and accepted by NCC remains applicable.

- 2 *The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;*

The proposed use has not changed and the proposed amendments are considered minor within the context of the permitted scheme. The proposed minor changes would

not result in a discernible impact on the existing visual amenities of nearby occupiers. The proposed changes including the removal of the access barrier in favour of a gate, the slight extension of fencing, increased height of CCTV post lighting and the addition of non-lit CCTV posts. These are all characteristic of the permitted scheme and the general industrial nature of the wider area. We therefore consider that the proposals would not have a detrimental impact on the areas appearance or character.

3 *The proposal seeks to design out the opportunity for crime and anti-social behaviour;*

The proposed increased height of CCTV post lighting and new CCTV posts (non-lit) will further limit the opportunity for crime and anti-social behaviour. Equally, the removal of the access barrier in favour of a gate provides greater security as will the extension of fencing for the site, which in turn reduces the opportunity for crime and anti-social behaviour.

- 6.15 The above has demonstrated that the proposed changes would not lead to unacceptable harm to the environment, local amenity or public health and safety. It is therefore evident that the proposed changes are in full accordance with the development plan.

How do the proposed changes impact the biodiversity of the site?

- 6.16 Policy GP5 of the LDP provides a criterion for proposed developments to ensure the protection of and the enhancement of the natural environment. The following criteria are relevant to the proposed changes sought through this application:

1 *The proposals are designed and managed to protect and encourage biodiversity and ecological connectivity, including through the incorporation of new features on or off site to further the UK, Welsh and/or Newport Biodiversity Action Plans;*

The proposed changes include an extension of the permitted planted hedgerow. This new feature, although modest in nature will encourage and enhance the biodiversity of the site, making a positive contribution towards the natural and built environment as set out in paragraph 3.37 of the LDP.

2 *There would be no unacceptable impact on landscape quality*

The site is previously developed land within an industrial setting; therefore, the proposed changes will not have an unacceptable impact on landscape quality, the additional hedgerows will in fact provide a minor enhancement to the landscape quality, which is of an industrial nature.

The changes are minor in nature with the hedgerow uplift providing a minor improvement. A Green Infrastructure Statement, as statutorily required, forms part of this submission.

- 6.17 It has been demonstrated that the proposed changes provide a modest improvement to the biodiversity of the site. It is evident that the proposal is in full accordance with the development plan.

How do the proposed changes impact highways and accessibility?

- 6.18 The proposed changes will not impact the permitted highways arrangements or the accessibility of the site. The nature of the permitted use will remain the same i.e. it will remain unmanned and will occasionally be visited by maintenance staff. The proposed development is therefore in full accordance with policy GP4 of the development plan.

7.0 Conclusion

- 7.1 This planning statement has been prepared by Lichfields on behalf of Field Newport Ltd and accompanies a S73 application seeking minor material changes to a Battery Energy Storage System on Traston Road.
- 7.2 This application relates to material changes to the development in respect of design. These changes will ensure that this essential infrastructure operates efficiently.
- 7.3 This application does not seek to change the amount or use of the development.
- 7.4 The application is accompanied by an updated Flood Consequences Assessment which concludes the acceptability of the proposed amendments from a flood risk perspective remain unchanged from the previously permitted battery storage scheme.
- 7.5 The proposed changes will not give rise to unacceptable harm to the environment, local amenity and public health and safety.
- 7.6 The proposed slight extension to the hedgerow, although minor in nature, constitutes betterment from a biodiversity perspective.
- 7.7 The proposed minor amendments to the permitted scheme would not necessitate any alterations to the permitted highways arrangements.
- 7.8 The introduction of new plans will require the wording of condition 1 (approved plans) to be amended. We request that condition 1 is updated to reflect the table enclosed at **Appendix 1.**
- 7.9 The proposed changes are in accordance with the statutory Development Plan: Future Wales: The National Plan 2040 and Newport City Council Local Plan. There are no material considerations that would justify a departure from the development plan in this instance and we respectfully request that the s.73 application is approved.

Appendix 1 Updated Plans and Documents

A1.1 The list of approved plans/ documents set out in condition 1 will need to be updated as follows:

Approved Plans	Replacement Plans (if blank then no change from previous version)
Proposed Site Plan (001.1 Rev 1)	Site Location Plan (002.1 Rev 00)
DNO Metering Station Plan and Elevations (004.1 Rev 1)	DNO Substation Plan and Elevations (004.1 Rev 0)
Customer Substation Plan and Elevations (04.2 Rev 1)	Customer Substation Plan and Elevations (004.2 Rev 0)
BESS Units, Transformer and Inverter Plan and Elevations West Group Layout West Group Layout (004.3.1 Rev 1)	Battery Layout West Platform Plan and Elevations (004.3.1 Rev 01)
BESS Units, Transformer and Inverter Plan and Elevations Variation 1 - 22 Racks (004.3.3 Rev 1)	
BESS Units, Transformer and Inverter Plan and Elevations Variation 2 - 21 Racks (004.3.4 Rev 1)	
LV Cabinet Plan and Elevations (004.6)	
BESS Units, Transformer and Inverter Plan and Elevations 'Variation 3 - 11 Racks (004.3.5 Rev 1)	
Welfare Building Plan and Elevations (004.5 Rev 1)	Welfare Building Plan and Elevations (004.5, Rev 01)
AUX Transformer Plan and Elevations (004.7 Rev 1)	
Vehicle Barrier Plan and Elevations (004.9)	
Full Site Actual Ground Level Elevations (005.1.3)	
Fence Plan - Palisade Fence with Electric Topper (006.0)	
Biodiversity Statement (230202)	
'Flood Consequence Assessment - Sweco UK Limited' (reference 65206973- SWE-ZZ-XX-T-C-0001 (Revision P05) by dated 30 March 2023)	'Flood Consequences Assessment – Sweco UK Limited' (Reference 65206973- SWE-ZZ-XX-T-C-0001 (Revision P06) by dated 05 December 2024)
Amended Plans Covering Letter (09/06/2023)	
64054 Traston Road S73 Technical Note 19-07-23	

The following table sets out new documents to be included in condition 1:

Title	Reference
Harmonic Filter Equipment Plan and Elevations	004.11 Rev 0
Green Infrastructure Statement	28/11/2024 Rev 1.0
Site Elevations without Fencing	005.2 Rev 00
Site Elevations Complete with Fencing	005.1 Rev 00
CCTV and Lighting Column Plan and Elevations	004.8 Rev 0
Battery Layout East Platform Plan and Elevations	004.3.2 Rev 01
Typical Fencing Plan and Elevations	004.10 Rev 0
Site Layout Plan	001.1 Rev 01