

Our Ref: 2774-01/MGEPABS/AR

17th January 2022

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

planning

transportation
planning

environment

design

Dear Mr Jenkins

APPLICATION UNDER SECTION 70 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) FOR THE RETENTION OF A TEMPORARY PRIMARY ASH BAY AND CONSTRUCTION OF A NEW SECONDARY ASH STORE

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 70 of the Town and Country Planning Act 1990 for planning permission for the above development.

The application has been submitted via the Planning Portal, Reference PP-10552173.

The application submission comprises the following information:

- Application form;
- This letter;
- Revised drawings for approval:
 - Secondary Ash Store – Sections and Elevations (C06 RevB)
 - Secondary Ash Store – Foundations and Drainage Plan (C05-1 RevB)
 - Primary 4.00 X 2.25m Ash Retaining Enclosure (Under Existing Platform) (C03 H)
- Drawings for information:
 - 14084-P0001-S73 (RevC) Site Plan
 - 14084-P0012-S73 (RevC) West Elevation
 - 14084-P0013-S73 (RevC) North Elevation
 - 14084-P0015-S73 (RevC) East Elevation

The planning application has been calculated on the basis of new floor area created. The floor area of the primary ash bay (11.97m²) and the secondary ash store (104.6m²) total 116.57m². Accordingly, the planning fee for the application is £920.

A fee of £230 was paid previously to Neath Port Talbot Council ("NPT") for an application for the above development which was not registered. It was agreed in an email to S Jenkins on the 14th January 2022 that this fee could be provided as part payment for the current application.

As such an additional sum of £690 has been paid to NPT Council via the online payment service.

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Site Location and Context

The proposed development is located to the north of the main building of the Margam Green Energy Plant ("MGEP"), as shown on Drawing 2774-02-02.

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 ('the site'). 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 Bioenergy 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. The Site is not covered by any designations and is located within Flood Zone B.

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

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
P2016/0789	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
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

P2020/0668	P2016/0949	s.73	Variation of conditions 2,4,5,6,7,10,11,12,15,16,23,26 to remove unnecessary conditions and submission of revised details for the development.	
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 Strategy) 19 (Reptile Capture and Mitigation) 25 (Landscaping Scheme)	30/10/2014
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 P2020/0668, this planning permission was granted pursuant to a S73 application which ultimately related to planning permission P2014/0705.

In addition to the permission for the main MGEP there are two other permissions governing development within the MGEP site:

- P2015/0992 for the waste wood storage building; and
- P2016/0895 for the administration building.

A planning permission for an equipment store (P2020/0613) was approved on 4th August 2020. This permission has not been implemented.

Environmental Impact Assessment

The development would equate to less than 1 hectare in surface area, and accordingly the development would not in itself comprise Schedule 2 development of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

Notwithstanding this, as set out below the proposed development would be located entirely within the footprint of the developed area of the existing plant. The structures proposed would

not have a material impact on the appearance of the site and so would not result in any significant landscape or visual effects. The ash bays are proposed to improve the environmental performance of the site and so would not result in any adverse effects on local amenity, such as noise, air quality or lighting. The bays are located on existing hardstanding areas so would not impact biodiversity or drainage. On this basis the proposed development would not result in any significant environmental effects and so the application does not need to be accompanied by an Environmental Statement.

Description of Development

Until recently bottom ash which is generated from the combustion of waste wood within the MGEP has been discharged from an inclined conveyor into a skip located on the northern elevation of the MGEP (the primary ash skip), as set out in the original application.

The primary skip had limited storage capacity and as such ash is subsequently transferred from the primary skip via a telehandler to two secondary ash storage skips located adjacent to the biomass storage building. The ash is stored here temporarily prior to periodic removal from site via an offtake trailer.

These arrangement present a number of operational and environmental disadvantages, including potential for ash entering the sites surface water drainage system and potential for fugitive emission of ash in dry and windy conditions.

In order to resolve operational issues associated with the primary ash skip the Applicant constructed a purpose built primary ash bay at the base of the inclined conveyor, in the same location as the primary ash skip. The bay was constructed in September 2021.

The primary ash bay comprises three reinforced concrete walls 2m in height and a reinforced concrete slab base.

The base slab and all walls and piers have been constructed in accordance with the requirements of EN 1992-3 (Design of concrete structures - Liquid retaining and containing structures) to prevent the ingress of ground water or the seepage of leachate from the ash residue.

The location and details of the primary ash bay are shown on drawing 'Primary 4.00 X 2.25m Ash Retaining Enclosure (Under Existing Platform)' drawing number C03 H. Figure 1 below provides an image of the ash bay.

Figure 1 - Primary Ash Bay



A secondary ash storage building is proposed to be constructed adjacent to the biomass woodstore in the location of the current secondary ash storage skips. This facility would be used to store ash transferred from the primary ash bay prior to its export offsite. The location and details of the secondary ash storage building are shown on drawings 'Secondary Ash Store – Sections and Elevations (C06 RevB)' and 'Secondary Ash Store – Foundations and Drainage Plan (C05-1 RevB)'.

The secondary ash storage building would be 'L-shaped' in plan with two discrete ash storage bays. The western storage bay would be 5.8m in width and 13m in length, the eastern storage bay would be 4.8m in width and 4.8m in length. Both sections of the building would comprise three reinforced concrete push walls 4m in height and a reinforced concrete base with a 1 in 100 fall to the entrance of the bay. As per the primary ash bay the base slab and all walls and piers have been constructed in accordance with the requirements of EN 1992-3.

Cladding would be erected on the top of the concrete push walls, with a shallow pitched roof to provide all weather protection to the ash storage areas. The overall height of the building would be 7.45m. Armco barriers and steel bollards would be erected to protect the buildings from vehicles maneuvering within this area of the site.

Drains would be provided at the entrance to the bays, these would be connected to the existing drainage network via a series of new manholes and interceptors to enable water quality to be controlled at the site.

Drainage of 'ash leachate' from inside the ash bay would be collected via an Aco drain along each bay opening and would be piped to a buried settlement sump tank of approx. 2.6m³ volume. Disposal will be managed via pumping intermittently to the ash quench system within the main biomass facility, or during times where there is excess water, disposed of via tanker. This avoids disturbance of existing surface and foul water drainage systems and reduce the water demand of the plant.

Roof rainwater water will be directed to existing hardstand area and flow into existing surface water drainage.

The construction would involve breaking out of existing hard standing, in-situ concrete pours to construct the base and push walls, and erection of steel substructure, cladding and roofing. It is anticipated that construction would take circa 16 weeks.

The development would all be undertaken on existing hard standing areas and would not impact any of the existing landscaping.

The proposed development would have negligible impacts on HGV numbers as the development would not impact the volume of bottom ash managed. However, there are a number of potential minor transport related benefit that could arise:

- It would be possible to manage the bottom ash such that only full loads would be exported from site, whereas at present smaller payloads may need to be exported due to limited storage space. As such this could lead to less export movements.
- The ash (which is wet when it exits the biomass facility due to quenching) will be able to drain more effectively within the new bays. As such there will be less weight and therefore it would be possible to export more ash in one load, reducing overall traffic movements.

To provide information on the context of the proposed development the primary ash bay and the secondary ash storage building has been inserted into the elevations of the main biomass plan as follows:

- 14084-P0001-S73 (RevC) Site Plan
- 14084-P0012-S73 (RevC) West Elevation
- 14084-P0013-S73 (RevC) North Elevation
- 14084-P0015-S73 (RevC) East Elevation

These drawings illustrate that the new ash facilities would not appear out of context within the site and would not result in a material difference to the appearance of the facility from external viewpoints.

Local Development Plan

The current operative planning permission for the MGEP is P2020/0686. When determining this application the development 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 application.

The policy appraisal submitted with the previous applications for the MGEP demonstrated that the development was supported by Policy SP 1 Climate Change and SP 18 Renewable and Low Carbon Energy. The decision notice for P2106/0949 noted that the development was considered to be in accordance with Policies SP1, SP11, SP16, SP18, SP19, SP21, EC1, EC3, EN8, M2, TR2, BE1, BE2 and RE1.

As set out above the proposed development is being provided to improve the environmental performance of the site. In this regard the policies of particular relevance are considered to be Strategic Policy SP16 Environmental Protection, and Policy EN8 Pollution and Land Stability.

These policies require matters such as impacts on water, ground or air to be controlled such that they do not *'create new problems or exacerbate existing problems detailed above will not*

be acceptable unless mitigation measures are included to reduce the risk of harm to public health, biodiversity and/or local amenity to an acceptable level.'

The proposed development is considered to deliver benefits to the site in terms of its ability to reduce the potential for impacts on surface water quality and air quality. During the construction of the Proposed Development best practice measures would be adopted to prevent impacts on the environment.

In relation to land stability the site lies within a Coal Mining 'Development High Risk Area'. As such it is necessary to demonstrate that the development would not be at risk from potential historic underground mine workings. A Coal Mining Risk Assessment was undertaken for the equipment store (P2020/0613) which covered the entire MGEP including the proposed development site, this report has been provided in support of this application. The coal mining risk assessment identifies that the risk from abandoned shallow mine workings is negligible. Furthermore, both developments lie within the existing footprint of the developed area of the site and neither involve deep foundations.

Accordingly the proposed development is considered to comply with Policy SP16 and EN8.

Policy BE1 Design requires new development to be well designed to ensure, amongst other matters that it *"complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment"*.

The primary ash bay is located in the same position, and is of a similar scale, to the skip which was previously used to collect the dispensed bottom ash. The bay is entirely in keeping with the characteristics of this industrial site and as shown on the elevation drawings (14084-P0012-S73; 14084-P0013-S73; 14084-P0015-S73) would not be clearly visible from the outside of the site.

In relation to the secondary ash storage building this is a larger structure than the primary ash bay. However, it would be located adjacent to the biomass storage building which is significantly larger in scale, being 25m in height, 17.55m taller than the proposed ash storage building.

The new building would be largely screened from views as a result of the existing buildings and structures on the site and also the extensive tree cover surrounding the site. Where views are available (if at all), the building would be seen in the context of the existing plant and would not be incongruous or out of place. In this regard it is considered to accord with Policy BE1.

As the proposed ash bays would be constructed entirely within the footprint of the existing facility, and on areas of existing hardstanding, there would be no impacts on biodiversity, flooding or the landscaping undertaken at the site.

On this basis, and the fact the development would not be located in an area at risk of flooding, it is not considered that the application needs to be accompanied by a Flood Consequence Assessment.

Based on the foregoing it is considered that that proposed development would comply with the relevant policies of the local development plan and would deliver environmental benefits to the operation of the site.

National Planning Policy

Future Wales: The National Plan 2040 forms part of the 'development plan' and so the policies of Future Wales should be considered when determining planning application.

Future Wales sets the strategy for addressing key national priorities, it is not intended to control development at a local level. However, of potential relevance is Policy 17 of Future Wales which provides support for renewable energy development. Whilst the proposed development is not renewable energy development itself, it would facilitate the improvement in the environmental performance of an existing operational renewable energy plant.

Planning Policy Wales (PPW) has also been updated since P2020/0686 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 and should seek cross-department co-operation to achieve this. 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."*

PPW contains policies which support the protection of water quality and air quality and this development would help meet these policy aims.

Conclusions

Construction of MGEP started in 2017 and the facility became fully operational in 2019. The operational team at MGEP have recognised that the environmental performance of the site could be improved through the development of two new ash storage facilities at the site. These facilities would replace the current system which utilises open metal skips for the storage of bottom ash which arises from the combustion process.

The primary ash bay has already been constructed and so retrospective planning permission is sought for this development. The secondary ash storage building has not yet been constructed and so is being applied for as new development.

The proposed development is considered to accord with the Neath Port Talbot Local Development Plan adopted in January 2016 and Future Wales: The National Plan 2040. 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.

Drawing no. 2774-02-02 - Location Plan

Drawing no. C06 RevB - Secondary Ash Store – Sections and Elevations

Drawing no. C05-1 RevB - Secondary Ash Store – Foundations and Drainage Plan

Drawing no. C03 H - Primary 4.00 X 2.25m Ash Retaining Enclosure (Under Existing Platform) (C03 H)

Drawing no. 14084 P0001- S73 (RecC) - Site Plan

Drawing no. 14084-P0012-S73 (RevC) - West Elevation

Drawing no. 14084-P0013-S73 (RevC) - North Elevation

Drawing no. 14084-P0015-S73 (RevC) - East Elevation

Coal Mining Risk Assessment (GroundSolve Ltd, 2nd June 2020)

Cc: Marc Scourfield, Margam Green Energy Plant (by email)