

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL  
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (WALES) ORDER 2012**

**APPROVAL OF FULL PLANNING PERMISSION**

**Name and address of the applicant    Name and address of the agent**

**Mr James Williams  
Margam Green Energy Limited  
Vision House, Oak Tree Court  
Mulberry Drive  
Cardiff Gate Business Park  
CF23 8RS**

**Mr Andrew Russell  
Axis PED  
Well House Barns  
Bretton  
Chester  
CH4 0HD**

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Whereas on the Friday, 25 July 2014 you submitted an application for the following development:-

**PROPOSAL**    Construction of 40 MW biomass power station.  
Amendment to previous application P2008/1409  
(Approved on appeal on the 8/3/2011) Changes to  
layout and design, together with additional fuel  
conveyor, electricity substation, firewater tank, silo  
and water discharge balancing pond.

**LOCATION**    Longlands Lane Margam Port Talbot

THE NEATH PORT TALBOT COUNTY BOROUGH COUNCIL AS THE  
LOCAL PLANNING AUTHORITY IN PURSUANCE OF ITS POWER UNDER  
THE ABOVE MENTIONED ACT AND ORDER HEREBY PERMITS THE  
DEVELOPMENT TO BE CARRIED OUT IN ACCORDANCE WITH THE  
APPLICATION AND THE PLANS SUBMITTED THEREWITH, SUBJECT TO  
COMPLIANCE WITH THE CONDITIONS SPECIFIED HEREUNDER:

**Conditions:-**

(1)The development hereby permitted shall be begun before the expiration of  
five years from the date of this permission.



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### Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### Reason

In the interests of visual amenity

(3) Prior to the commencement of development a scheme for the monitoring and mitigation of construction and operational noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

### Reason

In the interests of residential amenity

(4) Not less than 3 months before commissioning of the plant a scheme shall be submitted to and approved in writing by the local planning authority showing all external lighting to be erected with lighting levels and direction. The approved scheme shall be implemented prior to the first operation of the plant and retained as such thereafter.

### Reason

In the interests of biodiversity

(5) The slab level of any development approved by this permission shall be set 6.79m above Ordnance Datum.

### Reason

To prevent risks from flooding

(6) No development shall take place, until a Construction method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

v. wheel washing facilities to prevent deposition of material onto any hard surface road.

vi. measures to control the emission of dust and dirt during construction

vii Measures to prevent stacking of vehicles onto the public highway.

viii Identification of the significant construction noise sources, detailing the physical and operational management controls necessary to mitigate emissions from these noise sources, as well as noise complaint investigation procedures.

Reason

In the interests of highway safety

(7) If, during development, unidentified contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted to, and obtained the local planning authority's written approval of, remediation measures detailing how this unsuspected contamination shall be dealt with. The remediation measures shall be implemented as approved.

Reason

In the interests of safety

(8) No development authorised by this permission shall be commenced until such time as a scheme to treat and remove suspended solids from surface water runoff during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved. The scheme shall include as a minimum full details of:

- a) temporary site drainage layout
- b) locations and dimensions of proposed lagoons
- c) programme of lagoon maintenance
- d) location and duration of discharge from lagoons
- e) lagoon discharge monitoring programme

(9) The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

Reason

To prevent to integrity of the public sewerage system

(10) The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water for all parts of the development site, including the vehicle parking and manoeuvring area, has been submitted

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to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

Reason

To help prevent flooding

(11) Foul water and surface water discharges shall be drained separately from the site. No surface water or land drainage run-off shall be allowed to discharge, either directly or indirectly, into the public sewerage system.

Reason

To help protect the integrity of the public sewerage system

(12) Operational noise from the site shall not be greater than the following levels at the specified locations:

- Longlands House; 48 dbA Leq 1 hour during the day and Leq 5 minutes at night.
- Abbots Close; 48 dbA Leq 1 hour during the day and Leq 5 minutes at night.
- 10 Acre Wood: 48 dbA Leq 1 hour during the day and Leq 5 minutes at night.

All measurements shall be taken in accordance with BS4142 (1997).

Reason

In the interests of residential amenity

(13) Within 3 months of commencement of operation of the plant a noise assessment, using the original monitoring locations as identified in the Environmental Statement, shall be submitted to and approved in writing by the local planning authority. The assessment shall include measures, including appropriate timescales, to address any noise issues identified. These shall be implemented as approved within the timescales agreed.

Reason

In the interests of residential amenity

(14) Not less than twelve months prior to commissioning of the proposed plant, instrumentation shall be deployed to monitor ambient concentrations of nitrogen dioxide. Monitoring shall continue until at least two years after commissioning of the plant. The details of the monitoring equipment shall be as follows:

- a) the analyser shall be located at a location first approved in writing by the local planning authority
- b) instrumentation used shall be MCERTS certified
- c) calibration shall be carried out with gases
- d) calibration shall be carried out on a fortnightly basis

- e) instrumentation shall be covered by a service contract with the manufacturer or other suitable supplier
- f) there shall be audits every six months by a suitable auditor
- g) an annual report shall be produced summarising results and showing extent of compliance with Air Quality Objectives
- h) data capture shall be at least 90%. If this is not the case during any year then the period of assessment shall be increased by an additional year for each year "lost" in this way
- i) data from the instrumentation shall be made available online and to the local planning authority, in order to assist monitoring.

**Reason**

To monitor the effect of air emissions on residential and adjoining industrial premises

(15) Prior to work commencing on the construction of the plant a detailed scheme of the highway works within the site serving the development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason**

In the interests of highway safety

(16) Prior to commencement of development, details of the proposed means of enclosure to the property boundaries shall be submitted to and agreed in writing with the local planning authority. The agreed means of enclosure shall be erected prior to the operation of the development hereby permitted.

**Reason**

In the interests of visual amenity

(17) Unless otherwise agreed in writing with the Local Planning Authority works including deliveries, related to the construction of the development hereby permitted shall not take place other than between the hours of 0700-1800 Monday to Friday and 0800-1300 on Saturdays with no deliveries on Sundays or Bank or public holidays.

**Reason**

In the interests of residential amenity

(18) Prior to work commencing on site a programme of ecological mitigation works including a time schedule shall be submitted to and approved in writing by the local planning authority. All recommendations set out in the approved programme shall be implemented as approved.

**Reason**

In the interests of biodiversity

(19) Prior to commencement of work on site and prior to any reptile capture and relocation taking place an assessment of habitat suitability with regard to the identified receptor site shall be undertaken. The assessment shall assess the suitability of the receptor site for reptiles and be submitted to and approved in writing by the local planning authority. Capture or relocation of reptiles shall not take place until such a time as the receptor site is deemed suitable and the assessment has been approved in writing by the local planning authority, and shall thereafter be carried out in accordance with the approved capture and relocation proposals.

Reason

In the interests of biodiversity

(20) The production of electricity by the energy plant hereby approved shall not commence until the link road approved under application P2012/ 0189 has been constructed and in operation. No access or egress to the energy plant shall thereafter be derived from Longlands Lane.

Reason

In the interests of residential amenity and highway safety

(21) All surface water discharge from the development shall comply with green field run off rate.

Reason

To help prevent the risk of flooding

(22) The area of land along the southern boundary of the site and shown on drawing C.03 Rev D and ES addendum figure 4.1 provides for future access to land beyond the rear boundary of the site. This land shall remain free from all development unless agreed in writing with the local planning authority.

Reason

In order to allow access for possible future development.

(23) Unless otherwise agreed in writing with the local planning authority all timber fuel shall be stored within the designated storage buildings.

Reason

In the interests of safety and the amenity of the area

(24) No wood fuel shall be chipped on site.

Reason

In the interests of safety

(25) No development shall take place until full landscaping details, including a timetable for their implementation, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as

approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first beneficial use of the energy plant or the completion of the development hereby permitted, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the local planning authority gives written consent to any variation.

(26) The development hereby approved shall be constructed in accordance with the plans within the ES addendum, figures 4.1, 4.2, 4.3, 4.4, and 4.5.

Reason

In the interests of clarity

(27) The measures including the landscaping scheme shall be carried out in accordance with the submitted timetable set out in the Landscape and Environmental Management Plan dated 14.08.14, Reptile Mitigation Strategy Figures dated 25.07.14, Landscape, Environmental Management Plan Addendum dated 17.09.14, figure 8.1 of the Environmental Statement and the specifications for seed mixes and planting included in the landscaping proposals plan 1065/PL/01D.

Reason

In the interests of biodiversity conservation

(28) A scheme for the monitoring of vegetation within the retained marshy grassland shall be submitted to and approved in writing by the Local Planning Authority within six months of the granting of this permission. The monitoring shall be undertaken for 5 years from the date of approval of the submitted scheme and the survey reports shall be submitted to and approved by the Local Planning Authority.

Reason

In the interests of biodiversity conservation

## **REASON FOR GRANTING PLANNING PERMISSION**

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

Whilst the original planning application, upheld on appeal, established the principle of development of a biomass power station on this site, the present application has been assessed with reference to the proposed amendments to that planning permission.

With respect to the visual impacts of the development, whilst there are a significant number of amendments proposed it is considered that the cumulative effects will not have any unacceptable additional detrimental effects in terms of the character and appearance and overall scale of the development over and above that of the extant permission.

With regard to air quality, whilst there has been an increase in power output this is directly as result of increases in plant efficiency and has resulted in a significant reduction in the amount of fuel required. It is noted that emissions from the stack are controlled by an environmental permit issued by Natural Resources Wales (NRW). Notwithstanding these requirement consultations with NRW, the air quality section and The Health Protection Agency have not resulted in any objections to the proposal subject to conditions being imposed with regard to air quality monitoring.

Impacts upon ecology are minimal and no objections have been received from either Natural Resources Wales or the Authority's biodiversity section providing the mitigation and enhancement proposals are implemented. Therefore the proposal accords with policies Policy 1, Policy 2 and ENV5 of the Neath Port Talbot Unitary Development Plan.


The Head of Engineering and Transport has responded with no objections with regard to access during the construction or operational phases the proposal is therefore in accordance with Policy T1 of the Neath Port Talbot Unitary Development Plan.

Bearing in mind that the principle of the development has been established and that the site has an extant permission for a waste wood biomass power station and based on the assessment of the revised environmental statement it is considered that the proposed amendments are acceptable and comply with current Development Plan policies.

All environmental information submitted within the ES and additional information along with the comments of statutory consultees on the information supplied, and the comments, observations and representations provided by members of the public have been taken into consideration in this recommendation. In addition, all relevant European directives, legislation and regulations have been taken into account.



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Signed : .....  .....  
Nicola Pearce – Head Of Planning

Date: 08/10/2014

**Important Notes:**

(1) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2001).

(2) Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

(3) From 1st October 2012 it will be an offence to install a public sewer or lateral drain without having an adoption agreement in place. From the 1st October 2012 the vast majority of all existing private sewers and lateral drains which link with the public sewer network will transfer to Welsh Water. For further details on how this will affect your development please contact: Welsh Water developer Services, PO Box 3146, Cardiff, CF30 0EH. Telephone No. 0800 9172652 or email: [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)