

Llywodraeth Cymru / Welsh Government

Celtic Lakes Power

Application under Section 73 of The Town and Country Planning Act 1990

Planning Statement

Reference: 293651-ARP-ZZ-XX-RP-YP-000003

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Job number 293651-00

Ove Arup & Partners Limited

4 Pierhead Street
Capital Waterside

Cardiff
CF10 4QP
United Kingdom

arup.com

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1. Introduction

This Planning Statement has been prepared by Ove Arup & Partners Limited (Arup), on behalf of Welsh Government (WG), to support an application under Section 73 of The Town and Country Planning Act 1990.

The section 73 (s73) application is made to vary Conditions 1, 3 and 11 of the planning permission received for an “electricity substation compound (132/33/11kV), including a switch-room building and outdoor electrical equipment, enclosed by a security fence, with associated infrastructure including access, landscaping, drainage and earthworks” on land to the south and east of Celtic Way, Celtic Lakes, Newport (ref: 23/0878).

The s73 application is made to Newport City Council (NCC) as Local Planning Authority (LPA), following advice received from the case officer that a s73 application would be required due to the extent of the ground works, potential impact to drainage and the site’s proximity to the Gwent Levels – St Brides Site of Special Scientific Importance (SSSI).

In line with this, the proposed description of development is as follows:

“A variation of condition application made pursuant to Section 73 of The Town and Country Planning Act 1990 to vary Condition 1 (approved plans and documents), Condition 3 (Noise) and Condition 11 (Compensation Areas) of planning permission reference: 23/0878, which approved:

PROPOSED ELECTRICITY SUBSTATION COMPOUND (132/33/11KV), INCLUDING A SWITCH-ROOM BUILDING AND OUTDOOR ELECTRICAL EQUIPMENT, ENCLOSED BY A SECURITY FENCE, WITH ASSOCIATED INFRASTRUCTURE INCLUDING ACCESS, LANDSCAPING, DRAINAGE AND EARTHWORKS”.

Full details of the proposed minor material amendments (MMAs) to the approved plans are included in section 4 of this Planning Statement, along with the details required to vary conditions 3 and 11.

1.1 Context

The consented development will provide essential electrical infrastructure to meet the local power supply needs associated with the employment and industrial uses within Imperial Business Park, contributing towards the delivery of important employment development, cutting-edge technology and highly skilled jobs within Imperial Business Park.

As a result of further detailed design work and amendments requested by Natural Resources Wales (NRW) through the European Protected Species (EPS) licence process, minor amendments are required to the approved plans. These changes are all positive changes, proposed to improve or mitigate works, and primarily relate to earthworks and timings. These changes are required in order to deliver the consented development, which will contribute additional electrical infrastructure to support existing, consented and future developments within Imperial Business Park and the allocated Duffryn Employment Area, delivering the Local Development Plan (LDP) allocation.

1.2 Structure of the Statement

This Statement is structured as follows:

- Section 2: sets out a description of the site and its surrounding context.
- Section 3: outlines the relevant background context and planning history to this application.
- Section 4: describes and outlines the rationale and benefits of the proposed amendments.
- Section 5: sets out the relevant planning policy considerations that are relevant to the application.
- Section 6: provides a planning assessment of how the proposed amendments are compliant with the adopted development plan and other material considerations.

- Section 7: provides a conclusion.

2. The Site and Surroundings

2.1 The Development Site

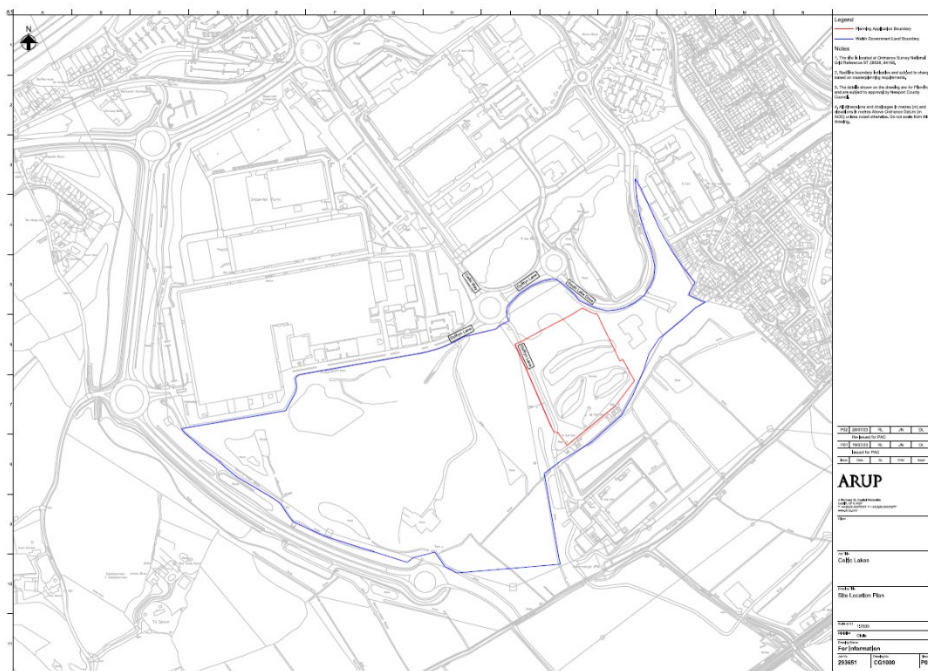
The site is located to the south-east of Imperial Park, Coedkernew, Newport. There are no priority habitats or ancient woodlands on the site; however, the site is a locally designated Site of Importance for Nature Conservation (SINC) and the Gwent Levels – St Brides Site of SSSI is located directly south of the site.

Vehicular access to the site is possible from Dyffryn Lane to the west, which connects to a roundabout south of Celtic Way, connecting Celtic Way and the Imperial Business Park to the A48 approximately 720m north of the site. There is no formal pedestrian access to the site at present, and the site is secured by a padlocked gate.

In terms of the wider surroundings, Imperial Business Park is located north of the site, with both the A48 and M4 located further north. Newport's residential area of Duffryn is located east of the site, which includes amenities such as Asda Supermarket and Tredegar Park Primary School. The Parc Golf Club is located further west of the site, which is surrounded by countryside to the west and south.

Figure 1 below shows the application site and the WG ownership boundary. The eastern section (east of Dyffryn Lane) is known as Plot C1, and the western section (west of Dyffryn Lane) is known as Plot C2.

Figure 1: Site Location



3. Background Context and Planning History

3.1 Existing planning permission

In September 2023, a planning application was submitted to NCC (ref: 23/0878) seeking consent for a National Grid Electricity Distribution (NGED) 132/33/11 kV substation and associated infrastructure including access, landscaping and drainage (including expansion works to an existing attenuation basin).

Planning permission was subsequently granted in February 2024, subject to 11no. planning conditions. To date, the following Discharge of Condition (DoC) applications have been submitted to NCC:

- Application reference 25/0038. Condition 7 (CEMP) partially re-discharged on 25 March 2025.
- Application reference 24/0975. Condition 9 (Cesspit Details) partially discharged on 2 January 2025.
- Application reference 24/0852. Condition 10 (Lighting) partially discharged on 3 December 2024.
- Application reference 24/0680. Condition 7 (CEMP) partially discharged on 10 October 2024.
- Application reference 24/0576. Condition 6 (Habitat Management Plan) partially discharged on 10 October 2024.
- Application reference 24/0560. Condition 8 (Seed Mix for Grasslands) partially discharged on 25 September 2024.
- Application reference 24/0528. Condition 4 (Construction Phasing and Logistics Method Statement) partially discharged on 5 September 2024.

It is understood that NCC's approach to discharging conditions is to partially discharge the condition until the works are completed as proposed. It is only when the works are completed that the condition can be fully discharged.

Two EPS licences were required following planning permission due to the presence of dormouse habitat on site. These are discussed further in section 3.2 below.

3.2 Pre-application engagement

In preparing this s73 application and revising the design proposals, the applicant team has continued to engage with NCC Planning Officer (Jacob Cooke), NCC Ecologist (Matthew Harris) and the NRW EPS Licence Team.

Since planning permission was granted, 2no. EPS licences have been submitted to NRW. A summary is provided below.

EPS Licence 1 (ref: S093767-2)

The first dormouse licence was submitted to NRW on 12 February 2024 with the proposed mitigation that had been agreed through the planning permission.

On 6 March 2024, the NRW Protected Species Team requested that the Grassland Compensation Area (GCA) (where low bramble scrub was proposed) be removed from the licence application, with a requirement for further habitat compensation to be considered in relation to these works. To avoid significant delays to the main construction works, an amended licence was submitted excluding the GCA on 15 March 2024.

The licence for the main site was subsequently issued by NRW on 21 March 2024 to facilitate works commencing in April 2024. Following this, various amendments were required to the main site as a result of detailed design and scrub encroachment from the baseline position, meaning the licence required updating to minimise dormouse habitat clearance. The extent of these changes required an amendment to the main site dormouse licence, which was submitted on 10 September 2024 and granted on 2 January 2025.

EPS Licence 2 (S095506-1)

To address NRW's comments to the original EPS licence (referred to above), Arup completed an updated habitat assessment to confirm the extent and condition of various habitat types within the GCA, which identified a significant change in scrub encroachment from the original baseline position. Arup therefore proposed an alternative (more restricted) solution within the GCA, which was discussed and agreed with NCC's Ecologist in September 2024.

Following agreement with the NCC Ecologist in September 2024, a separate dormouse licence application was submitted in relation to the GCA on 9 May 2025 and granted on 23 June 2025. The s73 application has been submitted to align with both EPS licence applications.

4. Proposed Amendments

This section of the Planning Statement provides a detailed description of the changes proposed as part of this s73 application. The application seeks to amend a number of approved drawings listed in Condition 1 (summarised in Appendix A), as well as amend conditions 3 and 11.

The s73 application seeks permission for:

“A variation of condition application made pursuant to Section 73 of The Town and Country Planning Act 1990 to vary Condition 1 (approved plans and documents), Condition 3 (Noise) and Condition 11 (Compensation Areas) of planning permission reference: 23/0878, which approved:

PROPOSED ELECTRICITY SUBSTATION COMPOUND (132/33/11KV), INCLUDING A SWITCH-ROOM BUILDING AND OUTDOOR ELECTRICAL EQUIPMENT, ENCLOSED BY A SECURITY FENCE, WITH ASSOCIATED INFRASTRUCTURE INCLUDING ACCESS, LANDSCAPING, DRAINAGE AND EARTHWORKS”.

The proposed amendments to conditions 1 (approved plans and documents), 3 (noise) and 11 (compensation areas) are explained further in sections 4.1 to 4.4 below.

4.1 Proposed amendments to Condition 1 (approved plans and documents)

As a result of the amendments agreed with NRW through the EPS Licence process (summarised in section 3.2 above), a number of positive changes have occurred. Alongside these ecology changes, further detailed design work has also resulted in amendments to earthworks and drainage.

Table 1 below summarises the amendments and provides the rationale behind each change.

Table 1: Proposed Amendments

Ref	Amendment	Rationale / Benefit	Drawing / Document
1	Reduction in the compound and cable corridor level by 400mm, resulting in a reduced height for the substation compound.	The available earthworks quantities were less than anticipated during the planning application stage. This change has led to a reduction in the height of the compound and presents a reduced visual impact than that previously assessed. This change is therefore considered to be beneficial.	Proposed Finished Levels (drawing ref: CG1011 P04)
2	Inclusion of bund to the west of the plateau (measuring 385sqm in area and 1.8m in height (above existing ground level)).	The reuse of topsoil and subsoil for the earthworks on site was unsuitable due to its thickness. As such, surplus topsoil and subsoil unsuitable for re-use has been used to create a screening bund. This change presents visual benefits through screening the electrical infrastructure within the substation compound.	Proposed Site Layout (drawing ref: CG1012 P04) Figure 4 Proposed Landscape and Habitat General Arrangement (drawing ref: 293651-LD-XX-DR-0001 Rev 6)
3	Minor amendment to the eastern edge of the compound earthworks footprint.	The earthworks extent has reduced due to the need to avoid vegetation removal on the eastern part of the site. This is considered to provide benefits with regards to ecology and biodiversity.	Proposed Site Layout (drawing ref: CG1012 P04) Proposed Drainage Layout (drawing ref: CG1040 P04) Figure 4 Proposed Landscape and Habitat General Arrangement (drawing ref: 293651-LD-XX-DR-0001 Rev 6)

Ref	Amendment	Rationale / Benefit	Drawing / Document
4	Amendment to sections of hedges and a short section of the hedge (across cable duct corridor) to be planted at a later date once cables are installed.	This change is required to avoid the newly planted hedgerow being removed when cables are installed at a later date. Although this change represents a minor change to the programme of planting originally proposed, it presents significant benefits with regards to successful habitat creation.	Figure 4 Proposed Landscape and Habitat General Arrangement (drawing ref: 293651-LD-XX-DR-0001 Rev 6)
5	Amendment to landscape seeding and aquatic planting layout around the reconfigured pond shape (see amendment ref 7).	This change is required as a result of the amended pond shape (see amendment ref 7). The amended planting is in line with the original design intent.	Figure 4 Proposed Landscape and Habitat General Arrangement (drawing ref: 293651-LD-XX-DR-0001 Rev 6)
6	Inclusion of a timber post and rail fence around the extended basin.	This change is required for safety purposes.	Figure 4 Proposed Landscape and Habitat General Arrangement (drawing ref: 293651-LD-XX-DR-0001 Rev 6)
7	Adjustment in pond shape.	The pond's footprint requires reduction in order to minimise the extent of vegetation removal required, following survey of the pond and inlet/outlet drainage invert levels. This is considered to provide benefits with regards to ecology and biodiversity.	Proposed Site Layout (drawing ref: CG1012 P04)
8	Minor amendments to the details around the pond inlet/outlet, including minor change to vegetation retained/removed to allow for permanent maintenance, and minor changes to the location of adjacent planting.	This change is required to improve safety and facilitate maintenance access to the penstocks. Minor vegetation removal was required as well as moving some year 1 planting to an adjacent area in order to ensure maintenance access.	Proposed Site Layout (drawing ref: CG1012 P04) Figure 4 Proposed Landscape and Habitat General Arrangement (drawing ref: 293651-LD-XX-DR-0001 Rev 6) Proposed Drainage Layout (drawing ref: CG1040 P04)
9	Omission of 700mm drainage diversion around the pond footprint.	Following the reduction in pond footprint (see amendment ref 7), the existing 700mm diameter drainage can be retained. The previously approved diversion has therefore been omitted as it is no longer required.	Proposed Drainage Layout (drawing ref: CG1040 P04)
10	Minor drainage route amendment to the east of the substation compound.	This is required to minimise the removal of existing vegetation.	Proposed Drainage Layout (drawing ref: CG1040 P04)
11	Adjustment in 450mm drainage routing to the south of the substation compound.	This is required to minimise the removal of existing vegetation.	Proposed Drainage Layout (drawing ref: CG1040 P04)
12	Amendments to the programme of offsite SSSI Grassland Compensation Area vegetation removal, seeding of grassland areas, and location of areas to be cleared and restored.	These changes are required as a result of the following: - Lack of maintenance within SSSI grassland area resulting in significant scrub development compared with baseline survey. This required additional baseline data collection and revision of the location and areas of vegetation to be removed. - The separation of the main site and the GCA into two separate EPS licences (as explained in section 3.2 above) to allow for	Celtic Lakes S73 Ecological Assessment (ref: 293651-ARP-XX-XX-RP-YE-0006) Figure 3 Grassland Compensation Area Vegetation Clearance (drawing ref: 293651-LD-XX-DR-0403 Rev 5)

Ref	Amendment	Rationale / Benefit	Drawing / Document
		further discussions between NRW, Welsh Government and NCC to agree on habitat loss/gain ratios within the SSSI grassland area due to the significant scrub encroachment from the original baseline position. This was required to balance the restoration of SSSI grassland habitat as compensation for loss of grassland by the development, whilst minimising the removal of dormouse habitat in the GCA.	Figure 4 Proposed Landscape and Habitat General Arrangement (drawing ref: 293651-LD-XX-DR-0001 Rev 6) Figure 5 Existing Conditions and Vegetation Lost and Retained (drawing ref: 293651-LD-XX-DR-0002 Rev 3)

The approved plans and documents affected by the amendments above are listed in Appendix A.

4.2 Proposed amendments to condition 3 (noise)

As part of this s73 application, it is proposed to vary condition 3 (noise) of planning permission reference: 23/0878. Condition 3 of the planning permission currently states the following:

“Noise emitted from 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 ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).”

Noise from transformers typically has tonal characteristics. Therefore, a maximum 6dB correction for ‘highly perceptible’ tonality is applied in accordance with BS 4142, as noted within the Noise and Vibration Assessment (293651-00\R01-HM) approved through the original permission. As such, the condition wording of ‘with no tonal element’ is not relevant. In order to comply with the wording of the condition, it is proposed to vary the condition wording as follows:

*“Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142:2024 **including corrections for characteristics such as tonality, impulsivity and intermittency**, does not exceed 5dB below the existing background level.*

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).”

4.3 Proposed amendments to condition 11 (compensation areas)

As outlined in Table 1 above (see amendment ref 12), amendments are required to the programme of offsite SSSI GCA vegetation removal, seeding of grassland areas, and location of areas to be cleared and restored. As such, it is proposed to vary the wording of condition 11, which is a compliance condition currently worded as follows:

“The compensation areas must be implemented as shown on the drawings and documents below in accordance with the timetable as shown on Figure 3 Grassland Compensation Area Vegetation Clearance (Drawing ref: 293651-LD-XX-DR-0403 Rev 4):

- *Figure 3 Grassland Compensation Area Vegetation Clearance (Drawing ref: 293651-LD-XX-DR-0403 Rev 4)*
- *Landscape and Ecological Management Plan (LEMP) and SSSI Grassland Management Strategy (Ref: 293651-ARPXX-XX-RP-YE-0002 Rev 3 - 12 December 2023)*

- *Figure 4 Proposed Landscape and Habitat General Arrangement (Drawing ref: 293651-LD-XX-DR-0001 Rev 5)*
- *Figure 5 Existing Conditions and Vegetation Lost and Retained (Drawing ref: 293651-LD-XX-DR-0002 Rev 2)*
- *Ecological Impact Assessment (EcIA) (Ref: 293651-ARP-XX-XX-RP-YE-0001 Issue 002 - 12 December 2023)*
- *Dormouse Conservation Strategy (Ref: 293651-ARP-XX-XX-RP-YE-0004 Rev 2 - 12 December 2023)*
- *Two-staged Vegetation Clearance Method Statement (Ref: 293651-ARP-XX-XX-RP-YE-0005 Issue 002 - 12 December 2023)*
- *Vegetation Clearance Method Statement*

Once implemented the compensation areas shall be maintained in accordance with the Landscape and Ecological Management Plan (LEMP) and SSSI Grassland Management Strategy (Ref: 293651-ARP-XX-XX-RP-YE-0002 Rev 3 - 12 December 2023).

REASON: In the interests of ensuring the site is suitably compensated and mitigated in regard to onsite biodiversity in accordance with Policy GP5 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015)."

As a result of the changes outlined in the Section 73 Ecological Assessment (ref: 293651-ARP-XX-XX-RP-YE-0006) submitted in support of this s73 application, it is proposed to vary the wording of condition 10 to the following:

"The compensation areas must be implemented as shown on the drawings and documents below in accordance with the timetable as shown on Figure 3 Grassland Compensation Area Vegetation Clearance (Drawing ref: 293651-LD-XX-DR-0403 Rev 5):

- *Figure 3 Grassland Compensation Area Vegetation Clearance (Drawing ref: 293651-LD-XX-DR-0403 Rev 5)*
- *Landscape and Ecological Management Plan (LEMP) and SSSI Grassland Management Strategy (Ref: 293651-ARPXX-XX-RP-YE-0002 Rev 3 - 12 December 2023)*
- *Figure 4 Proposed Landscape and Habitat General Arrangement (Drawing ref: 293651-LD-XX-DR-0001 Rev 6)*
- *Figure 5 Existing Conditions and Vegetation Lost and Retained (Drawing ref: 293651-LD-XX-DR-0002 Rev 3)*
- *Ecological Impact Assessment (EcIA) (Ref: 293651-ARP-XX-XX-RP-YE-0001 Issue 002 - 12 December 2023)*
- *Dormouse Conservation Strategy (Ref: 293651-ARP-XX-XX-RP-YE-0004 Rev 2 - 12 December 2023)*
- *Two-staged Vegetation Clearance Method Statement (Ref: 293651-ARP-XX-XX-RP-YE-0005 Issue 002 - 12 December 2023)*
- *Vegetation Clearance Method Statement*
- ***Section 73 Ecological Assessment (Ref: 293651-ARP-XX-XX-RP-YE-0006).***

Once implemented the compensation areas shall be maintained in accordance with the Landscape and Ecological Management Plan (LEMP) and SSSI Grassland Management Strategy (Ref: 293651-ARP-XX-XX-RP-YE-0002 Rev 3 - 12 December 2023) and the Section 73 Ecological Assessment (Ref: 293651-ARP-XX-XX-RP-YE-0006).

REASON: In the interests of ensuring the site is suitably compensated and mitigated in regard to onsite biodiversity in accordance with Policy GP5 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015)."

5. Planning Policy Context

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 38(6) of the Planning and Compulsory Purchase Act 2004 adds “if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The policy of relevance to the consented development remains largely unchanged from the original Planning Statement and decision, with the exception of Planning Policy Wales (PPW) which was updated in February 2024 and TAN15 (Development, Flooding and Coastal Erosion) which was updated in March 2025. The following section therefore provides a summary of the policy of relevance to this application, including the updated PPW (edition 12) and TAN15 (Development, Flooding and Coastal Erosion).

5.1 The Development Plan

5.1.1 Future Wales: The National Plan 2040

Future Wales – The National Plan 2040 (Future Wales) was published in February 2021 and is the new National Development Framework for Wales, replacing the Wales Spatial Plan, setting the direction for development in Wales to 2040. It is a development plan document with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and wellbeing of our communities.

The original application was determined in accordance with Future Wales and therefore only policies relevant to the changes are included below.

- Policy 9 – Resilient Ecological Networks and Green Infrastructure

5.1.2 Newport Local Development Plan (NLDP) 2011 – 2026

The NLDP was adopted in January 2015 and has an end date of 2026. It comprises a Written Statement, Proposals Map and Constraints Map.

The Written Statement sets out the vision for development in Newport over the plan period and sets out a number of Strategic Policies and General Policies which determine and guide how development should be approached within Newport.

The following policies are of relevance to this s73 planning application, and an analysis of how the application responds to these is provided in Chapter 6 of this report.

- SP3 Flood Risk
- GP1 General Development Principles – Climate Change
- GP2 General Development Principles – General Amenity
- GP5 General Development Principles – Natural Environment
- GP6 General Development Principles – Quality of Design
- GP7 General Development Principles – Environmental Protection and Public Health
- CE8 Locally Designated Nature Conservation and Geological Sites

5.2 Material Planning Considerations

The other policy and guidance documents that form material considerations in the determination of this planning application are as follows.

5.2.1 Planning Policy Wales (Edition 12)

Planning Policy Wales: Edition 12 (PPW12), published in February 2024, sets out the land use planning policies of the Welsh Government and is a material planning consideration in the determination of this planning application. PPW12 provides advice on a wide range of issues which contribute toward the delivery of improved social, economic, environmental, and cultural well-being in Wales. The Welsh Government is committed to sustainable development and PPW12 states that the planning system shall provide a presumption in favour of sustainable development.

PPW12 requires all planning applications to demonstrate a net benefit in biodiversity and compliance with the stepwise approach (any adverse environmental effects are firstly avoided, then minimised, mitigated, and as a last resort compensated for) and ecosystem resilience (strengthening the importance of the DECCA framework). It also requires Green Infrastructure Statements to be submitted with all planning applications. Building with Nature Standards should be signposted within Green Infrastructure Statements and used as a checklist to ensure appropriate consideration has been given to secure green infrastructure.

PPW12 emphasises the need to avoid development within statutory designated sites as a matter of principle. There is a potential exception to this where development in a SSSI is necessary for the management of the site (likely to be limited to activities needed to meet its conservation objectives, including restoration and nature recovery, site management infrastructure, natural flood management and other nature-based solutions).

As a result of the above policy requirements, a Green Infrastructure Statement has been submitted in support of the s73 application. The original application demonstrated a net benefit in biodiversity and compliance with the stepwise approach and ecosystem resilience, and this s73 application proceeds to achieve a net benefit in biodiversity and compliance with the stepwise approach. The works proposed within the SSSI GCA remain related to habitat restoration and management and therefore the above policy requirement is complied with.

5.2.2 Technical Advice Notes (TANs)

- TAN 5: Nature Conservation and Planning;
- TAN 12: Design; and
- TAN 15: Development, Flooding and Coastal Erosion

TAN15 has been updated since the original application. The new TAN 15 (2025) is supplemented by the Flood Map for Planning (FMfP), replacing the Development Advice Map (DAM). The TAN precludes new highly vulnerable development on greenfield land (previously undeveloped land) in Flood Zone 3, and other proposals in Flood Zone 3 will only be appropriate if they are essential to the Development Plan Strategy to regenerate an existing settlement or achieve key economic or environmental objectives. TAN 15 includes ‘especially vulnerable industrial development (e.g., power generating and distribution elements of power stations, transformers, chemical plants and incinerators) and waste disposal sites’ within the definition of ‘highly vulnerable development’. General industrial, employment, commercial and retail development are included within the definition of ‘less vulnerable development’.

The new TAN15 also introduces “Water Compatible Development”, which includes developments which are required to be located near water by virtue of their nature, and also developments which are resilient to the effects of occasional flooding. TAN 15 categorises development types according to their vulnerability in the event of flooding. It also notes that decision makers may need to consider whether a proposed development includes land uses from more than one vulnerability category. Some parts of a development may need to be regarded as highly vulnerable and other parts less vulnerable or water compatible.

Whilst the updated TAN15 was implemented following the original application, the original application included an assessment of the development using the new FMfP available and has therefore considered the

implications of this updated policy. Notwithstanding this, the part of the site within Flood Zone 3 is considered to include 'Water Compatible Development' (proposed expansion of the pond for attenuation purposes). This is further discussed in section 6.4.

5.2.3 Newport's adopted Supplementary Planning Guidance (SPG)

The following SPG documents are also considered to be of relevance to the proposals:

- Wildlife and Development SPG
- Trees, Woodland, Hedgerows and Development Sites SPG

6. Planning Assessment

This section provides an assessment of the proposed amendments against the main planning issues affecting the application site.

6.1 Assessment of Amendments

In relation to the determination of a s73 application, the LPA is not required to re-visit the principle of development; instead, the LPA should focus on the proposed amendments and assess whether these are acceptable from a planning perspective.

This approach is set out in Section 13 (Amendments to Permissions) of the Welsh Government's Development Management Manual (May 2025). The guidance explains that "*Sections 73(2) and (4) of the 1990 Act restrict the LPA in their determination of section 73 applications. The effect of the provisions is to limit the LPA to considering the question of whether the conditions identified in the section 73 application should apply as originally stated, would be acceptable if modified or it would be acceptable to remove them. The LPA cannot revisit the original permission and reconsider whether it should have been granted in the first place. However as a section 73 application is a planning application in its own right, it is necessary to assess what material changes there may have been in terms of policy since the original permission was granted in order to ensure that all relevant material considerations have been assessed.*"

With the exception of the new PPW12 and TAN15 (discussed in sections 6.2 and 6.4 below), there have been no material changes in terms of planning policy since the original planning permission was granted in February 2024. As a result, the planning assessment provided in the Planning Statement submitted with the original application remains unchanged.

Nevertheless, the remainder of this chapter provides an assessment of the relevant policy considerations against the amendments sought as part of this s73 application in order to demonstrate that all relevant material considerations have been assessed, and to demonstrate that the scale and nature of the amendments are not substantially different from that which has been approved. The amendments have been grouped and assessed into relevant planning considerations below.

6.2 Ecology and Biodiversity

This s73 application is supported by an Ecological Assessment (ref: 293651-ARP-XX-XX-RP-YE-0006) which details and assesses the latest design of the substation, including the changes associated with the compensatory habitats and enhancements to be provided within the offsite GCA located within the Gwent Levels - St Brides SSSI, revised construction timelines, and updated planning policy requirements.

As required by PPW12, a Green Infrastructure Statement has been provided within Appendix A of the Ecological Assessment to summarise the proposed green infrastructure. Changes to any habitat calculations have been highlighted and quantified throughout the S73 Ecological Assessment, along with any associated changes to the calculated habitat replacement ratios.

While there have been minor reductions in the extent of grassland compensation and enhancement provisions and pond habitat creation compared to the original planning permission (ref: 23/0878), these changes have been carefully balanced against the need to protect sensitive species, notably hazel dormice. The revised approach, informed by updated baseline surveys and ongoing consultation with stakeholders, ensures that the required habitat replacement and improvement ratios are still met or exceeded at a ratio of 1.5:1 considering the aspects of ecosystem resilience, and that the net benefit for biodiversity required by PPW12 is achieved.

The updated programme for vegetation clearance and habitat restoration reflects both ecological constraints and practical considerations, reducing the duration of works and the impact on dormouse populations. The embedded biodiversity design, ongoing management, and monitoring commitments will deliver long-term ecological enhancements, supporting ecosystem resilience, compensatory habitat for the affected SINC and the conservation objectives of the SSSI.

In summary, despite some reductions in the scale of certain enhancements (outlined in the submitted Ecological Assessment), the proposed amendments do not result in any significant adverse impacts on ecology compared to the original assessment. The project continues to deliver a net benefit for biodiversity, maintains compliance with relevant planning policies and statutory requirements, and supports the favourable conservation status of key species and habitats within the site and its surroundings.

Therefore, it is considered that the proposed amendments subject to this s73 application are acceptable in accordance with the requirements of PPW12 and Policies GP5 and CE8 of the Newport LDP.

6.3 Design and Visual Appearance

The proposed amendments to earthworks have resulted in a beneficial visual impact through reduced levels and a bund providing screening for the substation compound. As a result, it is not considered that the proposed development would impact the setting of the Wentlooge Levels Special Landscape Area any differently to the original permission. The design continues to be of an appropriate scale and massing, ensuring the development is integrated into the surrounding landscape through adequate planting and screening.

It is therefore considered that the design and visual impacts of the proposed amendments present benefits to the approved scheme and comply with PPW12 and Policies GP1, GP2 and GP6 the Newport LDP.

6.4 Drainage and Flood Risk

The proposed amendments relating to drainage are minor in nature, proposed largely as a result of the amendments to the retained scrub and vegetation outlined above. The existing attenuation basin in the southwest of the site is still proposed to be extended, albeit in a reconfigured shape to minimise the extent of vegetation removal required, following a survey of the pond and inlet/outlet drainage invert levels.

Following the update to TAN15 in 2025, the DAM previously shown on drawings CG1010, CG1011 and CG1040 has been replaced with the FMfP flood zones. Both the DAM and FMfP were considered as part of the original Flood Consequences Assessment (ref: KVG-JBAU-XX-XX-RP-Z-0001-D3-C02) approved through the original planning permission. Flood Zones 2 and 3 of the FMfP for sea and a TAN15 Defended Zone encroach into the southern part of the development site, similar to the flood zones in the DAM at the time of the original planning application. However, the locations for the built development elements of the proposals remain outside of these zones and the proposed expansion of the pond is considered to be 'Water Compatible Development' in accordance with the updated TAN15. The attenuation basin is located within the flood zone; however, this will not impact the flood zone due to the levels reducing in this area.

It is therefore considered that the proposals are acceptable in accordance with TAN15 and Policies GP1, GP7 and SP3 of the Newport LDP.

7. Conclusions

This s73 application seeks to vary conditions 1 (approved plans), 3 (noise) and 11 (compensation areas) of planning permission 23/0878.

The proposed changes have arisen as result of changes required through the EPS licence process and to avoid the need for additional vegetation removal, and due to reduced suitable earthworks quantities available compared to the original application.

Despite some reductions in the scale of certain enhancements, the proposed amendments do not result in any significant adverse impacts on ecology compared to the original assessment. The project continues to deliver a net benefit for biodiversity, maintains compliance with relevant planning policies and statutory requirements, and supports the favourable conservation status of key species and habitats within the site and its surroundings.

It is considered that the amendments are acceptable and do not alter the nature of the development or involve a substantial or fundamental variation to the original scheme, ensuring the scheme remains consistent with the original description of development. The s73 application should therefore be granted planning permission accordingly.

Appendix A – List of plans and documents

New Drawing/Document Reference & Name	Superseded Drawing Reference & Name
Proposed Site Layout (drawing ref: CG1012 P04)	Proposed Site Layout (drawing ref: CG1012 P03)
Proposed General Arrangement (drawing ref: CG1010 P04)	Proposed General Arrangement (drawing ref: CG1010 P03)
Proposed Finished Levels (drawing ref: CG1011 P04)	Proposed Finished Levels (drawing ref: CG1011 P03)
Swept Path Analysis (drawing ref: CG1020 P04)	Swept Path Analysis (drawing ref: CG1020 P03)
Proposed Connections Plan (drawing ref: CG1030 P04)	Proposed Connections Plan (drawing ref: CG1030 P03)
Proposed Drainage Layout (drawing ref: CG1040 P04)	Proposed Drainage Layout (drawing ref: CG1040 P03)
Figure 3 Grassland Compensation Area Vegetation Clearance (drawing ref: 293651-LD-XX-DR-0403 Rev 5)	Figure 3 Grassland Compensation Area Vegetation Clearance (drawing ref: 293651-LD-XX-DR-0403 Rev 4)
Figure 4 Proposed Landscape and Habitat General Arrangement (drawing ref: 293651-LD-XX-DR-0001 Rev 6)	Figure 4 Proposed Landscape and Habitat General Arrangement (drawing ref: 293651-LD-XX-DR-0001 Rev 5)
Figure 5 Existing Conditions and Vegetation Lost and Retained (drawing ref: 293651-LD-XX-DR-0002 Rev 3)	Figure 5 Existing Conditions and Vegetation Lost and Retained (drawing ref: 293651-LD-XX-DR-0002 Rev 2)
S73 Planning Statement (ref: 293651-ARP-ZZ-XX-RP-YP-000003)	
S73 Ecological Assessment (ref: 293651-ARP-XX-XX-RP-YE-0006)	