

Ein cyf/Our ref: CAS-281781-M2C2
Eich cyf/Your ref: 25/0407

Newport City Council
Civic Centre
Newport
NP20 4UR

Dyddiad/Date: 19 June 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: REMOVAL OF STORED PULVERISED FUEL ASH (PFA) AND THE INSTALLATION OF A NEW BATTERY ENERGY STORAGE SYSTEM (BESS) WITH ALL ASSOCIATED DRAINAGE, INFRASTRUCTURE, ENGINEERING AND ASSOCIATED UTILITIES CONNECTIONS

LLEOLIAD/LOCATION: LAND AT USKMOUTH POWER STATION, WEST NASH ROAD, NASH, NEWPORT, NP18 2BZ

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 30 May 2025.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk, land contamination, controlled waters and ornithology. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding land contamination and controlled waters, designated sites and protected species should be attached to any planning permission granted. Without the inclusion of this/these conditions we would object to this planning application.

We received a statutory pre application consultation notice for this proposal under Article 2D of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2012. We provided a substantive response to that consultation on 21 May 2025.

A copy of our response to the statutory pre-application consultation is contained in Appendix E of the pre-application consultation report submitted to support the application and is attached for your convenience.

Flood Risk

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

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

We advise our pre-application advice in our response dated 21 May 2025 remains and refer you to it for our full advice.

In summary:

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

The requirements for overtopping and breach are now more explicit in the new TAN and are covered within Sections 4.5, 6.8, 10.13 and 10.26 and Figure 2. Overtopping and/or breach if required for a FCA is the 'design event' as per paragraph 10.26, with reference to Figure 5 of the TAN. To accord with the revised TAN15 and to gain a full understanding of the risks and consequences to the proposed site, a breach assessment should be undertaken. We would recommend that a breach scenario is assessed for a complete FCA.

The sea defences are almost 2km from the site, and it is more likely for an embankment (soft defence) to breach compared to a wall (hard defence). Therefore, the FCA for this development will need to assess the embankment to the site and substantiate why a breach assessment is not required as it would overtop beyond its 0.5% standard of service.

Therefore, our advice to you is that the FCA is incomplete. The advice in paragraph 10.24 of TAN15 is clear *'In zones 2, 3 and TAN 15 defended zone developers must undertake a flood consequences assessment proportionate to the nature and scale of the proposal. Before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the principles set out in section 8, where they are not satisfied, planning permission should be refused.'*

Therefore, in accordance with paragraph 15.4, we advise you to use your powers to request the above information identified.

Should you be minded to go against our advice, you should inform us at the earliest opportunity prior to granting consent and allow sufficient time for us to make further representations.

Please note, if an amended FCA is not submitted or any subsequent amended FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we are likely to object to the application

Land Contamination and Controlled Waters

The site is located on a secondary aquifer and potentially in hydraulic connection with the River Usk, a designated Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Ramsar site. We therefore consider the controlled waters at the site to be highly sensitive and vulnerable to contamination (historical and new sources) and pollution.

We note the following documents appear to be the same documents as those reviewed at pre-application stage.

- 'Afon Wysg 2 – Geo-Environmental and Geotechnical Desk Top Study' by Tetra Tech Limited, Project Number: 784-B070804, dated April 2025.
- 'Drainage Strategy Report – AW2 BESS, Uskmouth' Revision P2.0 by Burroughs dated April 2025.

We note the PAC report confirms that the slab will be removed. However, our request for further information as to the PFA disposal location and risk to controlled waters has not been responded to. Our comments regarding Per- and polyfluoroalkyl substances (PFAS) and Perfluorooctane Sulfonate (PFOS) remain.

As no new information has been provided, we continue to advise the following suite of land contamination conditions and informatives are imposed on any planning permission granted.

Condition

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

1. A preliminary risk assessment which has identified:
 - a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors
 - d. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Justification: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition

Prior to the operation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Justification: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to operation. To prevent unacceptable risks to controlled waters and ecological systems.

Condition

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

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

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

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

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Informative/ advice to applicant

Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in Land contamination risk management (LCRM)
2. Refer to 'Land Contamination: a guide for developers (WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our groundwater protection advice on www.gov.uk

Informative/ advice to applicant

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Informative specific for PFAS and PFOS sources on site

Site owners and operators should therefore anticipate changes to existing regulation and new regulation and consider these in terms of any compliance obligations. This is akin to the idea of 'hitting the ground running' which will help sites impacted with PFAS proactively manage related environmental risk and liability factors. The adoption of due diligence principles, for short to longer term environmental risk management, are considered relevant and sound good practice; these principles may include investigating the following:

- Developing a comprehensive understanding of the nature, extent, and use of PFAS chemicals at a particular facility. This may have included the storage and use of Aqueous Fire-Fighting Foams (AFFFs) which are known to contain a range of PFAS chemicals.
- Investigating and characterising those areas where PFAS has been used. This may include the development and implementation of a bespoke sampling and monitoring plan so that the nature and presence of PFAS can be adequately characterised.
- Developing a robust understanding of the environmental risks that both current and legacy PFAS may pose at a particular facility, largely through the source-pathway-receptor linkage model. NRW's Geoscience Team recognises the complexities between significant time frames (decades) of activities and the persistent nature of PFAS as the combination of the two results in a need for increased scrutiny of site conditions and longer-term dynamics and behaviours (for example PFAS fate and transport and a changing climate).

- Assessing the nature and significance of PFAS replacement chemicals for particular processes and activities at a particular site and the environmental, toxicological and human health information held on such chemicals.

Desk Study

- Which PFAS compounds are expected to be encountered at the site based upon information gathered from the desk stop study, i.e. are details of certain PFAS sources stored on site, available in the site history or are there certain PFAS compounds associated with activities undertaken at the Site for certain periods of time.
- What activities were performed at the site, and where, which may have resulted in PFAS impacts or releases to ground? Also prudent to consider the accumulation of chemicals within drainage infrastructure.
- Are there any other potential sources that could be present at the site? What are ambient concentrations away from known source areas? Note understanding ambient concentrations of PFAS will be essential for risk assessment given the lack of regulatory standards over the time period over which impacts have taken place.

Sampling & Monitoring

- Specific details as to what precautions have been taken to reduce as far as possible the risk of cross-contamination when installing monitoring equipment and carrying out sampling across the site.
- Specifying the analytical suite and analysis used to detect PFAS.
- A rationalisation of the sampling strategy employed. Given the hydrophobic and hydrophilic parts within PFAS structures, it's likely that PFAS would sit at the water table. Some initial research recommends that when undertaking groundwater sampling for the purpose of assessing PFAS, it could be prudent to select a number of boreholes which are screened close to or across the water table but also at varying depths to gain a meaningful understanding of PFAS distribution in a vertical sense; ideally different increments within different boreholes to avoid cross contamination.
- Given some of the former uses of PFAS such as in firefighting, it is considered that concrete and drainage channels and sumps can act as important secondary sources of PFAS but can also facilitate the spread of PFAS. Based on this, sampling of drainage areas / networks including residue silt or sediment is recommended.
- Consideration of contaminant mixtures particularly with non-aqueous phase liquids (NAPL).

Please note: the design and scope of any investigation is the decision of the applicant and must be appropriate to the application site. We recommend the applicant review the following guidance document when considering PFAS investigation and management:

- Nathanail, C P, Williams, G and Nathanail, J F (2024) *Good practice guidance: some per- and polyfluoroalkyl substances (PFAS) in soil and the water environment*, C819m, CIRIA, London, UK (ISBN: 978-0-86017-965-8).

Ornithology

We note the PAC report states '*Surveys for breeding birds and a Shadow HRA are currently underway and will be submitted with the application*'. No breeding bird surveys have been undertaken. We are therefore unable to comment on this aspect.

Drainage

Our pre-application advice remains.

Designated Sites

Newport Wetlands SSSI and National Nature Reserve (NNR), the River Usk Special Area of Conservation (SAC) and SSSI and the Severn Estuary SSSI, Special Protection Area (SPA), SAC and Ramsar are all located within 300m of the proposal site.

At pre-application stage we advised that the proposal has the potential to disturb the wintering waterbird features of the Severn Estuary SPA and Ramsar site; however, we agree with the PEA which recommends that an agreed Construction Environmental Management Plan (CEMP) should be in place prior to works commencing. We would request the following condition be attached to any planning permission granted.

Condition

No development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP should include, but not be limited to:

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact detail.
- Landscape/ ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

In preparing a CEMP, we advise the applicant to refer to the relevant guidance for pollution prevention [Guidance for Pollution Prevention \(GPP\) documents](#) which may be found on the [NetRegs website](#). There is also information on our website on [reporting environmental incidents](#). We also advise that any CEMP includes best practice measures for biosecurity, for example, ensuring that all equipment, machinery, vehicles and contactor PPE are in a clean condition prior to arrival onsite to minimise the risk of the introduction of invasive non-native species.

Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)

We advise that the proposal will need to be considered under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). We note the PAC report states that a shadow Habitats Regulations Assessment (HRA) is to be submitted with the planning application, however, none is available.

Your Authority is the Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2017. As such, you must not agree to any plan or project unless you are certain it will not adversely affect the integrity of a SAC, SPA and Ramsar.

Your Authority should carry out a test of likely significant effects (TLSE) for the SACs, which is required under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. This test applies to impacts on the SACs, SPA and Ramsar from the proposed works, either alone or in combination with other plans and projects.

If the test concludes there is likely to be a significant effect then an Appropriate Assessment of the impacts on the SACs, SPA and Ramsar from the proposed works, either alone or in combination with other plans and projects, will be required. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC/SPA/Ramsar site.

Advice - Battery Energy Storage System Fire Risk

The proposed scheme involves the storage of large battery systems contain lithium ion electrolytes and hydrocarbons which have the potential to cause pollution in the event of fire at the site as a result of battery failure.

We are not the expert body to advise as to whether measures proposed by the applicant to minimise the risk of fire, or to suppress a fire at the site are adequate. We recommend that you seek advice from a Battery Energy and Electrical process safety expert and the relevant Fire and Rescue Service in determining whether the proposed measures to minimise the risk of fire, and to suppress a fire at the site are adequate.

You may also wish to consult the below guidance in relation to such matters:

- The National Fire Chiefs Council (NFCC) provide [Grid Scale Battery Storage System Planning](#) guidance;
- HSE guidance [on managing health and safety in grid scale electrical energy storage systems](#) which includes an assessment of the principal hazards.
- CIRIA C736 - Design of containment systems for the prevention of water pollution from industrial incidents.

Before determining the planning application, you should be satisfied that in the event of a fire all contaminated firewater can be fully contained on site and cannot enter the wider environment. We advise that measures to avoid pollution from contaminated firewater should be clearly set out by the applicant and provide sufficient detail in support of the planning application. This should include demonstration, to your satisfaction, that:

- thermal runaway detection equipment, automated alert systems, automated fire suppression systems and planned responses to a fire are adequate in detecting and prevent the spread of fire. The relevant Fire and Rescue Service may advise you on these matters.
- there is sufficient spacing between units to help to prevent further spread of fires;
- contaminated firewater and foam run-off is prevented from infiltrating the ground or any offsite drainage networks with the use of impermeable surfaces, secondary containment and sealed drainage systems;
- the scheme includes sufficient storage capacity to contain contaminated firewater in the event of a fire. The relevant Fire and Rescue Service may advise you on what they consider to be adequate storage capacity;
- Notwithstanding the wider TAN15 considerations, where the site is proposed within a flood risk area, the risk of fire from battery exposure to a flood event has been avoided, and the proposed method of containing contaminated firewater will operate effectively without the risk of pollution;
- the proposed method of transporting contaminated firewater off-site will be effective, including under the prevailing conditions of a fire at the site;
- adequate post event cleanup and environmental remediation has been considered and planned.

Protected Species

We note that no new information has been submitted in relation to protected species, Therefore our pre-application advice is still relevant. We advise conditions in relation to a CEMP and Lighting Plan are included on any permission your authority is minded to grant.

Condition

Construction Environmental Management Plan (please see above)

Condition - Lighting Plan

Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Drawings setting out light spillage in key sensitive areas, particular the balance ponds and surrounding habitats to the west and the woodland and scrub habitats at Newport Wetlands to the south
- Details of lighting to be used both during construction and/ or operation
- Measures to monitor light spillage once development is operational

The lighting shall be installed and retained as approved during construction and operation.

Justification: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected Species and their habitats.'

With regards to GCN, we note the 'Great Crested Newt Survey Report' has been updated (May 2025). All surveys completed of the site and surrounding water bodies have been negative for great crested newt. We therefore have no comments to make on the species.

Internal Drainage District

Our pre-application advice remains.

Other Matters

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

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

Advice for the Developer

Permits

As advised above, in addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured.

We advise the proposed BESS activity does not require an environmental permit to authorise its operation.

The proposed site incorporates land within the boundary of an extant installation environmental permit (SIMEC Uskmouth Power Limited - EPR/LP3131SW). This environmental permit will need to be surrendered, in full or partially.

We recommend early consultation with the relevant permitting teams to ensure all permits are in place prior to commencement of development.

Waste

The fate of the pulverised fuel ash should be discussed with Waste Regulation officers as soon as practicable, se.waste.queries@cyfoethnaturiolcymru.gov.uk

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

Yn gywir / Yours faithfully,

Annabelle Evans

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