

**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

Head Of Property And Regeneration
The Quays
Brunel Way
Baglan Energy Park
Neath
SA11 2GG

Name and address of the agent

Mr Iwan Rowlands
Asbri Planning
Suite D
1st Floor
220 High Street
Swansea
SA1 1NW

DATE REGISTERED: 5 March 2024

APPLICATION NO: P2024/0129

LOCATION: Gnoll Estate Country Park , Fairyland, Neath, SA11 3BS

PROPOSAL: Proposed extensions to existing car park and construction of new facilities building and associated works.

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority in pursuance of its power under the above mentioned Act and Order hereby **GRANTS PLANNING PERMISSION** for the development as described above to be carried out in accordance with the application and the plans submitted therewith, subject to compliance with the following conditions:

This is decision notice revision 1 issued on 24/7/24

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

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

List of Approved Plans

- 2 The development shall be carried out in accordance with the following approved plans and documents:

Green Infrastructure Statement
GI Plan - Zone 05 Main Car Park and Service Yard
Updated Ground Conditions Assessment Report
Coal Mining Risk Assessment
Historic Environment Desk Based Assessment
Transport Statement
Non-Mains Drainage Assessment
Construction Environmental Management Plan
Ecological Assessment
Tree Surveys
Tree Protection Plan
Landscaping Plan
Soft Landscape Specification
Written Scheme of Investigation
Drainage Layout Plan
Drainage Strategy
Drainage Technical Note
PAC Report
Planning Statement
Lighting Plans
Project Context Statement
Design and Access Statement with Heritage Impact Assessment
Site Location Plans
2080-05-JUB-C-DR-00501-S2 - Drainage Layout Area 05 - Carpark
Proposed Car Park extensions - External Works Layout
Proposed Facilities Building Site Plan 2080-08-HIR-A-DR-00201-S2-P3
Proposed Facilities Building Location Plan 2080-08-HIR-A-DR-00200-S2-P6
Proposed Facilities Building Fire Appliance Tracking Plan 2080-08-JUB-C-DR-00720-S2-P1 Rev P1
Proposed Facilities Building 2080-08-HIR-A-DR-00310-S2-P3

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Notwithstanding any other details which may be given in the Construction and Environmental Management Plan ('CEMP') hereby approved, no development shall commence, including any works of demolition, until an amended CEMP has first 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:
- (a) Construction methods: details of the extent and phasing of development; details for the storage and management of plant and materials used in constructing the development
 - (b) Drainage: Details of drainage measures during construction phases to ensure that the drainage of any adjoining land, and land downstream is not interrupted or

otherwise adversely affected by the development. This should include drawings that highlight the methods to control surface water flows, and be site specific.

(c) General Site Management: details of the construction programme including timetable; details of site clearance; details for erection and maintenance of security hoarding including decorative displays and facilities for public viewing.

(d) Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details, the CEMP must also be signed by the responsible person.

(e) Traffic management: Internal traffic management scheme should be provided for once the materials are at site compound, and needing to be transported to the construction area. This is required to be discussed due to possible high volume of pedestrians within the park's grounds. The current proposed delivery route is unacceptable - this would be required to not use Harle Street as this is residential street, with little off street parking. Another route would need to be provided that uses Dyfed Road. The delivery times would need to be adjusted to ensure no deliveries during school pick up and drop off times - 8am to 9.30am and 2.30pm to 4pm.

(f) Discharge points for temporary wheel washing areas; and

(g) If the provision of a temporary lagoon is required, e.g. for dewatering excavations and silt settlement, the CEMP must carefully consider any proposed discharge from the lagoon.

Reason:

In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1 and TR2 of the adopted Neath Port Talbot Local Development Plan.

The above condition was agreed by discharge of condition application P2024/0383 issued on 24/7/24

Action Conditions

- 4 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 5 The programme of work must be carried out fully in accordance with the requirements and standards of the Written Scheme of Investigation: Project No: FS23-010 hereby approved including the historic environment mitigation measures. The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource and comply with Policy SP21 of the Neath Port Talbot Local Development Plan..

- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 7 The biodiversity enhancement(s) as set out in the Green Infrastructure Plan - Zone 05 Main Car Park and Service Yard - hereby approved, shall be fully implemented on site in accordance with the approved details prior to the first beneficial use of the development and thereafter maintained in perpetuity.

Reason:

In the interest of biodiversity, and to mitigate to loss of bird nesting/foraging habitats and to accord with Policy 9 of Future Wales and Policy SP15 of the Neath Port Talbot Local Development Plan.

- 8 All works are to be carried out in line with the Tree Survey Reports hereby approved. All the trees/hedges shown on the approved plans to be retained and/or any trees whose canopies overhang the site shall be protected by strong fencing which must be erected prior to the start of any works and all working practises followed in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' which must be followed throughout all phases of this development.

The protective fencing shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason:

To ensure all existing trees are protected throughout the construction of the development, in the interest of visual amenity, and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 9 Prior to the first beneficial use of the development hereby approved, a woodland management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The approved woodland management plan shall be implemented and adhered to in accordance with the approved details thereafter.

Reason:

In the interest of visual amenity, to ensure the long term management and maintenance of all landscaped areas and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 10 Prior to the development being brought into beneficial use, the existing footway that runs along the boundary of the proposed disabled parking bays shown on the plans hereby approved, shall be widened to 1.8m to comply with Active Travel design requirements. Directional signage for vehicles and pedestrians shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason:

In the interest of highway and pedestrian safety and to ensure the development complies with Policy TR2 of the Adopted Neath Port Talbot Local Development Plan.

- 11 Pedestrian vision splays of 2.4 metres by 2.4 metres (measured back from back of footway) shall be maintained each side of each vehicular access within which nothing over 600mm in height shall be erected or allowed to grow and shall be retained as such thereafter.

Reason:

In the in interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

Informatives:

1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

2 Please note that SAB approval will be required prior to any work commencing. It is a breach of approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018.

3 Trees, scrub and grasslands are likely to contain nesting birds between 1st March and 31st July inclusive. Such habitats are present on the application site and area to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

4 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

5 Vehicle parking(a) The perimeter of vehicle parking areas should be clearly defined with the entrances/exits clearly marked. (b) The parking surfaces should be of good quality with parking bays clearly marked.(c) Vehicles should be directed by arrows to move in a circulatory direction and have clearly marked areas for pedestrians.(d) Parking areas must be well lit with the lighting meeting the relevant British Standard of BS 5489:2020 and complement the CCTV coverage. (e) There must be clear lines of sight across the parking bays and every bay must be protected by monitored CCTV.(f) The Car Park should be built to meet the Park Mark standards. Further information can be found on the following website www.britishparking.co.uk Lighting(g) Lighting on the whole development must be effective and complement CCTV.(h) Lighting in all public spaces, must meet the British Standard 5489:2020. This will include areas such as the Visitor Centre, accommodation areas and car parks. (i) Bollard Lighting should only be considered for decorative purposes as they do not provide facial illumination. They are also vulnerable to damage and if used, will need to be constructed of robust material. Further information can be found on the SBD website www.securedbydesign/lightingagainstcrime.CCTV (j) CCTV system must have a recording capability, using a format that is acceptable to the local police. The recorded images must be of evidential quality if intended for prosecution, i.e of recognition and identification standard. Normally this would require a full 'body shot' image of a suspect. It is recommended that fixed cameras are deployed at specific locations for the purpose of obtaining such identification shots. An operational requirement must take account of this fact and decisions made as to what locations around the building are suitable for obtaining this detail of image. The recording of vehicle licence plates may also be practical and useful. (k) CCTV systems must be installed to BS EN 50132-7:2012 CCTV surveillance systems for use in security applications.(l) CCTV systems may have to be registered with the Information Commissioner's Office (ICO) and be compliant with guidelines in respect to Data Protection and Human Rights legislation. Further information is available at this website: www.ico.gov.uk.(m) Signage that complies with the requirements of the ICO will also be required and placed in strategic locations around the site.

The decision to recommend 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. The Development Plan comprises

Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on heritage assets, the visual amenity of the area, ecology, highways and drainage considerations. Accordingly, the proposed development is in accordance with Policies T01, EN3, EN6, EN7, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040 and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 23 May 2024

IMPORTANT:

(1) Please note that for all decisions issued after 16th March 2016 for outline or full planning permission, a revised decision notice will be issued whenever a subsequent consent is given, for example providing details of any Reserved Matters approvals (outline applications only) and/or approval of conditions (including on Reserved Matters). This will ensure that the current status of the conditions applied to a consent is clear. Accordingly you are advised to visit www.npt.gov.uk/planning to view the application documentation to see if this is the current version, or whether it has been superseded by a more up-to-date revision of this Decision Notice. For Reserved Matters approvals the revised Decision Notice will only be shown under the Outline approval.

(2) Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

(3) In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition). 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.

(4) 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 8300:2009+A1:2010).

(5) From 1st October 2012 it has been 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 were transferred 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.

(6) Welsh Water Dwr Cymru advise that the planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industry Act 1991.

Please note, in accordance with Construction and Design Management (CDM) Regulations, it is the applicant's responsibility to ensure that any proposed works within their curtilage do not conflict with any underground services and is recommended they review their land registry title deeds for any legal covenants. For Sewers or Watermains that may be present and affected by your proposals, you are advised to contact Dwr Cymru Welsh Water who will be able to explain whether your proposed works will be acceptable as well as any consent required. Prior to commencing works, it is also recommend the applicant review the information and guidance on Building Over Sewers

available on Welsh Water's website at

<https://developers.dwrcymru.com/en/applications/planning/build-over-or-near-to-sewers>

The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-

(1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below)	Within 6 Months
(2) Householder Appeal see endnote i	Within 12 weeks
(3) Minor Commercial Appeal see endnote i	Within 12 weeks
(4) Listed Building or Conservation Area Consent appeals	Within 6 months
(5) Tree Preservation Order (TPO) Consent	Within 28 days
(6) Advertisement Consent	Within 8 weeks
(7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development	Within 6 months
(8) Hazardous Substances Consent	Within 6 months
- (5) Appeals must be made on a form which is obtainable from the Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0300 060 4400, or online at <https://planningcasework.service.gov.wales/>.
- (6) The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (7) The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
- (8) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land in

accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

- (9) Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
- (10) In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- (11) Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
- (12) Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686820 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.