

**Swansea Gate Business Park / Bay Studios Business
Park, Fabian Way, Crymlyn Burrows, Swansea,
SA1 8QB**

**Section 192 Application for Placing a Hydrogen
Electrolyser within a Workshop**

Planning Statement

NDIP-00554
Planning Statement
September 2025

Document status

Version	Purpose	Authored by	Reviewed by	Approved by	Review date
Draft	Review	Gary Palmer			

Approval for issue

Gary Palmer *Gary Palmer* 23rd September 2025

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1. Introduction

- 1.1. RPS Consulting Services Ltd (a TetraTech Company) (the Agent) has been instructed by Hyppo Hydrogen Solutions Ltd (the Applicant) to assist with their proposal to site a small, self-contained hydrogen electrolyser at their Swansea Gate Business Park / Bay Studios Business Park, premises on Fabian Way, Crymlyn Burrows, Swansea, SA1 8QB (the Site). The Site falls within the jurisdiction of Neath and Port Talbot Council which is the Local Planning Authority (the LPA).
- 1.2. Hyppo Hydrogen Solutions Ltd (HHS) is a clean-energy company specialising in the development of green hydrogen technologies and services. HHS's work includes the design and assembly of hydrogen storage systems, testing of hydrogen-powered generators, and demonstration of hydrogen-fuelled vehicles.
- 1.3. HHS's mission is to accelerate the transition to low-carbon transport and energy systems by developing and trialling practical, scalable hydrogen applications.
- 1.4. Further details can be found at: <https://hyppo.co.uk>
- 1.5. The Applicant occupies a B2 Industrial unit at the Swansea Gate Business Park / Bay Studios Business Park. The unit is part of a larger complex of business and industrial units available for rent. The unit comprises an indoor workshop which is part of a larger building and an area of open and covered hard standing to the east of the workshop. HHS wish to locate a small, self-contained hydrogen electrolyser facility within the building and wish to obtain a Certificate of Lawfulness for this proposed use. The hydrogen electrolyser would be used to support HHS's operations within the Site.
- 1.6. Section 192 of the **Town and Country Planning Act 1990** (the Act) concerns certificates of lawfulness of proposed use or development. Section 192 of the Act advises,
 - 1) *If any person wishes to ascertain whether—
 - (a) any proposed use of buildings or other land; or
 - (b) any operations proposed to be carried out in, on, over or under land,would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.*
 - 2) *If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.*

(3) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use or operations to be lawful; and

(d) specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

- 1.7. This Planning Statement (PS) supports an application under Section 192 of the Act for the proposed a location of a hydrogen electrolyser within the building.

2. Site History

- 2.1. The Swansea Gate Business Park / Bay Studios Business Park is located between Swansea and Briton Ferry, north of Swansea University's Bay Campus.
- 2.2. According to the website www.baystudiosbusinesspark.co.uk the business park measures some 17.8 hectares (44 acres) with 55,740 sqm (600,000 sqft) of facilities. 32,500sqm (350,000 sqft) of the business park are currently utilised by the film industry with the rest comprising a mixture of employment uses.

Prestcold Fridge Company, Ford and Visteon

- 2.3. The Swansea Gate Business Park or Bay Studios Business Park began life in 1959, built by the 'Prestcold Fridge Company' for refrigerator manufacturing.
- 2.4. In 1965, 'Ford' acquired the facility, repurposing it to manufacture chassis components and axles, including gearboxes for Jaguar among other automotive output. The factory spanned a 120,000 m² site.
- 2.5. Ford later transferred the site to 'Visteon', its automotive parts spin-off, marking a shift in ownership while retaining its manufacturing purpose.
- 2.6. In 2009, the Visteon plant went into receivership, resulting in a significant loss of jobs, reportedly over 2,000 employees had worked there over the years.
- 2.7. The premises therefore had (and still have) a B2 use.

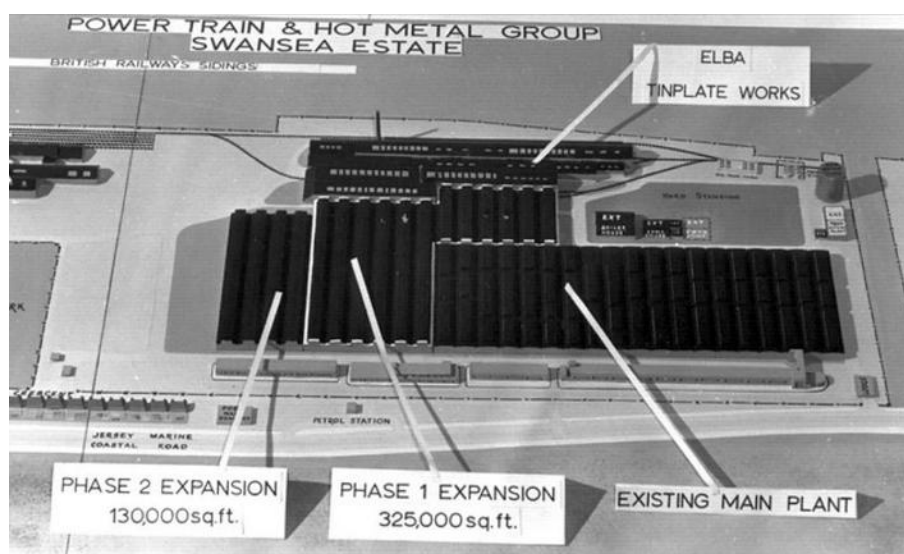


Figure 1: Photograph from 1966 showing a model of the Ford Plant



Figure 2: Photograph of the plant from 1968.



Figure 3: Photograph of the plant estimated from 1968.

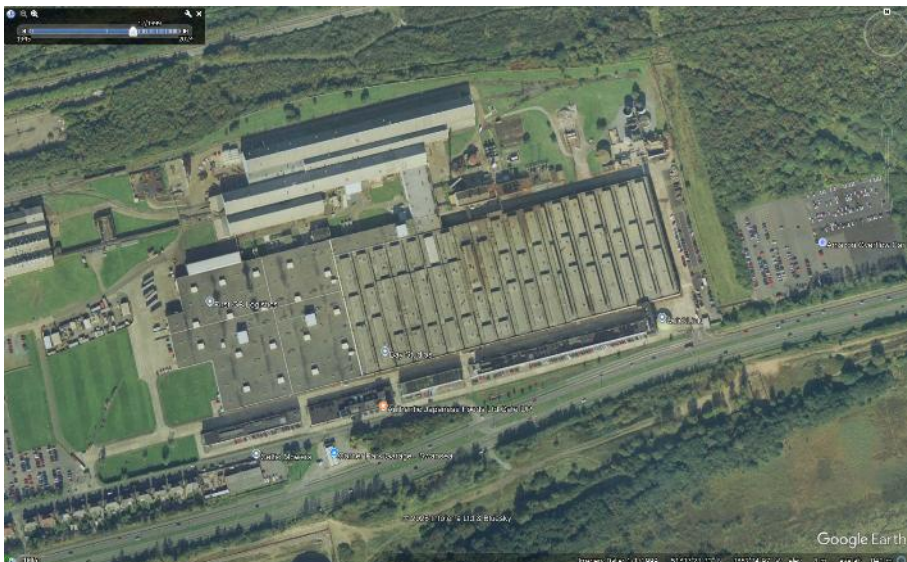


Figure 4: Aerial Photograph of the plant 1999 © Infoterra Ltd & Bluesky



Figure 5: Aerial Photograph of plant 2009 © Getmapping Plc

Redevelopment in 2007

- 2.8. After the closure of Visteon, 'RT Properties' acquired part of the 12-hectare (30-acre) site in 2007 and redeveloped it into the 'Swansea Gate Business Park' (Swansea Gate Business Park is an umbrella name for the redeveloped estate). 'Bay Studios' is the largest tenant within Swansea Gate Business Park. It occupies the largest single building on the site — the old 265,000 sq ft Ford/Visteon factory hall.

2011 – Demolition of part of the factory

- 2.9. On 29th July 2011, Neath Port Talbot County Borough Council advised under reference P/2011/628 that prior approval was not required for the demolition of buildings on the site. The area for demolition comprised the original factory buildings. Following demolition of the buildings the land was restored as an area of hardstanding ancillary to the surrounding B2 uses.

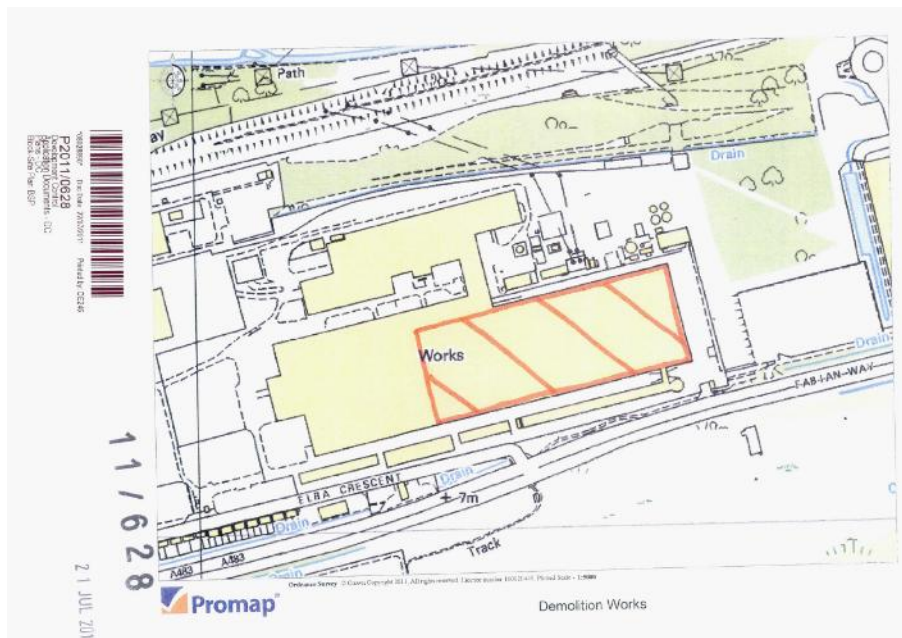


Figure 6: Area to be demolished in 2011 (P/2011/628)



Figure 7: Aerial Photograph of the area July 2013 - Google Earth



Figure 8: Aerial Photograph of the area July 2024 © 2025 Airbus

2015 to 2023 – Swansea University

- 2.10. Between 2015 and 2023, Swansea University leased the application Site, which comprised a unit within the remaining factory units and an area of hardstanding to the east. The University utilised the unit and the hardstanding as a workshop where they undertook electrolyser and hydrogen-related research.

3. The Application Site

- 3.1. The Application Site (the Site) comprises a B2 Industrial Unit which consists of an indoor workshop and ancillary external hardstanding to the east. The Site is located within the Swansea Gate Business Park / Bay Studios Business Park. The Site is the area previously utilised by Swansea University.

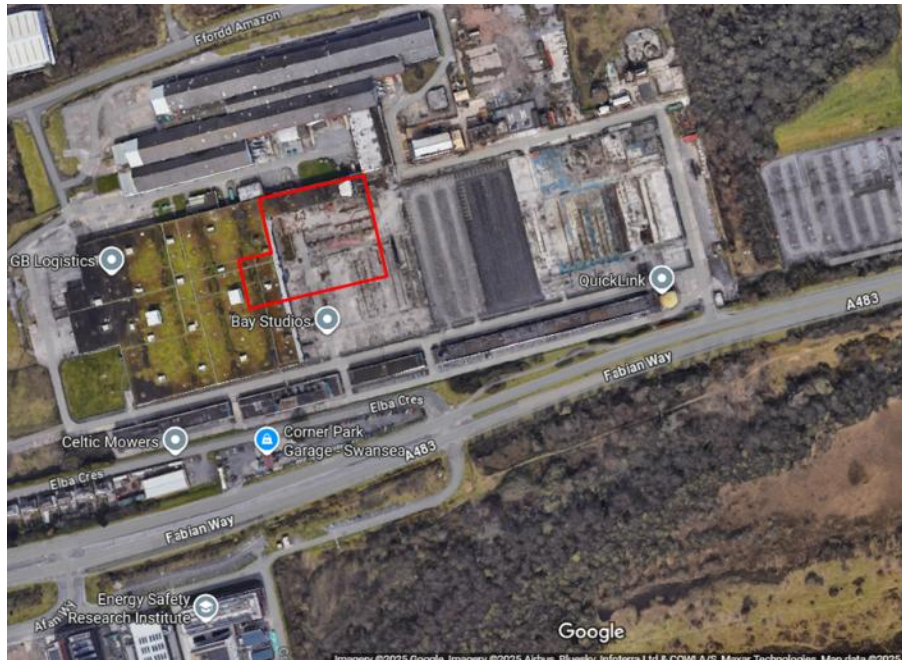


Figure 9: Location of the Site within the Business Park



Figure 10: Location of the Site

- 3.2. HHS currently occupy the Site and utilise both the workshop and the hardstanding for a programme of hydrogen related research and development, hydrogen trials and demonstrations, innovation, developing hydrogen storage tanks, generators, and related

equipment. HHS operate at their workshop within the Site and on the hardstanding to the east, working on collaborative projects with Swansea University, the National Physical Laboratory, Wales & West Utilities, and vehicle manufacturers such as the Ford Motor Company.

3.3. Current activities undertaken by HHS at the Site include:

- Assembly of hydrogen tanks and valves for the Hyppo Modular Power range, requiring hydrogen for testing and validation.
- Assembly of hydrogen fuel cell and battery generators, also requiring hydrogen for trials.
- Conversion and testing of vehicles for hydrogen retrofit.
- Trialling of hydrogen-powered vehicles for fleet applications.

3.4. Both the workshop and the hardstanding were previously part of the Ford manufacturing plant. The hardstanding was previously occupied by the original manufacturing plant that was demolished in 2011.



Figure 11: Aerial view of the Site from the east.



Figure 12: Aerial view of the Site from the east.



Figure 13: HHS's vehicles and equipment stored on the Site.



Figure 14: HHS's vehicles and equipment stored on the Site.

4. Proposal

- 4.1. As noted above, HHS require a source of hydrogen for their ongoing work at the Site. HHS has acquired a hydrogen electrolyser system contained within three modular shipping containers. The units, previously used at Pembroke Port for green energy research, are fully transportable and designed for temporary deployment.
- 4.2. The electrolyser would be used solely in connection with HHS's research, development, and demonstration work currently being undertaken on the Site and would be ancillary to the Applicant's lawful B2 industrial and associated activities at the Site. The facility would assist HHS in their ongoing trials and demonstrations, including collaborative projects with Swansea University, the National Physical Laboratory, Wales & West Utilities, and vehicle manufacturers.
- 4.3. Ideally, the hydrogen electrolyser would be placed on the hardstanding to the east of the unit as the facility is contained within three modular shipping containers and is designed to be transportable and temporary. Two of the shipping containers are approximately 6m long, 2.4m wide, and 2.9m high with an internal capacity of approximately 35m³. The third container is approximately 3m long, 2.4m wide and 2.6m high. There would be further ancillary infrastructure and connections around the containers; however, the electrolyser is largely self-contained within the shipping containers. The electrolyser would not require any interference with the actual physical characteristics of the land and could simply be placed on the hard standing, would not be affixed to the ground, would be easily removable, and no ground works would be required.
- 4.4. However, to avoid any dispute over whether placing the electrolyser on the hardstanding would comprise operational development, HSS propose to locate the electrolyser inside the unit. Whilst not ideal, HSS would be able to compromise their working arrangements to accommodate the facility within the premises.
- 4.5. Any refuelling of vehicles from the facility would be incidental and ancillary to the workshop, research, and demonstration function taking place at the Site and would not amount to the establishment of a commercial filling station or retail use.

Safety and Compliance

- 4.6. HHS would continue to comply and excel in all safety and compliance matters:
- Hydrogen will be produced and stored in quantities below statutory thresholds for Hazardous Substances Consent. Any storage of hydrogen would be less than two tonnes.
 - All equipment complies with recognised international safety standards.
 - Operations will be undertaken in consultation with the Health and Safety Executive (HSE) and South Wales Fire and Rescue Service.

5. Assessment

No Change of Use of the Land

- 5.1. **The Town and Country Planning (Use Classes) Order 1987** plays a central role in the planning system by categorising land and buildings into various "use classes" for the purposes of determining whether a change of use constitutes "development" and therefore requires planning permission.
- 5.2. The previous use of the Site was part of the car parts manufacturing facility which falls within the B2 General Industrial use class i.e. *"Use for the carrying on of an industrial process other than one falling within class B1 above"*.
- 5.3. Under section 55 of the **Town and Country Planning Act 1990** (as it applies in Wales), planning permission is required for the development of land, which includes a material change of use. When permission is granted, it is typically granted for the land itself, not the individual or organisation that applied for it.
- 5.4. This principle is reinforced by section 75 of the Act, which states:
"Without prejudice to the provisions of this Part as to the duration, revocation or modification of planning permission or permission in principle, any grant of planning permission or permission in principle to develop land shall (except in so far as the permission otherwise provides) enure for the benefit of the land and of all persons for the time being interested in it."
- 5.5. Whilst a section of the manufacturing plant has been demolished, B2 employment uses have continued at the Site. Therefore, a B2 use has been maintained on the Site and the land and buildings maintain this B2 use as per section 75 of the Act.
- 5.6. The **Town and Country Planning (General Permitted Development) Order (GPDO) 1995** advises that it is permitted development to change from use class B2 to class B1. Class B1 includes the following uses:
*(a) as an office other than a use within class A2 (financial and professional services),
(b) for research and development of products or processes, or
(c) for any industrial process,
being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*
- 5.7. The Site is currently being used by the Applicant for B2 purposes with an element of B1 within this. The Planning Unit is the Site and therefore has a B2 use.

- 5.8. The proposed electrolyser falls within a B2 use, although it could also be classed as B1 as the operation of the electrolyser can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. The proposed electrolyser is certainly less harmful than any permitted B2 use of the Site. Therefore, locating the electrolyser within the Site would not constitute a change of use of the land.

No Operational Development

- 5.9. The proposed electrolyser is contained within shipping containers and is modular, transportable, and readily removable. The electrolyser is plant and equipment ancillary to the existing B2 use of the Site. The electrolyser would be located within the building. Placing the component parts of the hydrogen electrolyser within the building does not constitute operational development.

6. Summary

- 6.1. RPS Consulting Services Ltd has been instructed by Hyppo Hydrogen Solutions Ltd to assist with their proposal to site a small, self-contained hydrogen electrolyser at their premises at the Swansea Gate Business Park / Bay Studios Business Park, Fabian Way, Crymlyn Burrows, Swansea. This Planning Statement (PS) supports an application under Section 192 of the Town and Country Planning Act 1990 to obtain a Certificate of Lawfulness for the proposal to locate the electrolyser at the Site.
- 6.2. The Site was previously occupied by the Ford Motor Company component factory which benefited from a general B2 Industrial Use and the Site also benefits from this B2 use. The activities undertaken by HHS at the Site are generally B2 uses with elements of B1. The proposed hydrogen electrolyser falls within these existing authorised uses and would form part of the HHS's existing activities taking place at the Site.
- 6.3. The proposed electrolyser would be contained within three shipping containers and supported with other ancillary infrastructure. The electrolyser would be located inside the building and would not constitute operational development.
- 6.4. This Planning Statement, along with the supporting information provides Neath and Port Talbot Council with sufficient information to satisfy them that the use or operations described in the application would be lawful if instituted or begun at the time of the application.
- 6.5. In light of the Applicant's clear, precise and unambiguous evidence, and applying the principle in *Gabriel v SSE [1994] JPL 1010*, the Council is required to conclude, on the balance of probability, that the proposal is lawful and to issue a Certificate accordingly.