

Our Ref: 2774-01/ADMINS73/AR

24th July 2020

Planning and Building Control
Neath Port Talbot CBC
Civic Centre,
Port Talbot
SA13 1PJ

planning

transportation
planning

environment

design

Dear Ms Bowen

APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) FOR THE VARIATION OF CONDITION 2 AND 4 OF PLANNING PERMISSION P2016/0895.

MARGAM GREEN ENERGY PLANT, PORT TALBOT, SA13 2NW

We are writing on behalf of our client, Margam Green Energy Ltd ("the Applicant") to apply under Section 73 of the Town and Country Planning Act 1990 ("S73 application") to vary Condition 2 and Condition 4 of planning permission P2016/0895 which permits the construction of an administration building for the Margam Green Energy Plant ("MGEP").

The application has been submitted via the Planning Portal, Reference PP-08921920.

The application submission comprises the following information:

- Application form;
- This letter;
 - Appendix A - Revised Landscape Plan (2774-01-05 Rev B)
 - Appendix B – Revised Landscape and Ecology Management Plan;

The requisite planning application fee of £190 will be paid via the Planning Portal.

Background

Margam Green Energy Ltd has submitted a planning application to vary a number of conditions associated with the planning permission for the main MGEP. The supporting letter to that application (reference 2774-01/MGEPS73/AR) provides details of the site location and planning history for the MGEP, including the administration building. The application proposes to update the MGEP landscape design and the associated landscape and Ecology Management Plan (LEMP).

Condition 2 of the planning permission for the administration building lists the drawings and documents that the development must be built in accordance with. The list includes two landscaping drawings (2057-01-01 Proposed landscape Scheme & AX-1065/PL/01 Rev F Landscape Scheme) and reference to a Landscape and Ecological Management Plan – Addendum 22/12/16.

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Condition 4 also makes reference to the LEMP, stating:

(4) Prior to the occupation of the building the Landscape and Ecological Management Plan shall be updated to include appropriate long term management of the attenuation pond and shall be submitted to and approved in writing by the Local Planning Authority. The updated Plan shall be implemented as approved.

This application seeks to amend Condition 2 and Condition 4 to make reference to the latest landscape design and LEMP, ensuring that the administration building permission is consistent with the MGEP permission.

Proposed Modifications to P2016/0895

Condition 2

The Applicant proposes to delete reference to “2057-01-01- Proposed landscape scheme”, “AX-1065/PL/01 Rev F - Landscape Scheme”, and “Landscape and Ecological Management Plan - Addendum 22/12/16” from the list of plans and documents and include reference to the following updated landscape design drawing and LEMP:

- 2774-10-05 Rev B – Landscape Plan
- Margam Green Energy Plant, Landscape and Ecology Management Plan 2020, BSG, June 2020

Condition 4

The Applicant proposes that Condition 4 is modified to require the implementation of the LEMP and the associated monitoring regime. This would be consistent with the planning permission for the main MGEP. The proposed wording of Condition 4 is as follows:

The measures set out in the Landscape and Ecology Management Plan (Margam Green Energy Plant, Landscape and Ecology Management Plan 2020, BSG, June 2020) which include appropriate long term management of the attenuation pond, monitoring of habitat establishment and provision of reptile mitigation shall be implemented in full. The monitoring shall be undertaken from 5 years from the date this permission and monitoring reports shall be submitted to and approved by the Local Planning Authority.

Planning Policy

Application P2016/0895 was considered against the policies of the Neath Port Talbot Local Development Plan adopted in January 2016. This remains the statutory development plan for this S73 application.

The policy appraisal submitted with the application P2016/0895 demonstrated that the development was supported by Policy SP 1 Climate Change and SP 18 Renewable and Low Carbon Energy. The decision notice for P2106/0895 noted that the development was considered to be in accordance with Policies SP1, SP11, SP21, EC1, EC3, M2, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

The minor material amendments proposed are not considered to affect this judgement and so the development would remain in full compliance with the development plan.

Planning Policy Wales (PPW) has been updated since P2016/0949 was granted planning permission. However, sustainable development remains at the heart of PPW. The importance

of renewable and low carbon energy generation features heavily within PPW stating that *“Planning authorities should facilitate all forms of renewable and low carbon energy development. In doing so, planning authorities should seek to ensure their area’s full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved.”*

Conclusions

The Applicant has applied to modify the landscaping scheme and LEMP for the MGEP. The planning permission for the administration building makes reference to these schemes within Condition 2 and Condition 4.

In order to maintain consistency between the related permissions it is proposed that Condition 2 and Condition 4 of permission P2016/0895 are modified to include reference to the updated landscape design and LEMP.

The proposed modifications would not result in a development that is substantially different to that which has been approved and would not introduce any new material planning considerations. The development is considered to accord with the Neath Port Talbot Local Development Plan adopted in January 2016. There are no relevant material considerations which would justify determining the application other than in accordance with the statutory Development Plan. Accordingly, applying s. 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should be granted.

Yours faithfully,



Andrew Russell
Technical Director

Encl.: Appendix A – Revised Landscaping Scheme (2774-01-05 Rev B)
Appendix B – Revised Landscape and Ecology Management Plan

Cc: Nicola Lake, Neath Port Talbot Council (by email)
John Williams, Margam Green Energy Plant (by email)
Dafydd Williams (ECO2) (by email)