

Superseded

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE)(WALES) ORDER 2012

APPROVAL OF FULL PLANNING PERMISSION

Name and address of the applicant

Mr John Williams
Margam Green Energy Limited
Margam Green Energy Plant
Longlands Lane
Margam
SA13 2SU

Name and address of the agent

Mr Andrew Russell
Axis P E D Ltd
11 Well House Barns Chester Road
Chester
CH4 0DH

DATE REGISTERED: 12 August 2020

APPLICATION NO: P2020/0668

LOCATION: Margam Green Energy Plant , Longlands Lane, Margam, SA13 2SU

PROPOSAL:

Section 73A application for the removal of conditions 6, 7, 15 and 16, (all relating to landscaping) as its proposed to include a single condition, removal of conditions 10, (construction method statement) 11,(treatment of suspended soils during construction) 12,(Foul and surface water disposal) and 23 (Land adjacent to southern boundary to remain free from development). as these are no longer required, and the variation of condition 2, (landscape and ecological management plan) 4, (noise) 5, (air quality) and 26, (approved plan list) to allow for the submission of a revised details, of planning permission P2016/0949 approved on 14/02/2017, which related to the construction of a biomass power station.(amended landscape and ecology management plan and Air quality summary reports)

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority in pursuance of its power under the above mentioned Act and Order hereby **GRANTS PLANNING PERMISSION** for the development as described above to be carried out in accordance with the application and the plans submitted therewith, subject to compliance with the following conditions:

Conditions:-

List of Approved Plans

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- 1 The development hereby approved shall be implemented and retained in accordance with the following drawings/ documents:

14084-P0016-S73 Statutory Plan
14084-P0001-S73 (RevA) Site Plan
14084-P0012-S73 (RevA) West Elevation
14084-P0013-S73 (RevA) North Elevation
14084-P0014-S73 (RevA) South Elevation
14084-P0015-S73 (RevA) East Elevation
CS014381-61061-13 (Rev D) DNO Transmission Mast
MLM-581146-SBU-C524 (Rev P11) Surface and Foul Drainage
2774-10-05 Rev B - Landscape Plan)
LEMP Plan 2020 (amended 11th Sept 2020)
Environmental Statement Addendum 2016-Volume 1 - Main Report
Environmental Statement Addendum 2016- Volume 2 - Technical Appendices
Environmental Statement Addendum 2016- Volume 3 - Non Technical Summary
Planning Supporting Statement (October 2016)

Reason

In the interests of clarity.

Action Conditions

- 2 The instrumentation that has already been deployed to monitor ambient concentrations of nitrogen dioxide shall be retained until a minimum of two years of monitoring has been undertaken after commissioning. At the end of the monitoring period a final report shall be submitted to the Local Planning Authority detailing the results of the monitoring. The details of the monitoring equipment shall be as follows:
 - a) Three (3) NO₂ diffusion tubes shall be retained at the locations shown on plan titled Margam Green Energy Plant Location of onsite Nox monitors dated 10th May 2016 until the motoring is complete.
 - b) The diffusion tubes will be used/ installed and returned as per the supplier's recommendations.
 - c) The final results from testing the diffusion tubes will be issued to the local planning as part of the final report.
 - d) The MCERTS analyser already installed at the locations shown on plan MCERTS 1 dated 10th May 2016 shall be operated on the approved site for a minimum of 24 months after the commissioning date.
 - e) Instrumentation used shall be MCERTS certified
 - f) Calibration shall be carried out with gases
 - g) Calibration shall be carried out on a fortnightly basis
 - h) Instrumentation shall be covered by a service contract with the manufacturer or other suitable supplier
 - i) An annual report shall be produced summarising results and showing extent of compliance with Air Quality Objectives
 - j) Data capture shall be at least 90%. If this is not the case during any year then the period of assessment shall be increased by an additional year for each year "lost" in this way

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k) Data from the instrumentation shall be made available online and to the local planning authority, in order to assist monitoring.

Reason

To monitor the effect of air emissions on residential and adjoining industrial premises and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan

Regulatory Conditions

- 3 The external lighting scheme as implemented under planning permission P2017/0001 shall be retained as such thereafter.

Reason

In the interests of clarity and to ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2010 are adequately protected; and to ensure compliance with Policies SP15 and EN6 of the Neath Port Talbot Local Development Plan.

- 4 If, during development, unidentified contamination is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained the local planning authority's written approval of, remediation measures detailing how this unsuspected contamination shall be dealt with. The remediation measures shall be implemented as approved.

Reason

In the interests of safety and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 5 The external finishing materials as implemented under planning permission P2014/0807 used in the construction of the external surfaces of the development shall be retained as such thereafter.

Reason

In the interest of the visual amenity of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 6 The scheme for the disposal of foul drainage and surface water disposal as implemented under MLM-581146-SBU-C524 (Rev P11) Surface and Foul Drainage Shall be retained as such thereafter.

Reason

To protect the integrity of the public sewerage system and prevent flooding and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 7 The highway works implemented under planning permission P2014/0661 shall be retained.

Reason

In the interests of highway safety, and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 8 The means of enclosure implemented under planning permission P2014/1066 shall be retained.

Reason

In the interests of visual amenity and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

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- 9 The slab level of any development approved by this permission shall be set 6.79m above Ordnance Datum.
Reason
To prevent risks from flooding with Policy SP16 of the Neath Port Talbot Local Development Plan.
- 10 Foul water and surface water discharges shall be drained separately from the site. No surface water or land drainage run-off shall be allowed to discharge, either directly or indirectly, into the public sewerage system.
Reason
To help protect the integrity of the public sewerage system and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.
- 11 Operational noise from the site shall not be greater than the following levels at the specified locations:
- Longlands House; 48 dbA Leq 1 hour during the day and Leq 5 minutes at night.
- Abbots Close; 48 dbA Leq 1 hour during the day and Leq 5 minutes at night.
- 10 Acre Wood: 48 dbA Leq 1 hour during the day and Leq 5 minutes at night.
All measurements shall be taken in accordance with BS4142 (1997).
Reason
In the interests of residential amenity and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.
- 12 No access or egress to the energy plant shall be derived from Longlands Lane.
Reason
In the interests of residential amenity and highway safety, and to ensure the development complies with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.
- 13 All surface water discharge from the development shall comply with green field run off rate
Reason
To help prevent the risk of flooding and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.
- 14 All timber fuel shall be stored within the designated storage buildings.
Reason
In the interests of safety and the amenity of the area and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.
- 15 No wood fuel shall be chipped on site.
Reason
In the interests of safety and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

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The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on visual amenity of the area, the amenities of neighbouring residents, highway safety, flooding, noise, air quality, drainage, coal, contamination, and ecological issues. Accordingly, the proposed development is in accordance with Policies Policy SP1, SP2, SP3, SP11, SP15, SP16, SP18, SP19, SP20, SP21, SC1, EC1/2, EN7, EN8, M1, RE1, W1/1b, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 2 December 2020

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IMPORTANT:

(1) Please note that for all decisions issued after 16th March 2016 for outline or full planning permission, a revised decision notice will be issued whenever a subsequent consent is given, for example providing details of any Reserved Matters approvals (outline applications only) and/or approval of conditions (including on Reserved Matters). This will ensure that the current status of the conditions applied to a consent is clear. Accordingly you are advised to visit www.npt.gov.uk/planning to view the application documentation to see if this is the current version, or whether it has been superseded by a more up-to-date revision of this Decision Notice. For Reserved Matters approvals the revised Decision Notice will only be shown under the Outline approval.

(2) Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

(3) In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition). Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

(4) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2009+A1:2010).

(5) From 1st October 2012 it has been an offence to install a public sewer or lateral drain without having an adoption agreement in place. From the 1st October 2012 the vast majority of all existing private sewers and lateral drains which link with the public sewer network were transferred to Welsh Water. For further details on how this will affect your development please contact: Welsh Water Developer Services, PO Box 3146, Cardiff, CF30 0EH. Telephone No. 0800 9172652 or email: developer.services@dwrcymru.com.

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IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-
 - (1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below) Within 6 Months
 - (2) Householder Appeal see endnote i Within 12 weeks
 - (3) Minor Commercial Appeal see endnote i Within 12 weeks
 - (4) Listed Building or Conservation Area Consent appeals Within 6 months
 - (5) Tree Preservation Order (TPO) Consent Within 28 days
 - (6) Advertisement Consent Within 8 weeks
 - (7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development Within 6 months
 - (8) Hazardous Substances Consent Within 6 months
- (5) Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, or online at www.planningportal.gov.uk/pcs .
- (6) The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (7) The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
- (8) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land in

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accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

- (9) Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
- (10) In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- (11) Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
- (12) Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686949 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.