

Our Ref: 2774-01/AR

9th April 2020

Planning and Building Control
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BY EMAIL ONLY: h.bowen@neath-porttalbot.gov.uk;

Dear Ms Bowen

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING REQUEST

MARGAM GREEN ENERGY PLANT, PORT TALBOT, SA13 2NW

We are writing on behalf of our client, ECO2 ("the Applicant") to request a formal Screening Opinion under Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (hereafter referred to as 'the EIA Regulations') in relation to an application to be made under Section 73 of the Town and Country Planning Act 1990 ("the application") to vary planning permission reference P2016/0949 which permits the construction and operation of the Margam Green Energy Plant ("MGEP").

To assist in your adoption of a Screening Opinion, and in accordance with Regulation 6(2), we have provided a plan showing the location of the land to which the application relates, a summary of the proposed application and a brief description of the likely effects that the application will have on the environment.

We then set out our view on whether the Proposed Development is considered to represent EIA Development.

Site Location and Context

The MGEP is located off Harbour Way, Margam, Port Talbot, approximately 300m to the west of the A48, which runs northwards into Margam alongside the M4 from junction 38. To the south of the consented MGEP is an area of wet woodland. To the west, beyond the consented MGEP, lies an extended area of marshy grassland and dense scrub and woodland. A major drainage watercourse called the Upper Mother Ditch is also located to the west. The edge of the urban area of Margam is located to the north of the Site beyond the newly constructed Peripheral Distributor Road (Harbour Way) and a series of sports pitches. To the east of the site lies a balancing pond associated with the access road which leads from the A48 to the MGEP and the other developments located to the south of the MGEP.

The wider development area is set within an industrialised landscape with another Biomass Plant (Western Wood Energy Plant which became operational in March 2008) and the British Oxygen Co (BOC) located beyond the wet woodland to the south of MGEP. The London to Swansea railway line is situated 500m to the west, with the steelworks immediately beyond that to the west and stretching to the north-west.

Construction of MGEP started in 2017 and the facility became fully operational in 2019.

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The Site is not covered by any designations and is located within Flood Zone B.

Planning History

The MGEP was originally approved on appeal in 2008 (ref: 2008/1409). A second full application was submitted and approved in 2014 (ref: P2014/0705) to reflect changes to site layout and design. Since that time numerous planning applications have been submitted to allow for additional on-site development and amendments to approved schemes and drawings. The planning history for the site is set out in the following table.

Application Reference	Root Application	Section of TCP act	Details	Date Approved
Main Biomass Facility – Principal Permissions				
P2014/0705	n/a	s.70	Construction of 40 MW biomass power station	08/10/2014
P2016/0236	P2014/0705	s.73	Variation of conditions 14 & 17 in relation to details of Air Monitoring and restricted hours of construction.	12/05/2016
P2016/0788	P2016/0236	s.96	Non-material amendment application to Condition 10 of P2016/0236 to extend construction working hours	07/10/2016
P2016/0949	P2016/0236	s.73	Variation of condition 16 (to list drawing numbers to amend the approved drawing to accommodate minor material changes to the development.)	14/02/2017
P2016/0789	P2016/0236	s.96	Non-material amendment to the wording of Condition No 16 of P2016/0236 to allow the substitution of amended drawings	08/11/2016
Main Biomass Facility – Conditions Discharge				
P2014/0807	P2014/0705	n/a	Details pursuant to condition 2 (materials)	30/10/2014
P2014/0905	P2014/0705	n/a	Details pursuant to condition 3 (monitoring and mitigation of construction and operational noise)	03/10/2014
P2014/0752	P2014/0705	n/a	Details pursuant to condition 6 (pollution prevention method statement)	30/10/2014
P2014/0920	P2014/0705	n/a	Details pursuant to the discharge of Condition 8 (scheme for treatment and removal of suspended solids from surface water run-off)	24/11/2014
P2014/0790	P2014/0705	n/a	Details pursuant to condition 9 (foul drainage) and 10 (surface water drainage)	31/10/2014
P2014/0661	P2014/0705	n/a	Details to be agreed in association with Condition 15 (highways works)	30/10/2014
P2014/1066	P2014/0705	n/a	Details pursuant to condition 16	18/11/2014
P2014/0421	P2014/0705	n/a	Details pursuant to conditions 18 (Ecological Mitigation)	30/10/2014

			Strategy) 19 (Reptile Capture and Mitigation) 25 (Landscaping Scheme)	
P2016/0001	P2014/0236	n/a	Details to be agreed in association with condition 1 (External Lighting Details	19/01/2017

The principal planning permission which the MGEP operates under is P2016/0949, which has been subject to non-material amendment P2016/0789.

Description of the Application

The application will be made under Section 73 of the Town and Country Planning Act 1990 to not comply with conditions previously attached to permission reference P2016/0949. Following a review of the operative permission, and associated approved schemes, it has become evident that there are a number of conditions which need to be amended in order to ensure the development is undertaken in full compliance with the permission. The relevant matters which the application will seek to resolve can be categorised as:

- A number of the planning conditions contain time limitations within which schemes need to be submitted, these timescales have now elapsed preventing schemes from being submitted. These conditions relate to noise and air quality compliance reporting. The Applicant has prepared schemes to demonstrate compliance and intends to submit these within the application.
- Delivery of an alternative landscaping scheme and associated Landscape and Ecological Management Plan ("LEMP") to that currently proposed.
- Inconsistent and conflicting references to drawings, reports and schemes within conditions.
- Conditions which are no longer relevant now the development is fully operational.

Of particular relevance to this screening request is the fact that none of the amendments proposed would result in additional development at the site or changes to the operational impacts of the MGEP.

The modifications to be included within the application are as follows:

- Replacement of **Condition 2, 6, 7, 15, 16** and relevant references within **Condition 26**, which all relate to the implementation of the landscape scheme and the LEMP, with a single condition which requires the full implementation of a submitted revised LEMP and landscape scheme which integrates all of the requirements set out in the various replaced conditions.
- Submission of a Noise Monitoring and Assessment scheme which was required by **Condition 4** (now not possible through a conditions discharge application due to the time limitations set within that condition).
- Submission of an Air Quality Monitoring report which was required by **Condition 5** (now not possible through a conditions discharge application due to the time limitations set within that condition).
- Removal of **Condition 10 and 11** which relate to construction phase controls, that are now not required.
- Removal or re-wording of **Condition 12** relating to surface water and foul water details to ensure the correct scheme is referenced, noting that the details of the implemented surface water drainage scheme are listed as an approved drawing under Condition 26.

- Removal of **Condition 23** which is not required due to the ownership of the site now being under the sole control of ECO2 and other relevant considerations which render this condition unnecessary.

EIA Screening

None of the proposed modifications to the wording of conditions or the submissions which will be made as part of the application i.e. revised landscape scheme and LEMP, noise and air quality schemes, would constitute development under Section 55 of the Town and Country Planning Act 1990. Furthermore, the modifications proposed to the conditions would not result in any changes to the current operation of the MGEP or give rise to any new or materially different environmental effects (significant or otherwise) taking into account all of the factors set out in Schedule 3 of the EIA Regulations.

The revised landscape scheme will be designed to continue to give rise to landscape and ecological benefits and any changes resulting from the modified scheme would not have any effects on designated features or protected species.

The noise and air quality schemes are being submitted to demonstrate that the facility operates in compliance with the originally anticipated environmental performance criteria.

The other modifications proposed are simply to ensure internally references within the permission are consistent and remove any conditions which are now extraneous.

On the basis of the foregoing it is considered that approval of the application would not give rise to any significant environmental effects, either directly or indirectly, and so would not comprise an EIA application requiring the submission of an Environmental Statement.

We trust that the contents of this letter along with the attached plan are sufficient to aid you in adopting a screening opinion. We look forward to receiving your response within the statutory three-week period; in the meantime, please do not hesitate to contact us should you have any queries.

Yours faithfully,



Andrew Russell
Technical Director

Encl.: Figure 1 Site Location

Cc: Nicola Lake, Neath Port Talbot Council (by email)
Dafydd Williams, ECO2 (by email)
Peter Williams, ECO2 (by email)