

Our Ref: 2774-01/NMA

05 August 2026

Neath Port Talbot County Borough Council
Development Control Section,
The Quays, Brunel Way,
Neath,
SA11 2HZ

Dear Sir or Madam

Application made under Section 96A of the Town and Country Planning Act 1990 (as amended) for a Non-Material Amendment to Condition 2 of Planning Permission Ref. P2025/0446: comprising amendments to the approved site layout and replacement building details at Margam Green Energy Plant, Harbour Way, Margam, Port Talbot

Introduction

This covering letter is submitted on behalf of Margam Green Energy Ltd in support of an application under Section 96A of the Town and Country Planning Act 1990 (as amended) for a non-material amendment to Condition 2 of planning permission ref. P2025/0446. Planning permission P2025/0446 provides for *'Proposed development comprising a two-storey office building, three two-storey contractor cabins, a two-storey security cabin, a fuel inspection gantry, a car park, a smoking shelter, site entrance gate and access barrier, landscaping proposals, drainage infrastructure and ancillary development'* at Margam Green Energy Plant.

Description of Proposed Amendments

Planning permission P2025/0446 was granted by Neath Port Talbot County Borough Council (NPTCBC) on 17th June 2025. The planning permission was granted subject to 15 planning conditions. Condition 2 lists the approved drawings and documents that the development must be carried out in complete accordance with them.

Since the grant of planning permission, the detailed design has progressed, resulting in a number of minor refinements to the approved site layout. In particular, the approved contractor cabins are no longer required and have been replaced with an enlarged Operations and Maintenance (O&M) building to provide additional contractor welfare and office accommodation. As a consequence, a number of the approved drawings listed under Condition 2 require updating.

The drawings that will be replaced are:

- i.4183-8310-0001DW Proposed Site Entrance R5.0
- ii.4183-8330-0002DW Site Office Elevations R1.0;
- iii.4183-8320-0002A Contractor Cabin Ground Floor R1.0;
- iv.4183-8330-0003A Contractor Cabins Elevations R1.0;
- v.4183-8320-0003A Contractor Cabin First Floor R1.0;
- vi.2774-01-05 Rev E Landscape Plan.

The proposed amendments are considered to be non-material in nature as they comprise minor refinements to the approved site layout, operational infrastructure and welfare facilities. The amendments do not alter the nature, purpose or operational capacity of the approved development, nor do they give rise to any materially different planning or environmental effects. The proposed development therefore remains materially the same as that approved under planning permission ref. P2025/0446 and can appropriately be considered under Section 96A of the Town and Country Planning Act 1990 (as amended).

To regularise these design refinements, this application seeks to replace the approved drawings listed under Condition 2 with the following updated drawings as shown in Table 1.

Table 1 – Schedule of Amendments

Approved Drawing Reference	Proposed Replacement Drawing Reference	Summary of the amendment
4183-8310-0001DW Proposed Site Entrance R5.0	4183-8310-0001DW Proposed Site Entrance R8.0	The proposed NMA relates to minor updates to the approved site layout, including changes to accommodation, fencing, access, parking, infrastructure, and security arrangements.
4183-8330-0002DW Site Office Elevations R1.0 4183-8330-0003A Contractor Cabins Elevations R1.0	4183-8330-0002 O&M Building Elevations R6.0	The revised drawing provides the elevations of the enlarged O&M building, replacing the previously approved site office elevations.
4183-8320-0002A Contractor Cabin Ground Floor R1.0 4183-8320-0003A Contractor Cabin First Floor R1.0	4183-8320-0003DW O&M Building Floor Plans R3.0	The revised drawing reflects the removal of the contractor cabins and provides the ground and first floor plans of the enlarged O&M building.
2774-01-05 Rev E Landscape Plan	2774-01-05 Rev F Landscape Plan	Amendments to plan to accommodate changes to layout

Drawing 4183-8310-0001DW Proposed Site Entrance R7.0 replaces approved drawing **4183-8310-0001DW Proposed Site Entrance R5.0**. The revised drawing incorporates the following amendments to the site layout:

- Removal of the contractor cabins and an increase in the footprint of the office building to provide additional contractor accommodation;
- New fencing around the perimeter of the Landscape and Ecological Management Plan (LEMP) area and the provision of two pedestrian access gates;
- A new gravel laydown area;
- Installation of a Glass Reinforced Plastic (GRP) kiosk to accommodate the electrical distribution board; and
- Amendments to the car parking layout and perimeter fencing around the car park.

Drawing 4183-8330-0002 O&M Building Elevations R6.0 replaces approved drawing **4183-8330-0002DW Site Office Elevations R1.0** and **4183-8330-0003A Contractor Cabins Elevations R1.0**. The revised drawing reflects the replacement of the approved site office and contractor cabins with an enlarged O&M building. The amendments comprise a modest increase in the overall building footprint

(320m² compared with the combined approved footprint of the site office and contractor cabins of approximately 311m²), an increase in building height (from 5.2m to 8.6m), updated elevations, revised window and door arrangements, a revised roof plan, and the repositioning of the external access staircase. The increase in footprint is minimal and arises primarily from consolidating the approved office and contractor welfare facilities into a single permanent building, thereby improving the operational efficiency and functionality of the site.

Notwithstanding the increase in height, the revised O&M building would remain consistent to its operational setting and would retain an industrial appearance consistent with the approved development through the use of matching cladding materials and a complementary architectural design. The proposed amendments would not alter the nature, purpose or approved use of the development and would not materially change the character or operation of the approved scheme. The amendments are therefore considered to constitute a non-material amendment under Section 96A of the Town and Country Planning Act 1990.

Drawing 4183-8320-0003DW O&M Building Floor Plans R3.0 replaces approved drawings **4183-8320-0002A Contractor Cabin Ground Floor R1.0** and **4183-8320-0003A Contractor Cabin First Floor R1.0**. The revised drawing reflects the replacement of the approved contractor cabins with a single enlarged two-storey O&M building. The ground floor has been redesigned to provide office accommodation, meeting and breakout rooms, reception and administration areas, plant and permit offices, welfare facilities and circulation space. The first floor provides a large contractor mess area, additional office accommodation, male and female locker rooms and welfare facilities. The revised layout consolidates the approved office and welfare functions into a permanent building, providing enhanced operational efficiency and improved staff facilities without altering the nature or purpose of the approved development.

Materiality of the Proposed Changes

The proposed amendments to Condition 2 would not result in a 'material change' to planning permission ref. P2025/0446, as approved by NPTCBC in March 2026. As such, the changes would not have any resultant impact on the planning permission. Section 96A of the Town and Country Planning Act 1990 (as amended) provides Local Planning Authorities in Wales with the power to make non-material changes to existing planning permissions where they are satisfied that the proposed amendment is not material. In determining whether a change is material, Section 96A(2) requires the Local Planning Authority to have regard to the effect of the proposed amendment, together with any previous amendments made under this section, on the planning permission as originally granted.

"In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted."

Clearly it falls with the Local Authority to determine whether the proposed changes are non-material, based on the circumstances of the case. It is important that the Local Planning Authority carefully consider the proposed changes, and their likely effects, to form a consistent and justified view as to whether the amendment is non-material in nature. This is confirmed to be the case in the Planning Practice Guidance : Approving Non-material Amendments, produced by the Welsh government, which states that:

"There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990."

No previous amendments to planning permission ref. P2025/0446 have been approved under either Section 73 or Section 96A of the TCPA 1990. Therefore, only the amendments proposed through this application require consideration.

The proposed amendments to the approved drawings would not result in a material change to the approved development and would not alter the nature, purpose, or operational function of the development.

The proposed amendments to the approved drawings comprise minor revisions to the site layout and building design, including the replacement of the approved contractor cabins and site office with an enlarged O&M building, alongside updates to access, parking, fencing, security and operational infrastructure.

The revised O&M building would consolidate the approved office and welfare facilities into a single permanent building, improving operational efficiency and staff facilities. Whilst the building footprint and building height would slightly increase, it would retain a comparable scale, appearance and industrial character, with no change to the approved use or nature of the development.

The proposed amendments represent operational improvements only and would not alter the overall function, access strategy or environmental effects of the approved development. The changes would improve the operational functionality of the site whilst maintaining the approved character and overall form of development.

Having regard to the scale, nature and context of the proposed amendments, it is considered that the changes would constitute minor revisions that would not result in a material alteration to the approved development. The amendments therefore represent a non-material change and can appropriately be considered under Section 96A of the Town and Country Planning Act 1990.

Conclusion

A non-material amendment is sought to Condition 2 of planning permission P2025/0446. The proposed amendments, when considered in the context of the overall scheme are non-material. We trust this provides what you need to validate and determine the application. Please contact us if any further information is required, and we look forward to your decision in due course.

Yours sincerely



Alistair Hoyle

Technical Director on behalf of Axis