

Our ref: 784-B068873

Your ref: PP-13851343

Joanne Davidson
Planning Services Planning and Economic Regeneration
Newport City Council
Civic Centre
Godfrey Road
Newport
NP20 4UR

Via Planning Applications Wales

18 March 2025

Dear Joanne

Section 73 Application to vary condition 1 (Approved Plans) of Full Planning Permission 23/0949

On behalf of our client, AW1 Energy Storage Limited, please find enclosed an application to vary condition 1 of planning permission 23/0949 under Section 73 of the Town and Country Planning Act 1990 (as amended).

Submission Documents

This application was submitted via Planning Applications Wales, has been given the reference PP-13851343 and comprises:

- Covering Letter
- Application Forms and Certificates

Tetra Tech Limited. Registered in England number: 01959704

Tetra Tech Cardiff, Atlantic House, Greenwood Close, Cardiff Gate Business Park, Cardiff
CF23 8RD

Tel +44 7811691819 Email emma.reid@tetrattech.com

Registered Office: 3 Sovereign Square, Sovereign
Street, Leeds, United Kingdom, LS1 4ER

GP-TEM-009-07

-
- 132kV Substation (drawing. no. PSUK - 16219-230 - 132kV Compound GA (Issue for Planning) - P01)
 - Proposed Site Elevations (drawing no. 50624-BUR-GEN-XX-DR-C-0110 - P4.0)
 - General Arrangement Year 1 (drawing no. 50624-BUR-GEN-XX-DR-C-0101-S1-P9.0)
 - General Arrangement Year 6 (drawing no. 50624-BUR-GEN-XX-DR-C-0102-S1-P4.0)
 - Inverter (TWIN SKID COMPACT GEN3 WITH TANK + HEMK GEN3)
 - Typical Cross Sections Earthworks (Drawing no. 50624-BUR-HGT-XX-DR-C-0620-S3-P3.0)
 - Switch Room Elevations (drawing no. PSUK - 16219-231 - P01)
 - BESS Control Room Elevations (drawing no. PSUK - 16219-232)
 - Battery Container Elevations (drawing no. M120)
 - Fencing Details (drawing no. 50624-BUR-HFE-XX-DR-C-0350-S3-P4.0 -P04)
 - Detailed Landscape Design and Green Infrastructure Plan (drawing no. PRJ01-TTE-00-ZZ-DR-L-4000-P01)

Planning History

On the 11th January 2024 planning permission (LPA ref: 23/0949) was granted for the following development:

“Battery Energy Storage System with associated Infrastructure”

The approved plans associated with this are listed in Condition 1 which states:

“The development shall be implemented in accordance with the following plans and documents:

- *Planning Statement: Afon Wysg Battery Energy Storage System by Pegasus Group July 2023;*
- *Built Heritage note: Afon Wysg Battery Energy Storage System by Pegasus Group July 2023;*

-
- *Bat Survey Report: Afon Wysg Battery Energy Storage System by RPS Group November 2023;*
 - *Pre-Application Consultation Report: Afon Wysg Battery Energy Storage System by Enso Energy July 2023;*
 - *Design and Access Statement: Afon Wysg Battery Energy Storage System by Enso Energy May 2023;*
 - *Landscape and Visual Assessment: Afon Wysg Battery Energy Storage System by Pegasus Group July 2023;*
 - *Preliminary Risk Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023;*
 - *Transport Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023;*
 - *Arboricultural Impact Assessment: Afon Wysg Battery Energy Storage System by Baron Hyett July 2023;*
 - *Battery Management Plan: Afon Wysg Battery Energy Storage System by Enso Energy July 2023;*
 - *Breeding Bird Survey: Afon Wysg Battery Energy Storage System by RPS July 2023;*
 - *Ecological Impact Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023;*
 - *Flood Consequences Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023;*
 - *Green Infrastructure Statement drawing nol P22-3216_EN_04 rev B by Pegasus Group;*
 - *132kV Substation drawing UH—1-P10;*
 - *General Site Elevations drawing UH-01-P15;*
 - *Context Site Location Plan UH-01-P17;*
 - *Landscape and Ecological Management Plan: Afon Wysg Battery Energy Storage System by Enso Energy July 2023;*
 - *Proposed Site Plan drawing UH-01-P02rev01;*
 - *Inverter drawing UH-01-P03;*
 - *Internal Access Road Detail drawing UH-01-P04;*
 - *Switchroom drawing UH-01-P05;*
 - *Control Room Elevations drawing UH-01-P06;*
 - *Battery Container Elevations drawing UH-01-P09;*
 - *CCTV Elevations drawing UH-01-P08;*
 - *Battery Fence and Gate Elevations drawing UH-01-P09;*
 - *Detailed Landscape Proposals drawing P22-3216_en_03revB by Pegasus Group;*
 - *Site Location Plan drawing UH-01-P01rev03.”*

Correspondence with NCC

On the 14th February 2025, we wrote to you on behalf of the Applicant to advise that amendments to the previously approved plans were required as efficiencies to the layout were identified during the construction design process. We confirmed that the proposed amendments would optimize the arrangement of the battery enclosures and facilitate better integration with the grid connection point.

Following further correspondence with you in February 2025, it was agreed that a Section 73 application would be the appropriate process to apply for the proposed amendments.

Site and Surroundings

The Site comprises land totalling approximately 4.5 hectares connected through an underground cable route to the point of connection at the National Grid Substation to the west of the Site.

The BESS Site is in the north-eastern area of the industrialised Uskmouth Power Station Site. It is currently occupied by the redundant cooling towers and infrastructure associated with Uskmouth B Power Station. The immediate context comprises hardstanding, amenity grassland, tree planting and internal access roads, with the Uskmouth B power station buildings located to the west. Perimeter fencing is located on the northern and eastern boundaries of the Site.

The Site is accessed using existing access roads from West Nash Road, leading to Nash Road and Meadows Road towards Newport with the M4 corridor beyond.

There are no public rights of way within the Power Station. The Wales Coast Path, running through the Newport Wetlands National Nature Reserve is located approximately 250m to the south of the Site with the closest point being adjacent to the Uskmouth Power Station gatehouse.

The Newport Uskmouth Sailing Club and Liberty Steelworks are located to the north; an area of woodland ('Julian's Gout Land') and Nash Wastewater Treatment Works are located to the east; RSPB Newport Wetlands reserve is located to the south; the River Usk estuary and Alexandra Docks are located to the west.

There are several overhead electricity transmission lines which intersect the Site and the local area. The National Grid Substation, where the Proposed Development will connect into the National Grid, is located to the west of the BESS site.

The Site is not covered by any statutory or non-statutory designations or assets that relate to biodiversity, landscape or cultural heritage.

Variation to Condition Sought

The purpose of this application is to amend the drawing list associated with the original planning permission to account for minor changes that have arisen during the detailed design and development process. These adjustments are necessary to enhance the efficiency and functionality of the BESS scheme. The proposed development will remain as approved under the description of development and the updated plans simply reflect a level of construction detail beyond planning approval.

It is proposed to amend the Plans Schedule referred to in Condition 1. The proposed amendments which form part of this submission are summarised below:

- Attenuation Basin adjustments – Detailed construction design has highlighted the need to relocate the attenuation basin further to the east within the green infrastructure area. The revised drainage design remains based on the principles and recommendations set out in the approved Flood Consequences Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023 and therefore complies with condition 22 of the planning permission and the recently approved details under condition 4. The Applicant's contractor has advised the Sustainable Drainage Approving Body (SAB) have engaged with NCC SAB via a technical advice session, NCC SAB have confirmed that the SAB approval remains valid based on the detailed surface water drainage design undertaken by Burroughs. This was formalised in an email to NCC SAB on 16th January 2025. This has resulted in the need to reconfigure the proposed green infrastructure in this area however the planting specifications previously approved remain the same.
- Sub-Station re-orientation – The previously approved substation orientation did not appropriately accommodate the correct direction of incoming HV connection. It has

therefore been necessary to rotate the sub-station to accommodate the grid connection. The sub-station remains within the allocated area of hardstanding within previously agreed mesh fencing and parking and access remains unaltered.

- BESS and Inverters – The previously approved layout provided a simplified view of the battery and inverter units. The revised layout and elevations have therefore been updated to provide the details of the chosen equipment. The BESS and inverters remain within the previously approved areas of hardstanding however due to technology and design efficiencies there is now a requirement for a reduction in battery storage components. The revised BESS and inverter details represent improved operational efficiencies.

The drawings shown in the right-hand column of table 1 below are proposed to be amended to consolidate the approved drawing pack.

Plan Type	Plan Approved under Condition 1 of approval 23/0949	Proposed Replacement Plans	Design Comments
132kV Substation	UH—1-P10	PSUK - 16219-230 - 132kV Compound GA (Issue for Planning) - P01	The orientation of the Switch room / Transformer has been swapped to accommodate the correct direction of the incoming HV connection. The sizes of the BESS Control Room and Switch room have also been updated. The Substation remains within the proposed compound area.
General Site Elevations	UH-01-P15	50624-BUR-GEN-XX-DR-C-0110 - P4.0	The site elevations have been updated to accurately show the reconfiguration of the substation and battery storage units.

Context Site Location Plan	UH-01-P17	N/A	No changes.
Proposed Site Plan	UH-01-P02rev01	50624-BUR-GEN-XX-DR-C-0101-S1-P9.0-General Arrangement - Year 1 (for information only)	Updated to show correct BESS and 132kV Compound Layout (correct sizes / orientation).
		50624-BUR-GEN-XX-DR-C-0102-S1-P4.0-General Arrangement - Year 6	Drainage Basin included (only previously shown on Flood Consequence Assessment / Landscaping Plans). Basin Shape and Position Adjusted to suit existing site conditions. As development will be phased a General Arrangement Plan for Year 1 has been provided for information however the Year 6 General Arrangement Plan is the final development outcome and replaces the previously approved layout.
Inverter	UH-01-P03	TWIN SKID COMPACT GEN3 WITH TANK + HEMK GEN3	Provides updated elevations of the Inverter type now confirmed being used for the scheme. Selected provider
Internal Access Road Detail	UH-01-P04	50624-BUR-HGT-XX-DR-C-0620-S3-P3.0-Typical Cross Sections Earthworks	An updated cross section drawing has been provided which provides additional details but remains in compliance with previously approved drawing.
Switch Room	UH-01-P05	PSUK - 16219-231 - Switch Room Elevations - P01	Updated to show slight increase in length/width.

Control Room Elevations	UH-01-P06	PSUK - 16219-232 - BESS Control Room Elevations - P0	Updated to show slight increase in length/width.
Battery Container Elevations	UH-01-P09	M120	Provides updated elevations of the Battery type now confirmed being used for the scheme.
CCTV Elevations	UH-01-P08	N/A	No Changes.
Battery Fence and Gate Elevations	UH-01-P09	50624-BUR-HFE-XX-DR-C-0350-S3-P4.0-Fencing Detail -P04	Fencing details remain in line with drawing previously approved however a more detailed drawing has been provided for completeness.
Detailed Landscape Proposals & Green Infrastructure Plan	nol P22-3216_EN_04 rev B	784-B068690 Detailed Landscape Design_Green Infrastructure Plan	The plan has been updated to accommodate the revised Attenuation Basin position. The plant species, type and numbers have been maintained from the original approval.
	P22-3216_en_03revB		
Site Location Plan	UH-01-P01rev03.	N/A	No Changes.

Table 1: Proposed Replacement Plans

Determining Issues and Considerations

Principle of Development

A 'minor material amendment' is one whose scale and nature results in a development which is not substantially different from that which has been approved. It is considered that the above changes can reasonably be considered to be 'minor material amendments' and therefore be processed as an application under Section 73 of the Town and Country Planning Act 1990 (as amended).

The proposed amendments would not affect the 'operative part' of the planning permission the principle of development or use proposed. The proposed changes would not be great enough to cause an impact different to that caused by the originally approved development scheme. They would also not result in a detrimental impact either visually or in terms of local amenity, would not disadvantage the interest of any third party or body in planning terms and would not conflict with national or development plan policies.

Policy compliance

Design and Appearance

The battery storage units and inverters will continue to be set out in uniform rows as was previously approved. Due to a reduction in the size of battery units and number of batteries required, design efficiencies have resulted in an overall reduction in proposed floorspace:

	Approved Layout	Amended Layout
No. of batteries	192	124
No. of inverters	48	21
Battery floorspace (sqm)	3102.7 (16.16 each)	1831.4 (14.77 each)
Inverter floorspace (sqm)	853.9 (14.79 each)	585.5 (27.88 each)

Table 2: Developed Area Comparison

The previously approved battery units were 2.6m in height in comparison to the revised battery units which are 2.89m in height. It is considered this increase in height is marginal particularly in the context of a fenced complex within an existing industrial site, and in comparison, to the 11m high cooling towers they are replacing. They remain low height structures against the much more considerably sized power station buildings that adjoin this application site. The containers will continue to be compatible with the wider industrial appearance of the site and will have a green finish (RAL 6005-Moss Green) as recently confirmed by the partial discharge of condition 7 (24/0990).

The substation orientation did not appropriately accommodate the correct direction of incoming HV connection. It has therefore been necessary to rotate the sub-station to

accommodate the grid connection. The sub-station remains within the allocated area of hardstanding and will remain contained within the previously agreed mesh fencing.

The proposals therefore remain compliant with Policy GP6 and the approved Design and Access Statement: Afon Wysg Battery Energy Storage System by Enso Energy May 2023.

Landscape and Amenity

The Landscape and Visual Assessment: Afon Wysg Battery Energy Storage System by Pegasus Group July 2023, submitted and subsequently approved confirmed there would be no significant effect on the Wales Coastal Path, this is because the proposals are separated from the path by intervening scrub and trees. The distance between the site and the path also means that views are restricted to the taller elements of the wider side such as the power station building and stack. The minor amendments proposed are insignificant in terms of wider landscape impact and would not change the previous assessment. This is because the proposals continue to be of a very similar size and design improvements have resulted in the need for a smaller quantity of battery units within the previously approved linear development areas.

The landscape mitigation proposals continue to include measures that aim to avoid, reduce, or remedy any perceived adverse impacts on the local landscape by ensuring the scheme is incorporated into the Power Station setting.

Biodiversity

As set out above, the relocation of the attenuation basin has resulted in the need to reconfigure the proposed green infrastructure in this area however the same area will still be provided for the biodiversity enhancements and the planting specifications previously approved remain the same.

An updated detailed biodiversity management plan accompanies this application and continues to include:

- Native hedgerow to surround the southern and eastern boundaries of the BESS;
- Dedicated area of wildflower meadow with scattered native tree planting;

-
- Attenuation feature seeded with an appropriate meadow seed mix tolerant of occasional water submergence;
 - Creation of invertebrate banks;
 - Areas of crushed stone sown with short ephemeral wildflowers.

The proposed biodiversity enhancements will therefore continue to be in compliance with the recently approved CEMP (24/0993), Arboricultural Impact Assessment: Afon Wysg Battery Energy Storage System by Baron Hyett July 2023, and Ecological Impact Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023.

The Applicant will also ensure compliance with the relevant landscaping conditions as previously approved (Conditions 12, 25 and 26).

Flood Risk and Drainage

As set out above, detailed construction design has highlighted the need to relocate the attenuation basin further to the north east. The capacity of the basin will remain unchanged. The revised drainage design remains based on the principles and recommendations set out in the approved Flood Consequences Assessment: Afon Wysg Battery Energy Storage System by RPS July 2023 and therefore continues to comply with condition 22 of the planning permission and the recently approved details under condition 4.

The original surface water drainage strategy and SuDS design report (Ref:021373) was prepared and issued by RPS in November 2023. Full-SAB approval was granted by Newport County Council (NCC) on 16th January 2024 (Ref: 23/0045/SAB). The Applicant's contractor has since engaged with NCC SAB via a technical advice session, NCC SAB have confirmed that the SAB approval remains valid based on the detailed surface water drainage design undertaken by Burroughs. This was formalised in an email to NCC SAB on 16th January 2025.

Condition 21 of the existing approval requires all site electrical infrastructure to have a finished ground level no lower than 9.75m AOD. Details of ground levels were recently submitted and approved under discharge of condition application 24/0990 and confirmed that ground levels will be raised to 9.75m by construction of a concrete slab. At the time the officer's report stated that the proposed height of the engineered platform would protect it from the AOD flood mitigation level and Natural Resources Wales confirmed no comment on the details. The proposed relocation of the attenuation does not alter ground levels.

Given the above, the minor amendments to the proposals are considered to remain compliant with local plan policy SP3 in terms of flood risk and surface water drainage.

Access and Parking

The officer's report for the original approval confirmed that the proposed construction of an access road into the new battery storage site from the existing site access road was minor in context and acceptable. The external access point to the site remains unchanged. There are no changes proposed to the internal site access apart from access to the substation has moved approximately 15m to the northeast to accommodate the reconfiguration of the substation. The proposed amendments will not impact the number of employees or the proposed number of parking spaces. The proposed amendments will not impact or change construction traffic, the impact of which has previously been assessed and is controlled by the recently approved CEMP (24/0993).

Given the above, the amended proposal is considered to remain compliant with the previously approved Transport Assessment and the traffic impact is therefore considered compliant with Policy GP4.

Ecology

Natural Resources Wales (NRW) previously confirmed that the based on the ecological surveys undertaken at the and the information submitted within the Shadow Habitat Regulation Assessment ("SHRA") that the proposed development was not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The recently approved CEMP provides a framework for the protection of environmental receptors during the development and operational phases. The period of higher construction noise relates to the construction of the BESS plateau which remains unchanged. The principles set out in relation to mitigation for wintering and breeding birds during construction will continue to be followed.

Similarly, during construction, the woodland, grassland and bankside will not be illuminated by artificial light during hours of darkness as is set out in the approved CEMP in relation to mitigation for bats, otters and badgers. This is also confirmed by the details approved under condition 6.

Other Matters

- Condition 13 of the existing permission will be carried over to ensure Battery Safety Management.
- The officer's report confirmed that the new build elements would not detract from the current character of the site and appearance of the historic site.
- Plant noise will continue to be managed by condition 27 to safeguard any sensitive receptors from noise disturbance. The proposed amendments will not result in a change in noise production. Noise during the construction period will be controlled by the approved CEMP (24/0993).

Conditions

As set out in the Development Management Manual in relation to Section 73 applications, where conditions require the approval of the LPA and that approval has already been obtained, the LPA should ensure the conditions are redrafted accordingly. We set out below the prior to commencement conditions attached to LPA ref: 23/0949 that have already been partially approved by NCC. We request that these conditions are amended to be in compliance with the approved documentation.

Condition	Application Ref.	Approved Materials
Condition 2 (Contamination)	24/1016	Preliminary Risk Assessment: • 784-B068873 Afon WSYG BESS PRA_issue • 784-B068873 Afon WSYG BESS PRA_Figures_issue • 784-B068873 Afon WSYG BESS PRA_Appendices_issue Factual Ground Investigation Report: • 784-B068873 Afon_Wysg_1Cond_Discharge_Factual_Rpt_V1.1_ISSUE • 784-B068873Afon_Wysg_1Cond_Discharge_Factual_Rpt_Plates_ISSUE • 784-B068873 Afon_Wysg_1Cond_Discharge_Factual_Rpt_Figures_ISSUE

		• 784-B068873 Afon_Wysg_1Cond_Discharge_Factual_Rpt_Appendices_ISSUE Controlled Waters Detailed Quantitative Risk Assessment (CW-DQRA) • 784-B068873_Uskmouth_BEES_DQRA_Final_Issue • 784-B068873_Uskmouth_BEES_DQRA_Figures_Issue • 784-B068873_Uskmouth_BEES_DQRA_Appendices_Issue Ground Investigation Interpretative Report • 784-B068873_Afon_Wysg_1_Cond_Discharge_GIR_Rpt_V1.0_Final_ISSUE • 784-B068873_Afon_Wysg_1_Cond_Discharge_GIR_Rpt_Final_Appendices_ISSUE • 784-B068873_Afon_Wysg_1_Cond_Discharge_GIR_Rpt_Final_Figures_ISSUE Reactive Remediation Strategy Report • B068873_Afon WSYG_Discovery Strategy_V1_Final • Fig 1 – 784-B068873-TTE-00-XX-DR-U-0001 Site Location Plan
Condition 3 (Slab, Retaining Wall and Pier details)	24/0990	• 50624-BUR-GEN-XX-DR-0110-S1-P2.0-Planning Site Elevations
Condition 4 (Drainage Strategy)	24/0990	• SUDS report P01 by RPS dated 23/11/23
Condition 5 (CEMP)	24/0993	• Uskmouth Power Station Afon Wysg 1 BESS CEMP VI Issue 06.12.24
Condition 6 (Lighting Details)	24/0993	• 784-B068897 Uskmouth Power Station Lighting 05Dec24
Condition 7 (RAL Colour)	24/0990	• 50624-BUR-HFE-XX-DR-C-0350-S1-P3.0-Fencing Details • RAL 6005 -Moss Green
Condition 8 (Construction Phasing and	24/0993	• The Construction Method Statement is included within the Uskmouth Power Station Afon Wysg 1 BESS CEMP V1 Issue 06.12.24

Logistics Method Statement)		
Condition 9 (Arboricultural Method Statement)	24/0993	• Arboricultural Impact Assessment and Method Statement 784-B068873 prepared by Tetra Tech.
Condition 10 (Tree Protection Plan)	24/0993	Condition 10 was partially discharged on the basis that no Tree Protection Plan was required as no trees within the development area are to be retained.

Conclusions

This submission confirms that the amendments are ‘minor material’ and that a Section 73 application is the appropriate mechanism to make these amendments, as confirmed by Newport City Council through pre-application correspondence.

The proposed amendments are minor in nature and do not significantly alter the overall design or impact of the approved scheme. We believe that these changes will not only improve the operational effectiveness of the BESS but also align with the objectives of sustainable energy development and local planning policies. Furthermore, we have conducted a thorough assessment to ensure that the proposed variations will not adversely affect the surrounding environment or the amenity of local residents.

The proposed amendments are key to ensure the buildability of the development which has already been approved due to the apparent sustainable and economic benefits of energy storage on a brownfield site within an existing industrial location with existing supporting infrastructure.

This letter and the information supporting this application demonstrate that the proposed variation of condition accords with local and national planning policy and legislation therefore constituting sustainable development which will deliver clear environmental, social and economic benefits. The Applicant asks that the Council gives the application expeditious and favourable consideration.

The application has been submitted via the Planning Portal and has been given the reference: PP-13851343. The requisite application fee of £230 has been paid separately via BACS to

NCC. I trust you have sufficient information to validate the application and look forward to receiving confirmation in due course.

I trust that the enclosed documents provide the necessary information to enable your Authority to determine the application and I look forward to receiving formal acknowledgement that the application has been validated in due course. However, should you require any further information or clarification in relation to the submission, please do not hesitate to contact me.

Yours sincerely



Emma Reid, BSc (Hons) MSc MRTPI

Associate Planner

For and on behalf of TetraTech Ltd