

**Our ref:** Q260291  
**Your ref:** P2026/0405  
**Email:** [REDACTED]  
**Date:** 19<sup>th</sup> June 2026



Mr Chris Davies and Ms Nicola Lake  
Planning Department  
Neath Port Talbot  
Civic Centre  
Port Talbot  
SA13 1 PJ

Dear Mr Davies and Ms Lake

## **Section 96A Non-Material Amendment to Planning Permission P2014/0356 (as amended by permission P2015/0411)**

- 1.1 On behalf of Associated British Ports (“ABP”), please find enclosed an application pursuant to Section 96A of the Town and Country Planning Act (1990) (as amended) (“the Act”). The application proposes a Non-Material Amendment (“NMA”) to planning permission P2014/0356 (as amended by permission P2015/0411) at Port Talbot Docks Sand and Gravel Site, located west of Margram Steelworks, Margam, Port Talbot, SA13 1NB (“the Site”).
- 1.2 In addition to this cover letter, this application is accompanied by the following documentation:
  - Site Location Plan; and
  - Completed application forms and fee.
- 1.3 The application has been submitted to Neath Port Talbot Council (“NPTC”) via email (Ref. **P2026/0405**) and the requisite fee of £242.00 has been paid under the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (Wales) Regulations 2015 (as amended).

## **2 The Site and background**

- 2.1 The Site is located within the operational Port of Port Talbot. The Site received planning permission (ref. P2005/1756) on 11 December 2007 for:  
*Extraction of sand and gravel, restoration to original ground levels using waste slag from adjoining steelworks, together with temporary use of the site to accommodate storage and distribution of sand dredged from shipping lane in adjoining Port Talbot Dock.*
- 2.2 Since the above application, the following applications have been submitted:
  - **P2014/0356** – In March 2014 a Section 73 planning application was submitted by ABP which sought permission to:



*Vary Condition 5 (details on method of working and progressive restoration) and Condition 13 (aftercare details) Planning Application Ref. P2005/1756 to allow the submissions to be deferred up to 1<sup>st</sup> January 2015.*

The application was approved on 30 June 2014.

- **P2015/0411** – In May 2015 a Non-Material Amendment application was submitted by ABP which sought permission to:

*Amend Conditions 1, 2, 5, 6, 11, 13 and 24 of Planning Permission P2014/0356*

The application was approved on 25 August 2015.

- **P2016/0176** – In March 2016 an application was submitted by ABP to discharge Condition 5 and 13

*Discharge Condition 5 (phased restoration) and Condition 13 (revised aftercare scheme) as required by planning permission P2014/0356 (as amended by the Non-Material Amendment approved under P2015/0411)*

The application was approved on 25 July 2019.

- 2.3 The Planning Statement of permission P2016/0176 states that the Phased Restoration and Revised Aftercare Scheme was designed to take into account finished ground levels to facilitate the development of the Prenergy Scheme, which was for a 340MW wood-fuelled biomass plant, which was approved by UK Government in November 2017.
- 2.4 However, the Prenergy Scheme is no longer coming forward, which formed the basis of the Restoration Scheme approved under permission P2016/0176, and therefore there is a need to submit a revised restoration plan for this Site. Prior to the submission of a revised Restoration Scheme, this NMA is required to amend the wording of certain conditions of planning permission P2014/0356 (as amended by permission P2015/0411). The amendments sought via this application, and the reasons for the amendments, are set out in Section 4 of this letter and are the result of discussions with NPTC.
- 2.5 The works approved under the discharge of condition application P2016/0176 have not yet been delivered.

### **3 NMA Procedure**

- 3.1 Section 96A of the Town and Country Planning Act 1990 (as amended) came into force in Wales on 01 September 2014. A Section 96A planning application allows for non-material amendments to be made to an existing planning permission via an application being made to the Local Planning Authority (“LPA”).



- 3.2 Due to the range of factors that can determine what constitutes a non-material amendment, there is no statutory definition defined in the Act. The responsibility of determining whether a proposed change is non-material lies with the LPA. The Act sets out that when deciding whether a proposed change is non-material, the LPA should consider the effect of the change, together with any previous changes made to the original permission. The following section sets out why the proposed changes are considered to be non-material.

## 4 Proposed Amendments

- 4.1 This S96A Non-Material Amendment application to planning permission P2014/0356 (as amended by permission P2015/0411) is seeking to:
- Amend the Description of Development;
  - Amend the wording of conditions 1, 5, 12, 13 and 24;
  - Remove condition 21.
- 4.2 The amendments to the conditions are proposed to provide new deadlines for the submission of a revised restoration scheme, for the physical completion of the restoration scheme, and for the aftercare scheme, as well as to provide flexibility in the materials that can be used on-site.
- 4.3 The principle of the changes sought in this application have been discussed with NPTC and the Applicant across several pre-application meetings, prior to making this submission.

### Proposed amendment to the Description of Development

- 4.4 It is proposed to amend the Description of Development as per below with deletions in **red strikethrough text** and additions in **green text**.

*To vary Condition 5 (details on method of working and progressive restoration) and Condition 13 (aftercare details) Planning Application Ref. P2005/1756 (**Extraction of sand and gravel, restoration to agreed ground levels, together with temporary use of site to accommodate storage and distribution of sand dredged from shipping lane in adjoining port talbot dock**) to allow the submissions to be deferred. ~~up to 1<sup>st</sup> January 2015.~~*

- 4.5 It is proposed that the P2005/1756 Description of Development (being the original host permission) is inserted into the Description of Development in broad terms, with subsequent amendments where necessary (described further below). The insertion of the original host permission's Description of Development is in the interest of clarity.
- 4.6 For clarity, the changes proposed to the P2005/1756 Description of Development include:
- Replacing "original ground levels" to "agreed ground levels"; and
  - Removing "using waste slag from adjoining steelworks".
- 4.7 These proposed changes to the P2005/1756 Description of Development are to allow flexibility in the types of materials that are to be used to infill the Site, to enable the Site to be restored to



ground levels to be agreed with NPTC and to ensure consistency with the proposed wording amendments to Conditions 5 and 12 as set out below.

- 4.8 The change in wording from “original ground levels” in the P2005/1756 Description of Development to “agreed ground levels” is considered necessary as the ground levels are to be shown on the restoration plan that is secured by Condition 5 and Condition 12 (as proposed to be varied in this NMA application). Therefore, NPTC will still have control over the restored ground levels.
- 4.9 The omission in the P2005/1756 Description of Development of the reference to using waste slag to fill the site is not considered material as the fill material will still be controlled by Condition 5. This is discussed in further detail below.

#### **Proposed amendments to Condition 1**

- 4.10 The current wording of Condition 1 of P2014/0356 (as amended by P2015/0411) reads:

*The development is permitted for a temporary period only and shall cease not later than 11<sup>th</sup> December 2018, restoration shall be completed not later than 11<sup>th</sup> December 2019 with a 5 year period of aftercare following from the date restoration is completed.*

- 4.11 As detailed in Section 2 of this letter, restoration of the Site as approved under permission P2016/0176 have not yet been delivered nor has the 5-year period of aftercare. It is therefore necessary to amend the wording of Condition 1 to set a new deadline for completion of the restoration of the Site.

- 4.12 The proposed amended wording is detailed below with deletions in **red strikethrough text** and additions in **green text**.

*The development is permitted for a temporary period only and shall cease not later than 11<sup>th</sup> December 2018, restoration shall be completed not later than 11<sup>th</sup> December ~~2019~~ **2030** with a 5 year period of aftercare following from the date restoration is completed.*

- 4.13 The proposed amendments to Condition 1 are considered to be non-material as the restoration of the Site will be controlled by the approved Restoration Scheme under permission P2016/0176 and any new Restoration Scheme will require approval by NPTC.

#### **Proposed amendments to Condition 5**

- 4.14 The current wording of Condition 5 of P2014/0356 (as amended by P2015/0411) reads:

*No later than 1st March 2016, a scheme shall be submitted to the Local Planning Authority for approval for phased restoration of the site. The scheme shall identify the method and direction of infilling and the anticipated timescale for the completion of each phase and its restoration. The operations of the site shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.*



- 4.15 The condition currently includes a date as to when the restoration proposals for the Site need to be submitted to NPTC for approval, being by March 2016 (which is time expired). This is required to be updated to reflect ABP's intention for the works (described below) and updated timescales.
- 4.16 ABP intend to commence the initial restoration of the Site, in accordance with the restoration scheme approved under permission P2016/0176. However, ABP do not intend to deliver the approved restoration scheme in its entirety given there is a level of uncertainty regarding the status of the ground conditions and site levels. The Site is also required under the approved restoration scheme to be infilled using waste slag, which may not be feasible given the Site's uncertainty regarding ground conditions, site levels and available material. On this basis, it is necessary to amend the wording of Condition 5 to allow flexibility for the submission of a revised restoration scheme if required at a later date.
- 4.17 The proposed amended wording is detailed below with deletions in **red strikethrough text** and additions in **green text**.
- No later than 1st March ~~2016~~ 2028, a **revised restoration** scheme shall be submitted to the Local Planning Authority for approval for phased restoration of the site. The scheme shall identify the **materials (including potential reuse of overburden and topsoil)**, method and direction of infilling and the anticipated timescale for the completion **of the remaining restoration** of each phase and its restoration. The operations of the site shall be carried out in accordance with the approved scheme **(under application P2016/0176)**. ~~unless otherwise agreed in writing by the Local Planning Authority.~~*
- 4.18 The proposed amendments to Condition 5 are considered to be non-material as the condition will still require NPTC's approval of any future restoration proposals including consideration of the effects of the proposed amendment.

#### **Proposed amendment to Condition 12**

- 4.19 The current wording of Condition 12 of P2014/0356 reads:
- The site shall be completely restored to the approved contours within 12 months of the completion of any mineral extraction from the site or by 31<sup>st</sup> December 2018 whichever is the earliest.*
- 4.20 Condition 12 requires the Site to be restored within 12 months following the completion of mineral extraction, or by 31 December 2018, whichever is earliest.
- 4.21 NPTC is aware of ABP's emerging proposals for the port of Port Talbot which comprise improvements to the existing port, known as the minor consenting works and "Future Port Talbot" which will see large scale development of the Port. These emerging proposals form part of the reason why the Site has not been restored following the completion of mineral extraction, with another reason being that the Prenergy Scheme never materialised, as set out in Section 2 of this letter.



4.22 It is proposed that the wording of Condition 12 is amended to allow for a new submission deadline and to allow for flexibility in the Site's restoration levels, given the current uncertainty on the status of the Site which will only become apparent once works have commenced on-site. The proposed revised date is aligned with the programme for the Future Port Talbot Infrastructure Consent Order ("ICO") scheme at the port of Port Talbot.

4.23 The proposed amended wording is detailed below with deletions in ~~red strikethrough text~~ and additions in **green text**.

*The site shall be ~~completely~~ restored to a level agreed in writing by the Local Planning Authority ~~to the approved contours~~ within 12 months of the completion of any mineral extraction from the site or by 31<sup>st</sup> December ~~2018~~ **2030** whichever is the earliest.*

4.24 This change is considered to be non-material as the condition will still require NPTC's approval of the restoration proposals by a specific date.

#### **Proposed amendment to Condition 13**

4.25 The current wording of Condition 13 of P2014/0356 (as amended through P2015/0411) reads:

*Notwithstanding the aftercare scheme as approved under P97/0206 on 29th September 1997, no later than 1st March 2016 a revised aftercare scheme shall be submitted to the Local Planning Authority for its approval and the scheme shall be implemented as approved.*

4.26 Condition 13 requires the submission of an aftercare scheme to be approved by NPTC by 1<sup>st</sup> March 2016. As detailed in Section 2 of this letter, the Future Port Talbot minor consenting works scheme and the Prenergy Scheme never having materialised have resulted in the approved aftercare scheme not being undertaken.

4.27 To enable a revised aftercare scheme to be submitted, it is proposed that the condition is amended to allow for a new deadline for the submission of a revised aftercare scheme. The proposed revised date is aligned with the programme for the Future Port Talbot ICO scheme at the port of Port Talbot.

4.28 The proposed amended wording is detailed below with deletions in ~~red strikethrough text~~ and additions in **green text**.

*Notwithstanding the aftercare scheme as approved under P97/0206 on 29th September 1997, no later than 1st March ~~2016~~ **2030** a revised aftercare scheme shall be submitted to the Local Planning Authority for its approval and the scheme shall be implemented as approved.*

4.29 This change is considered to be non-material as the Condition will still require NPTC's approval of the aftercare scheme by a specific date.

#### **Proposed amendment to Condition 21**

4.30 Condition 21 of P2014/0356 reads:

*All overburden and topsoil shall remain on the site for the purpose of the restoration of the site.*



- 4.31 As detailed in the previous sections of this letter, the current condition of the Site is unknown and will only become apparent once works on-site have begun. There may be a requirement to remove some of the overburden and topsoil from the Site rather than retain it for the purposes of restoration, which Condition 21 would currently prevent.
- 4.32 It is proposed that Condition 21 is deleted. Instead, Condition 5 (as proposed to be amended) requires the submission of a revised restoration scheme to NPTC for approval, including the materials to be used in the restoration works.
- 4.33 The proposed amended wording is detailed below with deletions in ~~red strikethrough text~~ and additions in **green text**.

~~All overburden and topsoil shall remain on the site for the purpose of the restoration of the site.~~

#### **Proposed amendment to Condition 24**

- 4.34 Condition 24 of P2014/0356 reads:

*Only blast furnace slag with low leaching potential (as characterised by the source testing described in the letter from SLR Consulting to Tarmac Western Ltd dated 15<sup>th</sup> October 2007) or material dredged from the maintenance of Port Talbot Docks shall be utilised to infill the excavated areas.*

- 4.35 Condition 24 requires the Site to be infilled using waste slag from the adjoining steelworks, or using material dredged from the maintenance of Port Talbot Docks.
- 4.36 The slag from the steel industry is now a valuable raw material, and has specific properties which make it a valuable commodity. Slag can now be used for the manufacturing of high-quality products for the cement and building materials industries, aggregates for road construction and fertilizers. Therefore, it is proposed to remove reference to slag in Condition 24 to allow the Site to be infilled using other material.
- 4.37 In terms of dredged material from Port Talbot Docks, most of the material is silt and sizing may be an issue for using to infill the Site. As above, it is proposed to remove reference to dredged material to allow the Site to be infilled using alternative materials.
- 4.38 Condition 5 (as proposed to be amended) requires the submission of a revised restoration scheme to NPTC for approval, including the materials to be used in the restoration works.
- 4.39 The proposed amended wording is detailed below with deletions in ~~red strikethrough text~~ and additions in **green text**.

~~Only blast furnace slag with low leaching potential (as characterised by the source testing described in the letter from SLR Consulting to Tarmac Western Ltd dated 15<sup>th</sup> October 2007) or material dredged from the maintenance of Port Talbot Docks shall be utilised to infill the excavated areas.~~  
**material agreed in writing by the local planning authority**



- 4.40 The change in wording to allow the infill of the Site using other material as opposed to waste slag or dredged material is not considered a material change as the type of material will still be controlled by Condition 5.

## Conclusion

- 4.41 This S96A Non-Material Amendment application is seeking to amend the Description of Development, and delete or amend Conditions 1, 5, 12, 13, 21 and 24 of planning permission P2014/0356 as amended by P2015/0411.
- 4.42 As set out in this letter, these changes are non-material in nature and will allow ABP to submit a revised restoration scheme and aftercare scheme for the Site, for NPTC's approval.
- 4.43 We trust that the above and attached is clear, but please do not hesitate to contact us should you have any questions.

Yours sincerely



Alex MacGregor  
Associate Director

cc. Associated British Ports