

Proposed Non-Material Amendment to Existing Planning Permission

The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2014 came into force on 1 September 2014. This inserts a new article 28A into the DMPWO 2012 which “applies to an application made under section 96A(4) of the 1990 Act (power to make non-material changes to planning permission)”.

REGISTRATION AND ASSESSMENT

Application Number:	P2026/0508
Site Address:	Land at Heol Crwys, Cwmavon
Proposal:	Non-material amendment to planning permission P2022/0517 dated 4/4/23 to amend the wording of conditions 6 (Abnormal Indivisible Load Test Run), 18 (Submission of a Contaminated Land Remediation Scheme) and 24 (Verification of Remediation Scheme) to alter the timing for the submission of details

FORM

Is the application made on the correct Form?	Yes
--	-----

INTEREST IN THE LAND

Is the application made on behalf a person with an interest in the land? (Q5) Note: An application can only be made by a person who owns or has a legal interest in the land to which the non-material amendment relates, or someone else acting on their behalf. These are: • A freeholder. • A holder of a lease with over two years remaining (whether as a head lessee, sub-lessee or tenant of an agricultural holding). • A mortgagee. • Someone with an estate contract (i.e. an option to acquire a legal interest in the land or a contract to purchase the land).	Yes
---	-----

FEE

Is the application accompanied by the correct fee? (Householder £123; Any other case £242)	Yes
Is the application exempt from a fee? Note: The Town and Country Planning (Fees for Non-Material Changes) (Wales) Regulations 2014. • Regulation 4 provides for an exemption from fees in relation to the provision of access to or within a dwellinghouse for a disabled person. • Regulation 5 provides for an exemption from fees in certain cases where permitted development rights have been withdrawn (where they relate <u>to the amendment sought</u>)	No
If exempt, please state the reason:	

DETAILS

Is the description of the amendment sought acceptable? (Q8)	Yes
If NO, amend the description in Uniform Note: ACK letter advises applicant/agent to check description	
Is the application accompanied by sufficient information in the form of amended drawings / plan?	Yes
If NO, why?	

If no to either of the above, contact the applicant and request agreement to amended description and/or additional information

CONSULTATIONS / NOTIFICATIONS

An application made under s96A is not an application for planning permission - Existing DMPWO provisions relating to statutory consultation and publicity do not apply.

LPAs have discretion in whether and how they choose to inform other interested parties or seek their views, although given that the changes sought will be non-material in nature, it is not expected that consultation or publicity will be necessary in the majority of cases.

Where the local planning authority considers consultation is required, it is expected that the local planning authority will target specific third parties who may be affected by the amendment or may assist in determining if it is material.

Is it considered necessary to notify consultees or neighbours in respect of the amendment sought? **(14 day consult only)**
(14 days should be given to make representations from the date of notification, after which their representations may not be taken into account)

No

If YES, which neighbours and why:

The authority's Contaminated Land Officers were consulted on the proposed change of wording to conditions 18 and 24 relating to the submission of a remediation scheme and verification report and offered no objections to the rewording. Subsequent to the submission of this NMA, details submitted in relation to condition 17 regarding an assessment of land contamination, have also been agreed under P2026/0422 on 18/8/26 and subsequently no further details would be required for conditions 18 and 24. It was also noted that there are further appropriate conditions for any unexpected contamination.

The authority's Highways section was consulted on the proposed change of wording to condition 6 regarding the change in timing of the Abnormal Indivisible Load Test Run and the agreement of the subsequently submitted report until at least 3 months before the first Abnormal Indivisible Load to the site, and offered no objections to the rewording.

Bridgend County Borough Council was notified of the NMA as the abnormal indivisible loads would likely transit though their authority though no comment was received.

ASSESSMENT OF PROPOSED AMENDMENT

Non-material amendments to an existing planning permission are normally small changes to an approved development proposal that have no impact on the overall context of the development scheme or its surroundings.

The responsibility for determining whether a proposed change is non-material lies with the local planning authority. It must be satisfied that the amendments sought to the planning permission are non-material in nature and can therefore be determined as an application under Section 96A of the TCPA 1990.

In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission.

When assessing and determining whether or not a proposed change would qualify as a non-material amendment, local planning authorities are advised to consider the following tests:

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;

The application seeks to amend a condition the wording of conditions:

6 (Abnormal Indivisible Load Test Run) to alter the timing of the Abnormal Indivisible Load Test Run and the agreement of the subsequently submitted report until at least 3 months before the first Abnormal Indivisible Load to the site.

18 (Submission of a Contaminated Land Remediation Scheme) to alter the requirement of its submission to only if such a scheme is subsequently found to be required by condition 17.

24 (Verification of Remediation Scheme) to alter the requirement of its submission to only if a remediation scheme is required to have been submitted by condition 18.

The amendments of the conditions would not change the scale of the proposed development and would not result in an impact different to that caused by the approved scheme.

And

A (ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?

The amendment of the conditions wordings would not result in a detrimental impact visually or in terms of local amenity.

B. Would the interests of any third party or body be disadvantaged in planning terms?

No.

C. Would the proposed change conflict with National or Development Plan policies?

No.

The above tests are considered a 'starting point' for local planning authorities in their consideration of non-material amendments. There may be other considerations that will identify if a proposed amendment is non-material depending on the circumstances of each case.

Are there any other circumstances which affect whether or not the amendment sought is considered to be non-material?

(e.g. Conditions; any material change of circumstances since decision; ground levels etc.)

No.

Have there been any other amendments to the original approved development? If so, do they affect conclusions of whether the changes

sought are a Non-material? If so, why.

No – there have not been other NMA applications for the development.

If accepted to be a non-material amendment, are any additional conditions required in respect of the non-material amendment sought?

No.

Having regard to the above assessment, the following recommendation is made

RECOMMENDATION: *(delete as applicable)*

A. That the amendments sought are APPROVED as a non-material amendment