

Delegated Decision Report

Application No:	25/0439	Statutory Period Expires:	28th July 2025
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Site:	<i>Land At Uskmouth Power Station West Nash Road Nash Newport NP18 2BZ</i>		
Proposal:	<i>PARTIAL DISCHARGE OF CONDITION 2 (CONTAMINATION) OF 25/0213 VARIATION OF CONDITION 01 (APPROVED PLANS AND DOCUMENTS) OF PLANNING PERMISSION 23/0949 FOR BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED INFRASTRUCTURE AND WORKS, TO AMEND THE APPROVED DESIGN</i>		
Applicant:	<i>AW1 Energy Storage Limited</i>		
Type:	Discharge Conditions	Ward:	Llanwern
Decision:	APPROVED		

1. BACKGROUND

- 1.1 The site has planning permission for the installation of a battery energy storage system at this established power station site.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site is only part of the much larger power station. It is previously developed land. The wider site is very industrialised with existing industry close by and across the River Usk. Nearby there is the Uskmouth Power station buildings. Beyond the power station buildings (the former coal fired station and the newer gas fired station) lies the RSPB Wetlands National Nature Reserve. To the north is the Liberty Steel plant and eastward is the Welsh Water Treatment works. The development will primarily be viewed in the context of the adjoining coal fired power station buildings that are to be retained and are of significant scale.
- 2.2 There continues to be significant national and local policy support for proposals that make a positive contribution to sustainable development and energy supply resilience. Battery storage of this kind can support renewable energy generation, reduce energy wastage, and supports the transition to a low carbon economy. It can improve energy security along with a more balanced and reliable supply of electricity. Battery storage has an important role to play in the energy network and will supplement the grid during periods when supply of energy may have fallen below optimum levels for any reason. The development will also continue to secure significant investment in this underused urban industrial site.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposal seeks to partially discharge condition 02 of s73 permission 25/0213. Condition 02 is an NRW requested condition that seeks to protect controlled waters.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
23/0949	BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED INFRASTRUCTURE AND WORKS	GC	11.01.2024
23/1045	PRIOR NOTIFICATION OF DEMOLITION OF 2NO. RANKS OF COOLING TOWERS AND ASSOCIATED STRUCTURES	PRIOR APPROVAL NOT REQUIRED	14.12.2023
24/0990	PARTIAL DISCHARGE OF CONDITIONS 3 (SLAB, RETAINING WALL AND PIER DETAILS), 4 (DRAINAGE STRATEGY) AND 7 (RAL COLOUR) OF 23/0949 BATTERY	APPROVED	23.01.2025

24/0993	ENERGY STORAGE SYSTEM WITH ASSOCIATED INFRASTRUCTURE AND WORKS	APPROVED	16.01.2025
24/1016	PARTIAL DISCHARGE OF CONDITIONS 5 (CEMP), 6 (LIGHTING DETAILS), 8 (CONSTRUCTION PHASING AND LOGISTICS METHOD STATEMENT), 9 (ARBORICULTURAL METHOD STATEMENT) AND 10 (TREE PROTECTION PLAN) OF 23/0949 BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED INFRASTRUCTURE AND WORKS	APPROVED	09.01.2025
25/0213	PARTIAL DISCHARGE OF CONDITION 2 (CONTAMINATION) OF 23/0949 BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED INFRASTRUCTURE AND WORKS	GRANTED WITH CONDITIONS	08.05.2025
	VARIATION OF CONDITION 01 (APPROVED PLANS AND DOCUMENTS) OF PLANNING PERMISSION 23/0949 FOR BATTERY ENERGY STORAGE SYSTEM WITH ASSOCIATED INFRASTRUCTURE AND WORKS, TO AMEND THE APPROVED DESIGN		

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

The following LDP policies are considered to be relevant to the proposed development of this site:

- SP1 Sustainability
- SP3 Flood Risk
- SP8 Special Landscape Areas
- SP9 Conservation of the Natural, Historic and Built Environment

- SP18- Urban Regeneration
- GP1 General Development Principles – Climate Change
- GP2 General Development Principles – General Amenity
- GP3 General Development Principles – Service Infrastructure
- GP4 General Development Principles – Highways and Accessibility
- GP5 General Development Principles – Natural Environment
- GP6 General Development Principles – Quality of Design
- GP7 General Development Principles – Environmental Protection and Public Health
- CE2 Waterfront Development
- CE3 Environmental Spaces and Corridors
- CE8 Locally Designated Nature Conservation and Geological Sites
- CE9 Coastal Zone
- CE10 Renewable Energy
- T3 Road Hierarchy
- T8 All Wales Coast Path
- W3 Provision for Waste Management Facilities in Development

Supplementary Planning Guidance (Adopted)

- Sustainable Travel SPG (July 2020)
- Wildlife and Development SPG (Aug 2015)
- Air Quality (SPG) (Feb 2018)

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales:

We have no objection to the partial discharge of condition 2 (contamination) of planning permission 25/0213 as submitted and provide the following advice.

We have reviewed: the document 'Afon WSYG BESS – Reactive Remediation Strategy Report' by Tetra Tech Limited, Ref: 784-B068873 dated December 2024. We have no objection to the partial discharge of condition 2 of planning permission 25/0213 which requests a verification plan prior to development of the site to remediate land contamination found on the site

Senior Scientific Officer: no response.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 Planning condition 02 of permission 25/0213 states:

02 No development building works above finished ground level, shall commence until the following component 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:

- *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the approved remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

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

Reason: 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. Policies SP9 and GP5 of the LDP.

8.2 The condition was requested by NRW as part of the original permission 23/0949 and included multiple parts. NRW justified their request as follows:

Given the historic land use associated with the site as a power station, use of storage tanks and railway and given the proximity to the River Usk, we advise that the following conditions be imposed upon any permission granted for the protection of controlled waters.

The condition was reimposed on the subsequent s73 permission 25/0213 in a reduced form as the remainder had been approved via a separate discharge of condition request (24/1016) in the intervening period. These approved elements included a site investigation report and risk assessment along with remediation strategy. The report for the discharge of condition request, further clarifies the following:

A Reactive Remediation Strategy document has been provided and confirms as follows:

The need for long term monitoring will be confirmed following the completion of any remedial works in conjunction with the client, Geoenvironmental Consultant, and Contaminated Land Officer for the Local Planning Authority and Natural Resources Wales. Information collected as part of the remedial works (outlined above) should be presented in a Verification Report prepared by a Geoenvironmental Specialist. The report should include an updated risk assessment to demonstrate that any residual pollutant linkages no longer pose a significant risk to identify receptors associated with the site. Site records will also be presented in this document along with any relevant regulatory communications. The report should be submitted to the relevant planning authority to support the discharge of any associated planning conditions.

There are 4 parts to condition 02. The information supplied as part of this request deals with parts 1-3. Subsequent reporting will be required as per the above, to deal with part 4.

- 8.3 This submission is therefore to deal with part 4 – verification. The Reactive Remediation Report has been re-submitted and section 5 of this report deals with verification matters. It confirms details of the data that will be collected in order to demonstrate that the works set out in the approved remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. NRW has confirmed no objection.

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 details supplied are acceptable and the condition in partially discharged insofar as details required are approved.

11. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to the document:

Afon WSYG BESS – Reactive Remediation Strategy Report' by Tetra Tech Limited, Ref: 784-B068873 dated December 2024.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The following policies were relevant to the determination of this application.

- SP1 Sustainability
- SP3 Flood Risk
- SP8 Special Landscape Areas
- SP9 Conservation of the Natural, Historic and Built Environment
- SP18- Urban Regeneration
- GP1 General Development Principles – Climate Change
- GP2 General Development Principles – General Amenity
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- T3 Road Hierarchy
- T8 All Wales Coast Path
- W3 Provision for Waste Management Facilities in Development

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.