

WBE Biomass Plant Substation

Supporting Statement

December 2023



theurbanists

Introduction

Welsh Bio-Enterprises (WBE) owns the existing biomass facility located at Margam Port Talbot. WBE has recently been seeking to diversify its current activities in and around the existing site, through a range of green enterprises, which would also contribute towards the wider decarbonisation agenda for Neath Port Talbot County Borough (NPT) and Wales as a whole. Specifically, WBE wish to undertake the following, as part of the creation of a new private wire network:

- The replacement of a substation, 5.8 metres in height
- LV switch room, 5.3m in height
- A transformer and associated transformer compound, with a 2m fence

Key legislation in relation to this matter is The Town and Country Planning (General Permitted Development) Order 2014, Part 8, Class B (from hereon referred to as the GPDO), which allows for development to be carried out on industrial land for the purposes of an industrial process without planning permission. Accordingly, this document supports the submission for a Certificate of Lawfulness application for the delivery of a replacement substation, LV Switch room and a transformer and associated compound at the site of the existing biomass plant at Western Bio Energy Limited, 1 Longland Lane, Port Talbot, SA13. This facility is sought in order to 2NR.

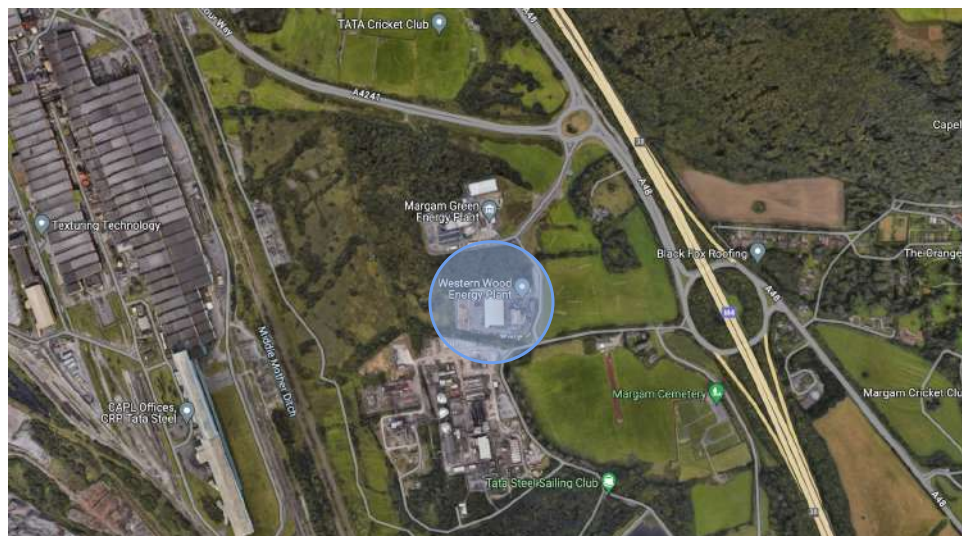


Figure 1: Aerial view of the site



Figure 2: 3D view of the site

Site description

The site is located on the outskirts of Margam, in the council of Neath Port Talbot, on the southern coast of Wales. The M4 Motorway runs east of the site, the road connects South Wales to Cardiff, Bristol and London. Margam Castle is located to the east. The main settlement of Port Talbot is approximately 3 miles to the north; which provides a number of facilities such as a railway station, a hospital, shops and schools.

The site is surrounded by other industrial uses, including another biomass energy plant to the north, a steelworks to the west, an oxygen plant to the south and open greenfield land to the east, on which an application for a new industrial plant has been approved.

Development description

This project proposes to deliver a replacement substation, which would measure 5.8m in height, 9m in length and 6.5m in width, totalling approximately 339 cubic metres.

An LV switch room is also proposed alongside the substation which is 9m in length and 6.6 in width and 5.3m in height. A transformer is also proposed which is 7.5m by 7m, along with an associated compound of fencing which is 2m in height. The updated elevations will be submitted to the council in line with any updates.

These are shown in Figures 3 and 4.

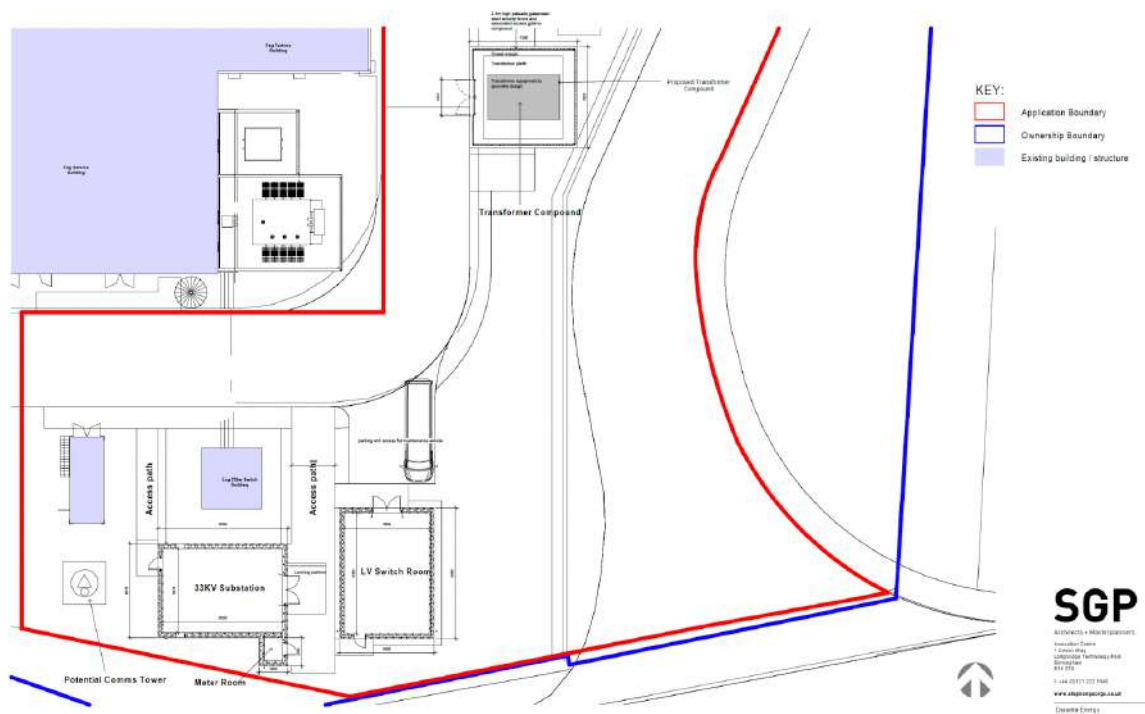


Figure 3: Proposed Building Layouts on site

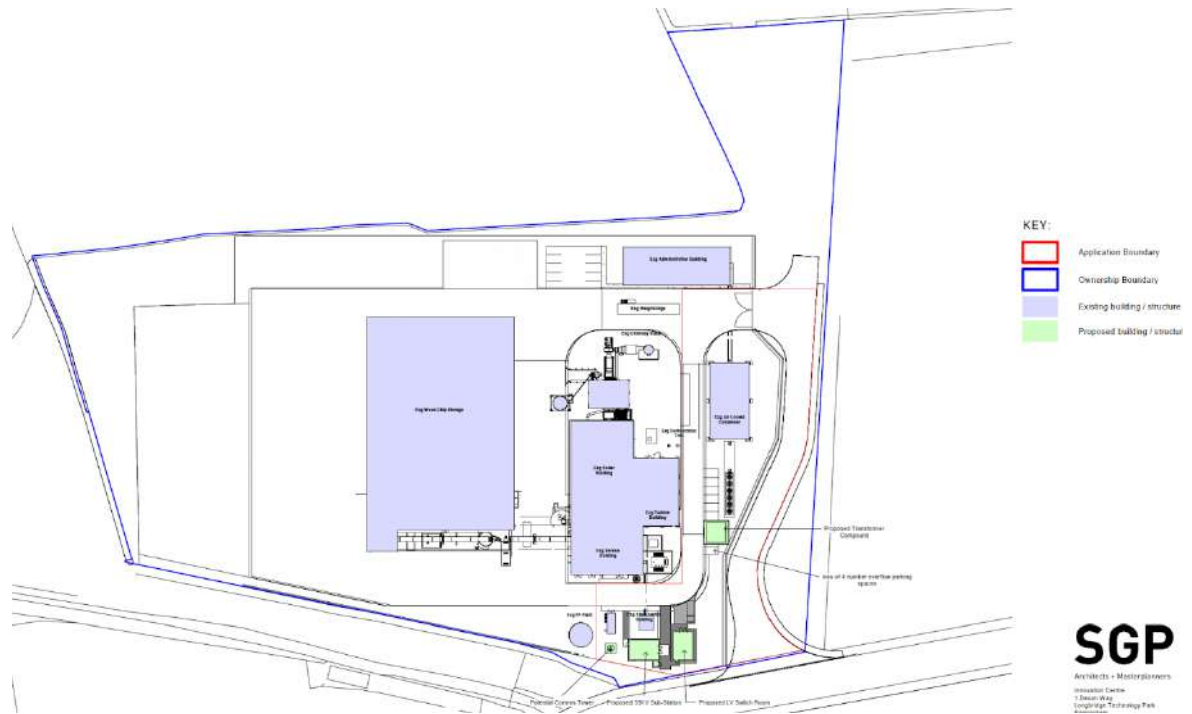


Figure 4: Proposed Site Layout

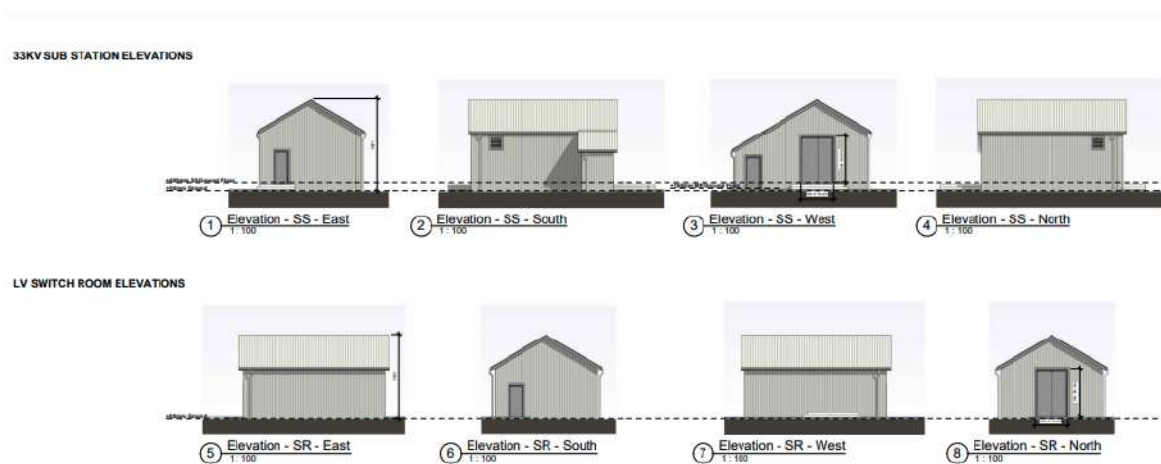


Figure 5: Proposed building elevations

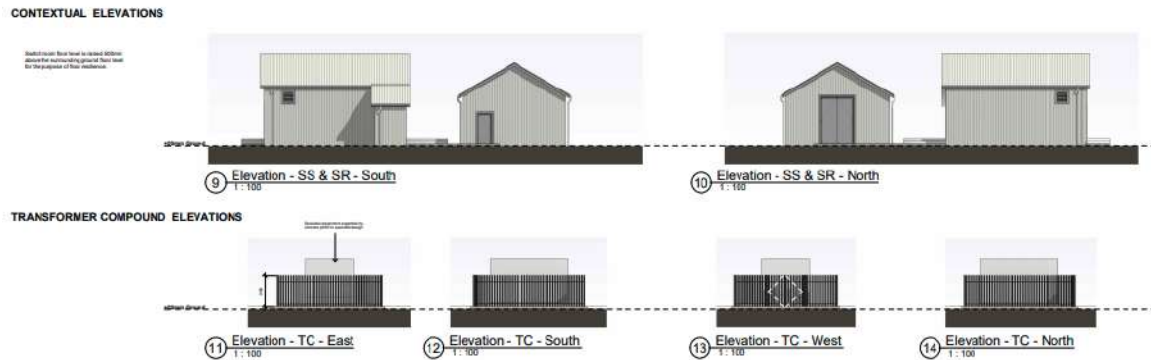


Figure 6: Proposed building elevations (continued)

Explanation of Legislative Context

The Town and Country Planning (General Permitted Development) (Wales) Order 1995

The relevant chapter to the proposed development is **Part 8: Industrial and Warehouse Development, Class B**. The General Permitted Development Order is a statutory instrument which applies to Wales, that grants planning permission for certain types of development. This application is for a Certificate of Lawfulness, to ensure that the building work proposed on site is lawful.

In summary, the General Permitted Development Order which applies to this scheme focuses on Industrial processes. Permitted development in this context includes various activities carried out on industrial land related to industrial processes, such as replacement plants or machinery and replacement of a sewer, main or cable. There are certain circumstances when permitted development does not apply such as when the proposal would materially affect the external appearance or the height would exceed a height of 15m. Class B of the PD Order permits various industrial-related developments, it outlines what is allowed, what is not allowed and the conditions that must be met for such developments.

Justification

For the reasons set out below, we believe that the building works proposed at the site fall within permitted development rights. The below extracts are taken directly from The Town and Country (General Permitted Development) Order 2014, Part 8, Class B.

Extract GPD Order 2014	Evidence	Detail
<i>'Industrial land for the purposes of an industrial process'</i>	The development is proposed on industrial land for industrial processes.	The land at the Energy Plant can be classed as industrial land. The proposed replacement substation, transformer and LV switch room are all for the purposes of an industrial process.
<i>'the installation of additional or replacement plant or machinery'</i>	The proposed development will replace the existing switching station, along with a transforming compound and LV switch room.	All of the proposed buildings fall within the category of the <i>'replacement plant or machinery'</i>
Development not permitted by Class G if...		
<i>'It would materially affect the external appearance of the premises of the undertaking concerned' '</i>	The development proposes to replicate the materials which already exist on site. When viewed within the context of the wider biomass plant and associated setting, the proposed equipment, given its scale and nature, would not materially affect the external appearance of the plant.	Please refer to Figure 5.
<i>'Any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.'</i>	The development proposals are below 15m in height and do not exceed the heights of anything being replaced.	Please refer to Figure 5.

Summary/ Conclusion

On behalf of our client, Welsh Bio Enterprises, we are seeking a Certificate of Lawfulness for the proposed delivery of a replacement substation, LV Switch room and a transformer, with associated compound, at the site at 1 Longland Lane, Port Talbot, SA13 2NR

In summary, we believe that the proposal meets the requirements of the Part 8, Class B, Permitted Development Order (GPDO) for the following reasons:

- It fits within the definition of an 'industrial land' and 'industrial processes'.
- It involves the replacement and installation of plants and machinery.
- It does not do the following:
 - Materially affect the external appearance of the premises
 - Exceed the height of 15m or the height of anything replaced

On that basis, the proposals meet with the definition of 'lawful development' as outlined within the GPDO.

Appendix

Class B

Permitted development

- B.** Development carried out on industrial land for the purposes of an industrial process consisting of—
- (a) the installation of additional or replacement plant or machinery,
 - (b) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus, or
 - (c) the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.

Development not permitted

- B.1.** Development described in Class B(a) is not permitted if—
- (a) it would materially affect the external appearance of the premises of the undertaking concerned; or
 - (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

Interpretation of Class B

- B.2.** In Class B, "industrial land" means land used for the carrying out of an industrial process, including land used for the purposes of an industrial undertaking as a dock, harbour or quay but does not include land in or adjacent to and occupied together with a mine.