

Merthyr Tydfil County Borough Council
Town Planning Division
Unit 5
Pentrebach
CF48 4TQ

Date: 20 February 2026

Our ref: 71119/01/GW/KM/40722538v2

To Whom It May Concern

Non-Material Amendment to planning permission P/21/0164 - Plot 2, Pengarnddu Industrial Estate

On behalf of our client, Pulse Clean Energy UK Limited ("Pulse Clean Energy"), we are submitting an application under Section 96A of the Town and Country Planning Act 1990 to secure non-material amendments to full planning permission ref P/21/0164.

The NMA has been submitted via Planning Applications Wales (PP-14681383) and the planning application fee of £242 (plus £85 service charge) has been paid online via the Planning Portal.

A full list of submitted documents and references is provided at Annex 1.

Background

Full planning permission was granted on 29 June 2021 for the following development at Plot 2 Pengarnddu Industrial Estate, Dowlais, Merthyr Tydfil, CF48 2TA:

"Replace 52 diesel generators with low carbon battery storage technology."

The permission has been implemented as the diesel generators have now been removed from the site.

Non-Material Amendment (Section 96A)

Section 96a of the Act states:

"(1) A local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.

(2) 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."

There is no statutory definition of a ‘non-material amendment’. The Welsh Government guidance on ‘Approving Non-Material Amendments to an Existing Planning Permission’ (July 2024) states that the nature of the amendment will depend on the context of the overall scheme. As a general guide, any proposed amendment that raises no new planning issues would be likely to fall into the non-material amendment category.

Proposed Amendments

The purpose of this NMA application is to facilitate a minor amendment to the approved scheme to reflect a revised equipment layout and updated battery storage technology, whilst maintaining the same overall scale, form and external appearance of the development. The equipment proposed in the original scheme is now dated and Pulse Clean Energy is keen to make sure that up-to-date technology is utilised.

Specifically, the proposed amendments comprise:

- A change in the battery storage technology to Canadian Solar battery units with integrated transformers and inverters; and,
- An increase in the number of containerised battery storage units from the previously approved 12 units to the proposed 16 units. Although the number of units would increase, they are smaller modules than those previously approved.

The elevations of the containerised battery units within the compound would retain a very similar appearance to those previously approved, with only a marginal increase in overall height (approximately 0.3m increase), a reduction in the overall length of the units (approximately 5.9m reduction) and maintaining the same width (approximately 2.5m wide). These changes are minor in scale and would not be perceptible beyond the compound boundary due to the height of the solid metal compound boundary (which will not change).

The containerised battery units would be situated in similar positions to that previously approved, with the transformers/inverters to be re-positioned but still contained wholly within the exiting compound. Two storage and spare part containers would be positioned in the southwest boundary of the compound. The approved switch room would be re-positioned slightly southwards, and the existing welfare unit and compound fencing would remain in the positions previously approved.

The development remains wholly contained within the existing compound, with no alteration to the site boundary, red line extent, access arrangements or perimeter treatment, meaning that externally there would be no material change in appearance, scale, massing or footprint when compared to the approved scheme. The surrounding context remains industrial in character, and as such the amendments would not give rise to any change in visual impacts, character or local amenity.

Appropriateness of NMA Procedure

The Welsh Government guidance on ‘Approving Non-Material Amendments to an Existing Planning Permission’ (July 2024) provides a series of tests the authority may wish to consider as a starting point in assessing how material the change is in planning terms. We set these out below with our commentary.

Table 1 Tests presented within the Welsh Government guidance on 'Approving Non-Material Amendments to an Existing Planning Permission' (July 2024)

Test	Comments
a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and, (a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?	The scale of the proposed changes are modest and would not cause an impact different to that caused by the original development scheme. A layperson would not be able to discern any material difference between the existing and the revised scheme in layout or built form. There would be no detrimental impact visually or in terms of local amenity – the equipment is behind and sits below the top of the solid perimeter fencing. The footprint, red line boundary and operational characteristics remain unchanged. The relationship with surrounding units is unchanged and not detrimentally impacted. The location of the development is in the same position and not any closer to the existing units that surround the site.
(b) would the interests of any third party or body be disadvantaged in planning terms; or,	It is not anticipated that any third party or body would be disadvantaged in planning terms by the approval of the proposed non-material amendments. The amendments are minor and do not make any fundamental changes to the nature of the development.
(c) would the proposed change conflict with national or development plan policies?	Given the minor and non-material nature of the changes there would be no conflict with national or development plan policies. The amendments continue to align with national and local policy objectives, particularly those supporting the decarbonisation of Wales' energy network and the transition towards low-carbon and renewable energy infrastructure.

Based on the above, we consider that the amendments proposed are non-material in nature and can be approved under Section 96A of the Town and Country Planning Act 1990. The changes result in a very similar scheme to that which was approved. It is clear that the amendments are non-material in this context and therefore this application should be approved to allow the scheme to progress.

We consider the proposed amendments are well considered, do not erode the quality of the development and do not introduce any impacts that are different to the approved scheme.

Should you have any queries about this application please do not hesitate to contact me or my colleague Katy McMullen.

Yours faithfully



Katy McMullen

Planner

BSc (Hons) MSc

Annex 1: Submitted Plans and Documents

Document title	Reference	Revision	Date
Location Plan	P2154.PP.02	-	February 2026
Proposed Site Layout Plan	P2154.PP.01	-	February 2026
SolBank Batteries Plan and Elevations	P2154.SB.01	-	February 2026
Spare Parts Container Plan and Elevations	P2154.SC.01	-	February 2026
General Storage Container Plan and Elevations	P2154.SC.02	-	February 2026
Customer Switchroom Plan and Elevations	P2154.SC.03	-	February 2026
Transformer and Inverter Plan and Elevations	P2154.TI.02	-	February 2026

Superseded Plans

Document title	Reference	Revision	Date
Location Plan	DOW/LP/003	-	April 2021
Proposed Site Plan	DOW/PS/002	-	April 2021
Containerised Battery	STD_GF_DR_CB-333	-	May 2017