

PLANNING STATEMENT

Plas Farm, Rhos

June 2020



Summary

Proposal:

Certificate of Lawful Development for the retention of biomass boiler

Location:

Plas Farm, Rhos, Pontardawe

Date:

June 2020

Project Reference:

S20.190

Client:

D.R. & R.H. Bowen

Product of:

Asbri Planning Ltd

Suite D

1st Floor

220 High Street

Swansea

SA1 1NW

Prepared by:

Richard Bowen – Director

Approved by:

Phil Baxter – Director

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1. Introduction

- 1.1 This Planning Statement has been prepared on behalf of D.R. & R.H. Bowen to accompany an application for a Certificate of Lawfulness for the retention of a biomass boiler housed within existing building on land at Plas Farm, Rhos, Pontardawe.
- 1.2 The biomass boiler was installed in late June 2014 at the site and has been continuously operational for a period in excess of 4 years from that date, without the benefit of planning permission. As such, the use is immune from enforcement action by virtue of the provisions set out in Section 171B of the Town and County Planning Act 1990. This application seeks formal confirmation of the above by conferring lawfulness of the existing boiler and making the development legally "lawful".
- 1.2 The application is accompanied by a Site Location Plan, copies of both delivery receipt of the boiler and commissioning report which are included as appendices to this Statement.
- 1.3 This Statement is subdivided into five sections, including this introduction. Section 2 outlines the site context whilst Section 3 provides a description of the existing planning history at the site, and the need for this application. Section 4 provides an appraisal of the application, before drawing to a conclusion at Section 5.

2. Site Description

- 2.1 Plas Farm is a 120 acre (49 hectare) working farm [Holding Number 59/143/0034] on the eastern slopes of Mynydd Marchywel in the parish of Cilybebyll. The application site is located to the south of the village of Cilybebyll, on the eastern side of a road which is unnamed. A copy of the site location plan is included at Appendix A.
- 2.2 The farm complex lies at the heart of the 120 acre farm and is accessed from Plas Road at the junction with Cwm Nant-Llwyd Road to the East. A 320m long farm track links the farm access to the main farm complex. The farm access track also provides access to the Plas Cilybebyll Manor House which forks from the track at approximately half way along.
- 2.3 The main farm complex is approximately 0.7 hectares and comprises of 7 holiday cottages (single storey and two storey) - 4 of which were converted from original outbuildings of the Plas Cilybebyll Manor House, 2 which have been completed recently following a successful planning appeal and 1 of which was purpose built in 2006. Of the 3 remaining buildings which make up the farm complex 2 will be subject to further applications for conversion whilst the remaining building is an agricultural barn which is to be retained.
- 2.4 Surrounding land uses are agricultural/rural in nature – typical of the location outside the recognised limits of the nearest settlement.
- 2.5 The biomass boiler in question is located in an existing portal framed, agricultural building situated on the farm complex. The building is located to the south of the existing access road which serves the main farm complex and on the western banks of the Afon Clydach which flows through the centre of the Plas Farm complex.
- 2.6 The building is used to house the biomass boiler, animal feed and various other implements and materials associated with the operation of the farm and tourism business.
- 2.7 The precise location of the agricultural building is identified as Building No.7, on the site masterplan which is shown overleaf as Figure 1.

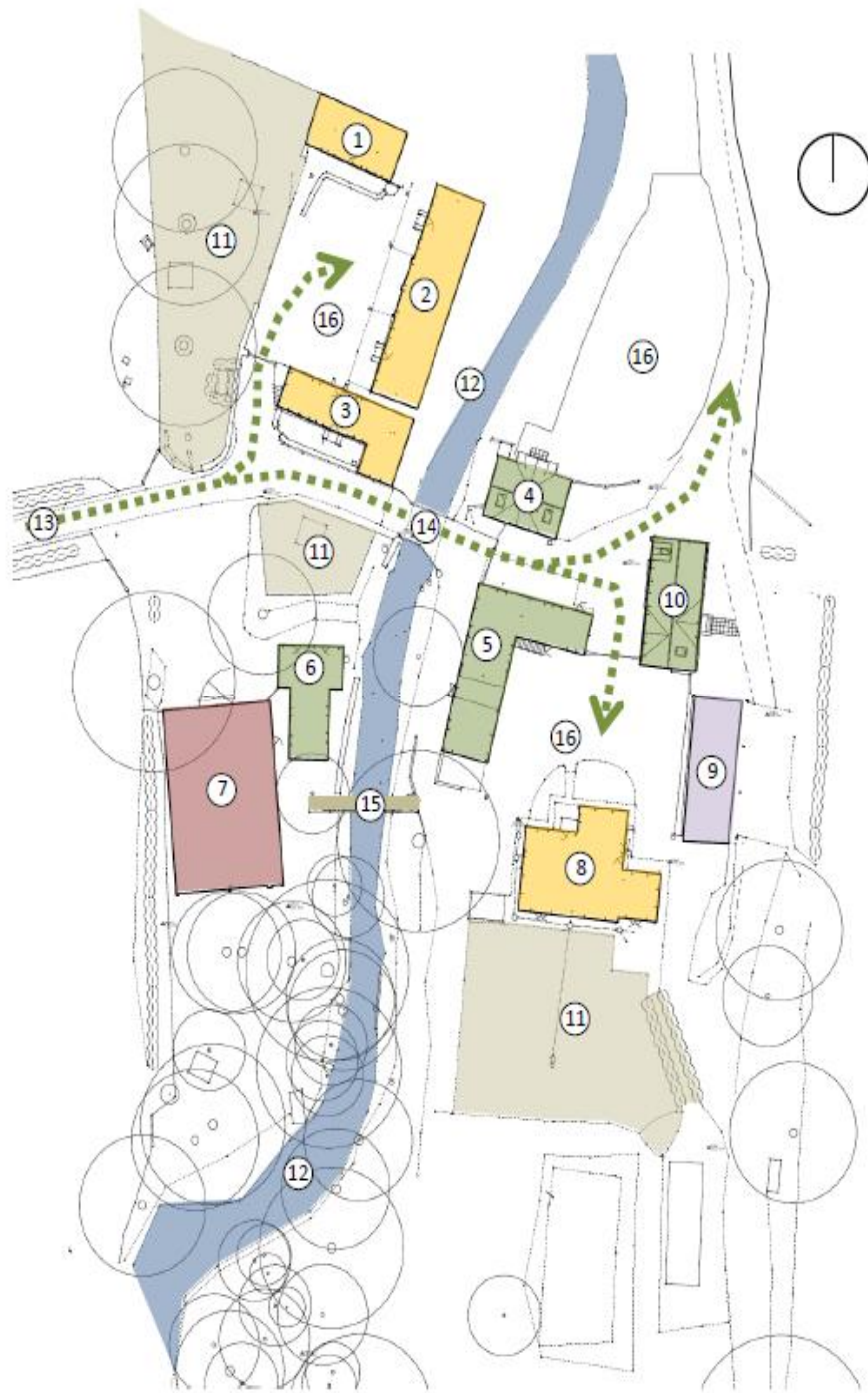


Figure 1 - Site Masterplan

3. Description of Application

- 3.1 This application seeks a Certificate of Lawful Use for the for the retention of a biomass boiler which is housed within an existing agricultural building which is located at the complex of buildings which makes up Plas Farm, Rhos, Pontardawe.
- 3.2 The wider application site at Plas Farm has an extensive planning history essentially related to its development as a holiday accommodation complex which is summarised below;
- L1993/0378 - Proposed conversion of redundant outbuilding to holiday let accommodation - Plas Farm, Cilybebyll, Pontardawe, Lliw Valley
 - P1999/1171 - Conversion of two number outbuildings into recreational holiday dwellings - Plas Farm, Pontardawe, Swansea, SA8 3JQ
 - P2003/0783 - Conversion of one domestic dwelling into two holiday cottages - Plas Farm, Pontardawe, Swansea, SA8 3JQ
 - P2004/1151 - Barn conversion to domestic dwelling - Plas Farm, Pontardawe, Swansea, SA8 3JQ
 - P2012/0860 - Change of use and alterations to 2 No barns into tourist accommodation - Plas Farm, Pontardawe, Swansea, SA8 3JQ - Appeal Ref: APP/Y6930/A/13/2201630
 - P2013/0659 - Change of use of 2 no. barns into tourist accommodation including external alterations (Amendments to refused planning application P2012/0860) | Plas Farm, Pontardawe, Swansea, SA8 3JQ
- 3.3 As a result of the various developments of the Plas Farm site for tourist accommodation, the applicants set out to seek a sustainable and efficient energy source for heating the tourist and existing residential/agricultural buildings.
- 3.4 A decision was made to purchase a commercial 150kw biomass boiler system which would be house in the existing agricultural building which was already available on the site and afford the best operational location of the boiler.

4. Appraisal

- 4.1 The applicants as set out above, made a decision in 2014 to provide a sustainable and efficient heating system at Plas Farm. The heating system was required to service the existing farm buildings and holiday cottage complex which had developed over time and also was designed to future proof further development which is planned at the site and currently ongoing.
- 4.2 Wood Energy Ltd, a Gloucester based engineering-led organisation with significant experience of designing, installing, commissioning and maintaining large and complex biomass systems across practically every industry were commissioned by the applicants to lead the project.
- 4.3 Hargassner Heiztechnik MIT were selected as the biomass boiler technology provider as a result of their strong working relationship with Wood Energy Ltd. Attached at Appendix B is a copy of the boiler delivery note (REF: 28037) dated the 18th June 2014 from Hargassner Heiztechnik MIT to Wood Energy Ltd with Plas Farm as the intended location.
- 4.4 Following delivery of the boiler to the UK in mid-June 2014, it was transported by Wood Energy Ltd to the site at Plas Farm. The biomass boiler was located in the existing agricultural building which is located within the farm complex as shown on the location plan at Appendix A. The large portal framed building is used for the storage of agricultural equipment, feed, etc which was linked to the agricultural operation of the farm holding. Only a small portion of the buildings internal floor area was set aside for the location of the new biomass boiler. A series of photographs at Appendix C show the installation of the biomass boiler by Wood Energy during the latter part of June 2014.
- 4.5 Upon completion of the initial installation of the biomass boiler, Wood Energy Ltd as part of their service commissioned the operation of the boiler on the 30th June 2014. A copy of the Wood Energy Ltd Commissioning Report (Report Ref: XX/012A345/001/1) is attached at Appendix D. The boiler has continually operated from June 2014 to the present.
- 4.6 I would draw attention to Section 171B of the Town and Country Planning Act 1990 (as amended) (hereon referred to as the 'Act') states that:

“(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of

four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach."

- 4.8 In addition, relevant case law has identified that, no enforcement action may be taken after the end of the period of four years beginning with the date on which the installation and subsequent operation of the boiler were substantially completed.
- 4.9 As the boiler installation was completed in June 2014 and has been operational to the present day, the four-year period for immunity from enforcement action was achieved in July 2018.
- 4.10 As such, based on the relevant test that on the "balance of probabilities", there can be no reason to doubt that the biomass boiler was installed at the end of June 2014 and has been continuously operational to the present day in excess of the four-year period.

5. Conclusion

- 5.1 This Planning Statement has been prepared on behalf of D.R. & R.H. Bowen in respect of an application for a Certificate of Lawfulness for the retention of a biomass boiler housed within an existing agricultural building on Plas Farm, Rhos, Pontardawe.
- 5.2 Documentary evidence has confirmed the biomass boiler was installed and became operational at the end of June 2014.
- 5.3 Section 171B of the Town and Country Planning Act 1990 (as amended) identifies that no enforcement action may be taken against a breach of planning control comprising of operational development after the end of the period of four years beginning with the date on which the operations were substantially completed.
- 5.4 The factual supporting information accompanying this application has confirmed that the development was completed at the end of June 2014 and has been continuously operational since this date. The development is immune from enforcement action and is, therefore, lawful.
- 5.5 In light of the above, it is respectfully requested the applicant has satisfied the relevant "balance of probabilities" test relevant to such applications and that the Certificate be granted.

Appendix A

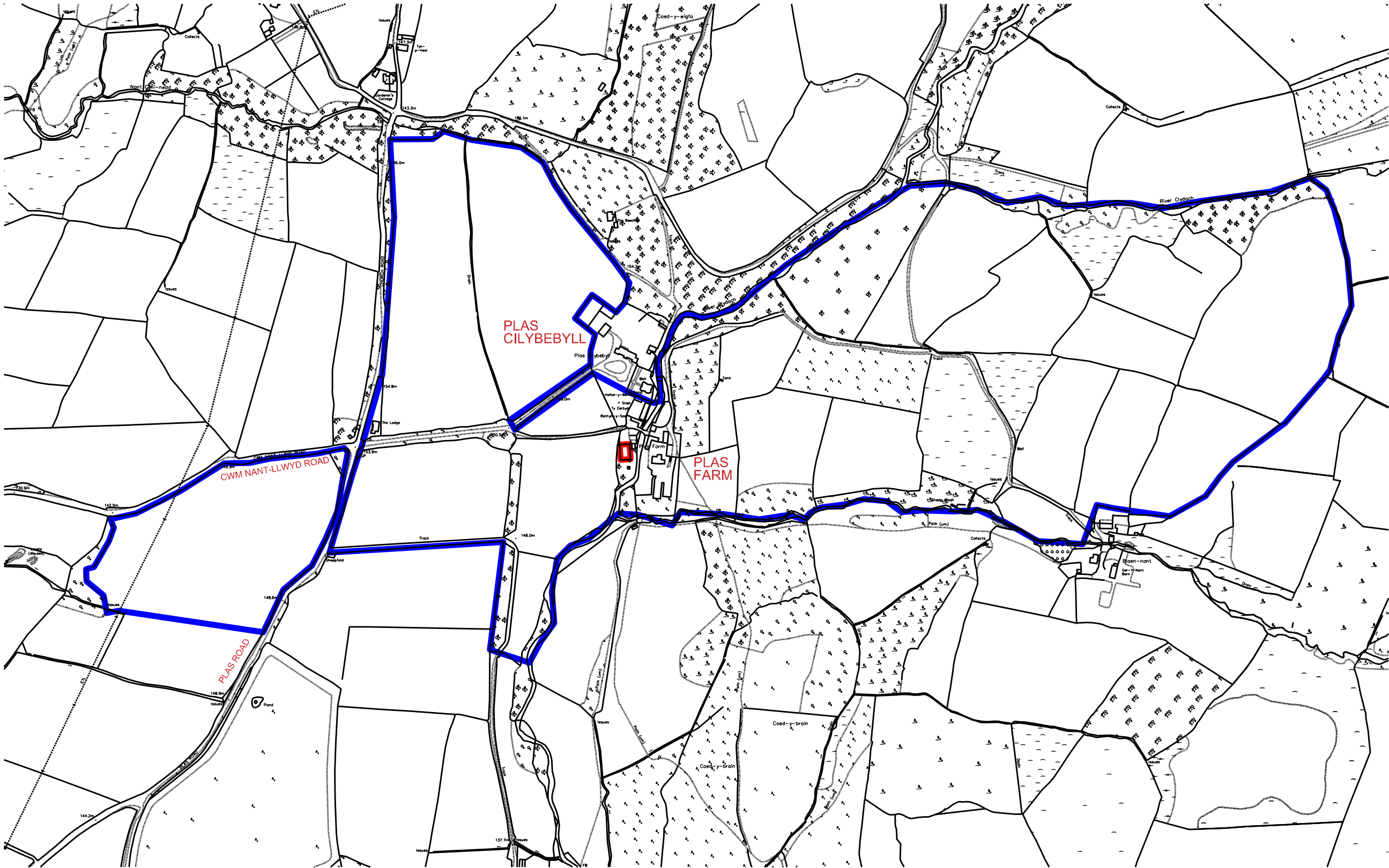
Notes:

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This drawing is to be read in conjunction with all other relevant project drawings, specifications and schedules prepared by Rio Architects Ltd and any other relevant consultants, specialists or subcontractors.

CDM notes are provided to assist the contractor in managing residual hazards identified during the design stage. Any such notes do not relieve the contractor of their duties under all relevant CDM Regulations.



Rev	Description	Rev'd	Chk'd	Date

STATUS: PRE APPLICATION

SUITABILITY NUMBER KEY:	
WIP	DOCUMENTATION - SIGN-OFF
SHARED	A - Fit for construction
S1 - Fit for co-ordination**	B - Fit for construction, with comments
S2 - Fit for information	ARCHIVE
S3 - Fit for internal review and comment	AB - As Built
S4 - Fit for construction approval	FC - Final Construction
DOCUMENTATION	
D1 - Fit for costing	* For internal pre-issue usage only.
D2 - Fit for tender	** For model file usage only.
D3 - Fit for contractor design	
D4 - Fit for manufacture/ procurement	

rio studio@rioarchitects.com
www.rioarchitects.com
@rioarchitects

Rio Cardiff
21a Allensbank Road
Cardiff CF14 3PN
+44 (0)29 2025 0066

Rio London
19 21 Hatton Garden
London EC1N 8BA
+44 (0)20 3691 7565

Swansea Valley
Holiday Cottage

PROJECT TITLE :
Plas Farm Bio Mass

DRAWING TITLE :
Existing Site Location
Plan

DRAWN BY : AB CHECKED BY : APPROVED BY : AB

JOB NO : 0274 SCALE : 1 : 2500 @ A1

SUITABILITY :				S2		
DATE :		14/05/2020		REVISION:		-
PROJECT	ORIGIN.	VOLUME	LEVEL	TYPE	DISCIP.	NUMBER
0274	RIO	00	XX	DR	A	09500

Appendix B



28037



Lieferadresse:
siehe Anlagenstandort

Invoice address:
Wood Energy Ltd.
Milbury Heath rd, Energy
House
GL12 8DY Buckover,
Gloucestershire
UNITED KINGDOM
+44 (845) 0707338

Delivery Note **28037**
Receipt date: **18.06.2014**
Kundenvorgangsnr.: 2014/016374
Person in charge: Reiter Jürgen
Customer ID: 2023491
Telefax:
Y. sales tax no.: GB793641302
Sales agent: Haslinger Florian
Ansprechpartner:
Shipping: EXW Endkunden-
mode: Lieferschein
Ihre Best. Nr.: 0000002322/BRI00051/
Promised date: 18.06.2014
Page: Page 1 of 3

Line	Qty	Unit	Item:	Description
				commission nr.: 1403253 Fabrikations-Nr.: 1425_123 Standort: Plas Farm Holiday Cottages SA8 3JQ Swansea, Cilybebyll, Ponradawe UNITED KINGDOM
				Kom. Plas Farm
5	1	SET	WTH150/RA400.2 10004406	Industrial boiler WTH150 RA400 45-149 KW Ihre Order Nr.: 0000002322/BRI00051 Kom. Plas Farm Inst. Renewable Innovations
				Ihre Order Nr.: 0000002322/BRI00051 <i>Großkessel WTH150 Hargassner Hackgut-Anlage</i>
				Ihre Order Nr.: 0000002322/BRI00051 <i>ECO-Raumaustragung RA400 Modulbauweise mit Schacht 160 mm</i>
10	1	Pcs.	RAV600-160.1 10004382	RA extension 600mm WTH150/200 Ihre Order Nr.: 0000002322/BRI00051
15	1	Pcs.	LA/H.1 10001460	Basic outside-temperature control LA Ihre Order Nr.: 0000002322/BRI00051
20	1	Pcs.	PSP4.1 10001102	Solar Acc. Logic PSP4 Ihre Order Nr.: 0000002322/BRI00051
25	1	Pcs.	TV.1 10000367	Therm. Valve 50°C for SLE

1425_29_502

Bank Information: Oberbank Altheim, Acc.-No.: 491-0114/17, BankCode: 15042
 BIC: OBKLAT2L, IBAN: AT41 1504 2004 9101 1417, VAT-ID.: ATU 65388500
 Company Reg.-No.: FN 338854s, Commercial Court Ried i. L., Court of Jurisdiction
 Ried
 The product remains our property until the payment is complete.

HARGASSNER GesmbH
 A-4952 Weng, Anton Hargassner Strasse 1
 Tel. +43 (0) 77 23 / 52 74 - 0, Fax DW- 5
 office@hargassner.at, www.hargassner.at



Lieferadresse:
 Wood Energy Ltd.
 +44 (845) 0707338
 Milbury Heath rd, Energy House
 GL12 8DY Buckover,
 Gloucestershire
 UNITED KINGDOM

Delivery Note

Receipt date:

Page:

28037
18.06.2014

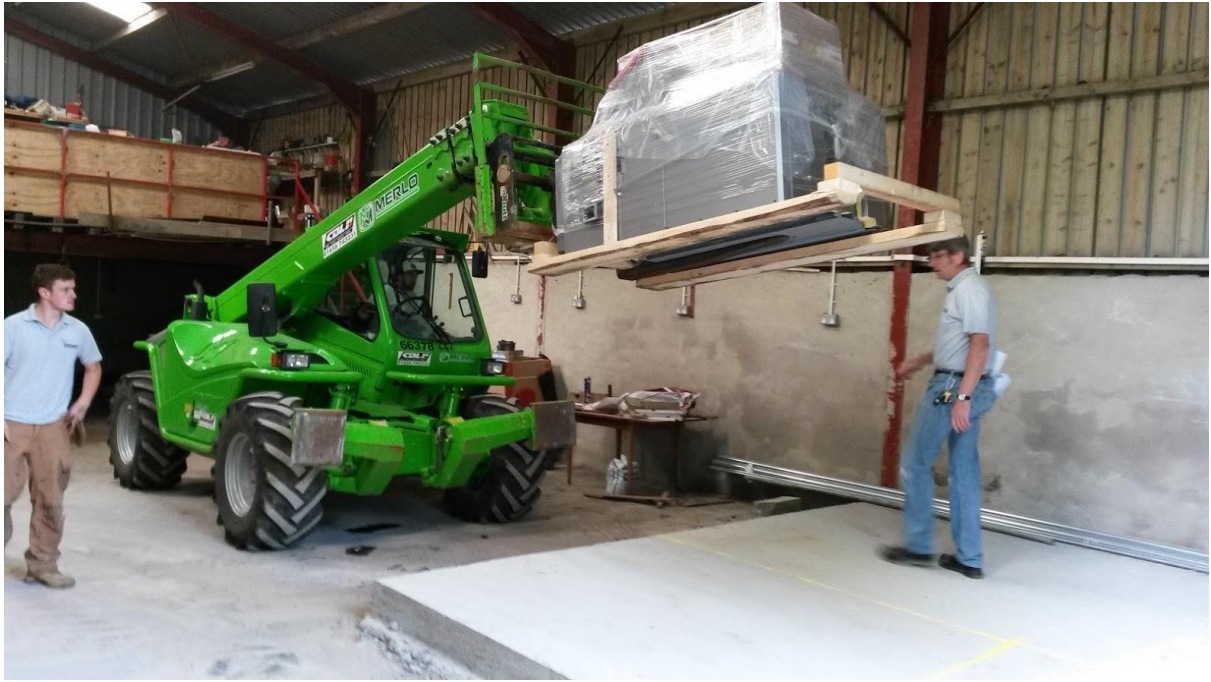
Page 2 of 3

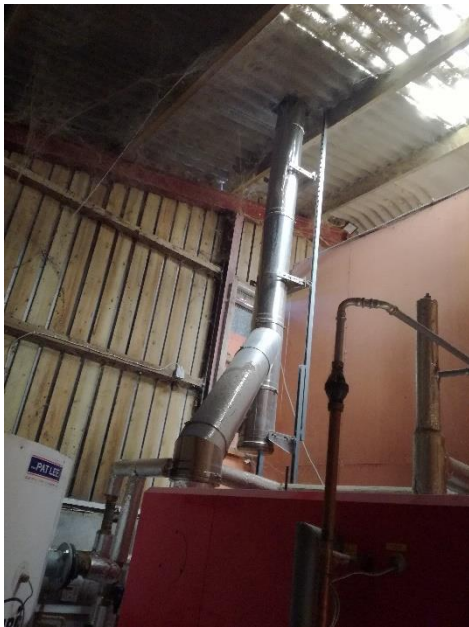
Line	Qty	Unit	Item:	Description
				Ihre Order Nr.: 0000002322/BRI00051
30	1	Pcs.	SLE95.1 11050405	Therm. Valve 95°C for SLE
				Ihre Order Nr.: 0000002322/BRI00051
35	1	Pcs.	SMS.2 10001340	Remote control per SMS
				Ihre Order Nr.: 0000002322/BRI00051

Ware ordnungsgemäß übernommen

1425_29_502

Appendix C







Appendix D

Commissioning Report

Report No.	XX/012A345/001/1
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Engineer	Nathan Pring
Date	30.6.2014

Site Address
Plas Farm, Cilybebyll, Pontadawe. Swansea. SA8 3JQ

Client
Mr & Mrs Bowen

Boiler Type	Hargassner hsv
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Boiler Rating (kW)	150
--------------------	-----

Contact Name	David & Rachel Bowen
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Purpose of Visit	Comm	Service	B'down
	X		

Contact Tel.	1792 864 611
--------------	--------------

Boiler Serial no	1403253
Run hours	

See attached sheets for Engineer's report

Activity	Mon	Tue	Wed	Thur	Fri	Sat	Sun	Total
Site Hrs								
Travel Hrs								
Mileage								

Eng. Sig. & Date	<i>N Pring</i> 30/6/14
------------------	------------------------

Office Use	
------------	--

Commissioning Checks (Hargassner Only)

Report No.	XX/012A345/001/1	Engineer	Nathan Pring
------------	------------------	----------	--------------

Checklist

[illegible]

Dynamic Testing

Report No. XX/012A345/001/1

Engineer Nathan Pring

Water Flow Rate Checks

Design Data	
Design delta T	20 K
Boiler KW	150 kW
Design Flow Rate	1.8 l/s
Required Flow Rate for ATMan 3 systems	2.2 l/s

Instrument type ComdronicAC6
Date/time of test 30.6.2014

Serial No. ac61398

Calibration Date 1.3.2014

Pump Performance	Freq	Required Flow Rates l/s		Measured Flow Rates l/s		
		AT Man 3 Systems only	Non-ATMan 3 Systems	Full flow to tank/system	Full flow through bypass	System Flow from Tank
Boiler Loading Pump 1	50Hz	2.2 l/s	1.8 l/s	1.8 l/s	1.8 l/s	
	40Hz	1.8 l/s		n/a l/s	n/a l/s	
	30Hz	1.3 l/s		n/a l/s	n/a l/s	
Boiler Loading Pump 2	50Hz	2.2 l/s	1.8 l/s	n/a l/s	n/a l/s	
	40Hz	1.8 l/s		n/a l/s	n/a l/s	
	30Hz	1.3 l/s		n/a l/s	n/a l/s	

See Notes

Combustion/Flue Checks

Instrument type Kane 450
Date/time of test 30.6.2014

Serial No. 184912224

Calibration Date 28.1.2014

O ₂	8.1 %	Eff	91.7 % ¹	CO/CO ₂	0.0005 ¹	Flue DP (wrt.atm.) Cold	-0.0001 mbar
CO ₂	12.3 % ¹	Press	mbar	PI	0.05 % ¹	Flue DP (wrt.atm.) Hot	mbar
CO	64 ppm	NO x	70.4 ppm ^{1,2}	O ₂ fuel	% ¹	Boiler -ve DP (wrt.atm.)	#NAME? mbar
NO	67 ppm ¹	Losses	8.3 % ¹				
Flue Temp	169.6 °C	Excess Air	63.3 % ¹				
Inlet Temp	17 °C						
Nett Temp	152.6 °C ¹						

See Notes

¹ calculated value
² if applicable to flue gas analyser

Boiler Operating Data	
Flow Temp	80 °C
Ret Temp	58 °C
Capacity	100 %
Exhaust Temp	171 °C
Combustion Chamber Temp	n/a °C
Oxygen (Lambda)	8.3 %

Engineer's Report

Report No.	XX/012A345/001/1	Engineer	Nathan Pring
Note: Press ALT+Enter to insert a new line (line break) within cells below		Date	30.6.2014

Boiler commissioned to 150kW

All snagging completed

Client trained in the safe operation of the boiler

Engineer's Report

Report No.	XX/012A345/001/1	Engineer	Nathan Pring
Note: Press ALT+Enter to insert a line break within cells below		Date	30.6.2014