

Our Ref: 2774-01/ADMINS73/AR/LM

16th November 2022

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

planning

transportation
planning

environment

design

Dear Sirs,

APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) FOR THE VARIATION OF CONDITION 1 OF PLANNING PERMISSION P2020/0671.

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 1 of planning permission P2020/0671 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-11614529.

The application submission comprises the following information:

- Application form;
- This letter;
- Drawings:
 - 2774-01-05 Landscape Plan Rev C
 - 2774-01-09 Administration Building Revised Site Plan
 - 2774-01-13 Administration Building Updated Elevations
 - 2774-01-15 Administration Building Ground Floor Plan
- Flood Consequence Assessment (November 2022)

The requisite planning application fee of £234 will be paid via the Planning Portal.

Background

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.

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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 permission P/2016/0895 was granted by Neath Port Talbot County Borough Council (NPTCBC) on 27th January 2017 for the development of an administration building and associated car park at the MGEP.

On 2nd December 2020 planning permission P2020/0671 was granted by NPTCBC for an amendment to the Landscape and Ecology Management Plan and Landscape Plan listed under the relevant planning conditions, in order to achieve consistency across the MGEP related permissions. Planning permission P2020/0671 is the current consent for the administration building and associated car parking.

Proposed Changes to the Approved Development

The Applicant now seeks to extend the floor space of the administration building to provide 27.5m² more office space. The additional floor space would be created through the use of an area comprising hardstanding that is currently a canopied, open-walled area of the Administration Building. The proposed additional floor space would therefore occupy area within the existing footprint of the building. The additional office area is shown on the revised Floor Plan, Drawing 2774-01-15. The provision of this office area would necessitate a change in the location of the public entrance to the building. The public entrance would be provided at the southern elevation of the building, as shown on the revised Floor Plan, Drawing 2774-01-15.

The Applicant also proposes to increase the amount of car parking provided adjacent to the administration building. The demand for parking at the MGEP is greater than originally anticipated and additional parking is required to provide sufficient parking for employees, visitors and support staff. The result of the current lack of parking provision is that cars park on the access road to the MGEP and informally wherever space is available in the area adjacent to the administration building. The provision of additional formal car parking spaces adjacent to the administration building would offer a safety benefit by reducing the risk of staff and visitors needing to park on the roadside and cross the access road serving the MGEP. Additionally, it would negate the need for informal and crowded parking in the existing parking area, increasing visibility for both pedestrians and vehicles navigating the car park and reducing potential for vehicle/pedestrian conflict.

The proposed increase in the amount of car parking at the Administration Building would necessitate the following changes to the car park arrangement:

- Removal of the previously approved bin store area (a bin store area is currently provided on existing hardstanding, north east of the Administration Building) to create car parking spaces;
- Extension of the eastern most kerb line further east to enable a double row of parking spaces to be provided in the car park;
- Relining of the car park;
- Repositioning of the existing lighting column; and
- Translocation of a specimen tree at the eastern boundary of the car park.

The southern-most specimen tree, located along the eastern boundary, would be translocated to a location at the north-eastern corner of the Administration Building compound. The revised layout for the Administration Building would result in a small gain in amenity grassland (39.6m²).

Proposed Modifications to P2020/0671

The Applicant proposes to alter Condition 1 so that reference to the following drawings is removed:

- 2774-10-05 Rev B - Landscape Plan
- 14084-AD002 Rev A - Proposed Site Plan
- 14084-AD003 Rev A - Proposed Ground floor Plan
- 14084-AD005 Rev C - Proposed Elevations
- Appendix A Flood Consequences Assessment September 2016

The Applicant proposes that references to the following drawings is introduced to the list of approved drawings:

- 2774-10-05 Rev C - Landscape Plan
- 2774-01-09 Admin Building Revised Site Plan
- 2774-01-13 Admin Building Updated Elevations
- 2774-01-15 Administration Building Ground Floor Plan
- Flood Consequences Assessment November 2022

Planning Policy

Applications P2016/0895 and P2020/0671 were 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 original 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 P2020/0671 noted that the development was considered to be in accordance with Policies 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.

The amendment proposed is 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 P2020/0671 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 *“Local 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”*.

The closest relevant standard set by the Neath Port Talbot County Borough Council Parking Standards Supplementary Planning Guidance (October 2016) is the standard for office space which requires 1 space per 20m² of office space. The Administration Building, as altered, would provide 284m² of office accommodation, equating to a required parking provision of 15 spaces. The proposed amendment would result in the provision of 31 spaces plus 2 disabled spaces. Thus the proposed parking provision at the Administration Building would exceed the most

relevant parking standard. However, it should be noted that this is to be expected, given the parking area serves not only the Administration Building, but also the wider MGEP.

A Flood Consequence Assessment (FCA) has been prepared. The risk of flooding to the proposed development from all identified sources is assessed to be low. Based on the assessment of flood risk, it is concluded that no specific measures need be implemented to mitigate flood risk and the proposals are not expected to have a detrimental impact on flood risk elsewhere. Thus the FCA demonstrates that the Administration Building and car park, as proposed to be amended, would accord with the requirements of planning policy.

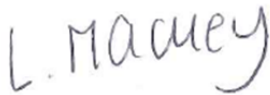
Conclusions

The Applicant has applied to modify the list of Approved Drawings (Condition 1) for the Administration Building development permitted by planning permission P2020/0671.

The amendment to the list of approved drawings would facilitate the provision of additional office space and car parking spaces.

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,



Laura Mackey
Senior Consultant, Axis

Cc: Elliot Lugg, Margam Green Energy Plant (by email)