

15 July 2025

Submitted via Planning Portal Wales (Ref. PP-14112987)

Mr C Lake
Planning and Building Control
Neath Port Talbot Council
Brunel Way
Briton Ferry
Neath
SA11 2GG

Dear Chris,

**APPLICATION UNDER SECTION 96A – NON-MATERIAL AMENDMENT APPLICATION TO ALTER THE WORDING OF
CONDITION 57 ON PLANNING PERMISSION P2024/0711 AT PORT TALBOT STEELWORKS, GRANGE ROAD,
MARGAM, NEATH PORT TALBOT, SA13 2NG**

Further to recent discussions and on behalf of our client, Tata Steel UK Limited ('the Applicant'), please find enclosed an application under Section 96A of the Town and County Planning Act 1990 (Non-Material Amendment) to alter the wording of Condition 57 on planning permission reference P2024/0711 for major development at Port Talbot Steelworks in Neath Port Talbot.

The application has been submitted via Planning Portal Wales (Reference: PP-14112987) and comprises the following documentation:

Document/Plan	Author	Reference / Date
Application Form	Turley	PP-14112987
Covering Letter	Turley	3 July 2025
Site Location Plan	Lawray Architects	900001 - P05
Email Correspondence with the Mining Remediation Authority	N/A	10 March 2025
Email Correspondence with Neath Port Talbot Council	N/A	12 June 2025

The requisite planning application fee of £200 (inclusive of the £85 Planning Portal Service Charge) will be paid directly to Neath Port Talbot Council (NPT).

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Cardiff
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PLANNING PERMISSION P2024/0711

Hybrid planning permission for the following description of development was granted on 7th March 2025:

“Full planning permission for the demolition of existing buildings and structures, partial infill of the BOS lagoon, and construction of a new electric arc furnace-based steel production facility (1 no. arc furnace, 2 no. ladle furnaces). The development includes chemical/material storage and transfer infrastructure, pipework and cabling (above and below ground), buildings, fume and dust treatment plant, water treatment facility and material handling systems, electrical control rooms and power infrastructure, offices and ancillary facilities, together with new and amended roads and rail lines, landscaping and green infrastructure, lighting, hardstanding, CCTV, drainage and associated engineering operations.

Outline planning permission (with all matters reserved except for access and landscaping) for the construction of a scrap metal handling facility and associated scrap yards, scrap processing facility, new substation, underground and overground electrical infrastructure, and new and amended roads and rail lines, landscape and green infrastructure, lighting, hardstanding, CCTV, drainage and associated engineering operations.”

The hybrid planning permission was granted, subject to a number of conditions. Separate conditions apply to the full and outline elements of the permission respectively. This application relates specifically to Condition 57 of the outline element.

The detailed wording of Condition 57 is as follows:

“In support of the submission of the first reserved matters application for each phase of development as defined by Condition 39, full details of a scheme of intrusive site investigation for the mine entries and shall coal workings shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a report of findings arising from the intrusive site investigations including the results of any gas monitoring, and the submission of a layout plan identifying suitable ‘no build’ zones for the mine entries and the details of remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, in order to ensure that the site is safe and stable for the development proposed in that phase. The development within that phase shall be carried out in accordance with the approved details.

Reason: In order to ensure that historic mining activities are appropriately considered, and to accord with policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).”

LEGISLATIVE CONTEXT

Section 96A of the Town and Country Planning Act 1990 came into force in Wales on 1 September 2014. It allows local planning authorities to make a change to any planning permission if it is satisfied that the change is not material. In allowing a non-material change, an authority may impose new conditions and remove or alter existing conditions if appropriate. The Welsh Government published ‘Planning Guidance: Approving Non-Material Amendments to an Existing Planning Permission’ in July 2014. The guidance is intended to assist local planning authorities and applicants in the determination of non-material amendment applications. The guidance requires local planning authorities to have regard to the effect of the change on the planning permission as originally stated when deciding whether a change is material.

There is no statutory definition of a ‘non-material amendment’. The guidance states that this is due to non-material amendments being subject to several factors, such as the context of the overall scheme, the amendments to the original permission being sought, and the specific circumstances of the site and surrounding areas. It is for local planning authorities to determine whether a proposed change is non-material (paragraphs 2.4 and 2.5).

THE PROPOSAL

This application does not seek to change the nature of the approved development. It seeks approval for a non-material amendment to the wording of Condition 57. The proposal seeks approval for Condition 57 to read as follows:

“No commencement of construction of the superstructure of any hereby approved buildings or structures for each phase of development as defined by Condition 39 shall commence until a scheme is submitted to and approved in writing for proposals to mitigate the potential risk of coal mining subsidence. The scheme shall include:

- i. The undertaking of an appropriate scheme of intrusive site investigations for the mine entries and any potential shallow coal workings;*
- ii. The submission of a report of findings arising from the intrusive site investigations, including the results of any gas monitoring;*
- iii. The submission of a layout plan which identifies suitable ‘no-build’ zones, for the mine entries.*
- iv. Based on the results of the intrusive site investigation referred to in (i) and any identified mitigation and remediation measures to address land instability arising from coal mining legacy, the approved scheme shall be fully implemented in accordance with a schedule of works which will form part of the submitted scheme.”*

ASSESSMENT

The proposed amendment seeks a revised condition that aligns with the position agreed with the Mining Remediation Authority during the determination of the hybrid planning application that informed planning permission P2024/0711. The email trail enclosed in this application submission confirms the outcome of direct discussions between Wardell Armstrong LLP (part of SLR) on behalf of the applicant and the Planning and Development Manager at the Mining Remediation Authority. The agreed position was reached in January 2025 and comprises:

- A trigger for submission of a scheme to mitigate the potential risk of coal mining subsidence in the outline element of the hybrid planning permission prior to commencement of the construction of the superstructure of the proposed buildings.
- Four bullet points setting criteria for the scheme to mitigate the potential risk of coal mining subsidence in the outline element of the hybrid planning permission.

The applicant discussed the discrepancy between the approved wording of Condition 57 and that agreed with the Mining Remediation Authority as the critical statutory consultee in January 2025 with officers at NPT in June 2025. The discussion informed an email to officers dated 12 June 2025 (a copy of which is enclosed with the application), which was submitted as an informal pre-application enquiry to agree the proposed amended wording for the condition. The email confirmed that reverting to the wording agreed with the Mining Remediation Authority is the only practicable wording that works for the Tata programme in implementing this critical infrastructure project at the steelworks.

Officers at NPT confirmed that the proposed wording was agreed on the basis that it is supported by documentation evidencing the agreed position with the Mining Remediation Authority, which is clearly the case. It was also agreed that a s96A Non-Material Amendment was the correct mechanism to revise the wording of Condition 57. The application is submitted on this basis.

SUMMARY AND CONCLUSION

The proposed amendment included in this submission does not materially alter the nature of the approved development. The changes have been informally agreed between Tata Steel, NPT and the Mining Remediation Authority through the statutory consultation on the EAF planning permission and the informal soft sharing of information prior to the submission of the application. The Non-Material Amendment should be approved on this basis.

We look forward to receiving confirmation of receipt and registration of the application in due course. In the meantime, please do not hesitate to contact us with any queries.

Yours sincerely

Mared Jones

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