

Superseded

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
Mr Rob Thompson
Celtic Energy Limited
9 Beddau Way
Castlegate Business Park
Caerphilly
CF83 2AX

Name and address of the agent
Mr Damian Barry
Arup
Arup
4 Pierhead Street
CF10 4QP

DATE REGISTERED: 22 May 2020

APPLICATION NO: P2020/0362

LOCATION: Land At And Surrounding, Nant Helen Open Cast Coal Site,
Powys & Onllwyn Distribution Centre, Neath Port Talbot

PROPOSAL: Construction of complementary restoration earthworks to create
2 looped landform platforms (part in cutting and part on
embankment) with associated drainage infrastructure and areas
of landscaping and habitat creation to create a flexible and
adaptable area of land that could be used for a variety of uses
including agriculture, nature conservation, leisure, tourism and
industrial, research and development/business uses (potentially
including a proposed rail testing, research and development and
storage facility). (Cross-boundary application - see Powys CC
Application ref. 20/0738/FUL)

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:

Conditions:-

Time Limit Conditions

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

Reason:

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

List of Approved Plans

- 2 The development hereby permitted shall be carried out in accordance with the following documents and plans or as otherwise modified by any revisions or by other conditions, schemes or approvals by the Local Planning Authority:
 - Planning Application Validated on 15th May 2020.
 - Planning Statement - April 2020
 - Environmental Statement (including Figures and Appendices) - May 2020.
 - Drainage Strategy - April 2020
 - Proposed Finished Levels - Plans 1, 2, 3 and 4
 - Proposed Track Embankment and Cutting Cross Section (Drawing No CG1024)
 - Cae-Hopkin and Brooklands Terrace Embankments, Cefn Byrle Cutting: Plan and Sections (Drawing No CG1063)

Reason: Required to be imposed pursuant to Section 71ZA of the Town and Country Planning Act 1990 (as amended).

Pre-Commencement Conditions

- 3 Before beginning any development at the site, you must do the following: -
 - a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and
 - b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

NOTE: Templates of the required Notice and Site Notice are available to download at www.npt.gov.uk/planning

- 4 No development shall take place (including demolition, ground works, and vegetation clearance) until such time as a Dust Management Action Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented at all times for the duration of site preparation and construction of the earthworks hereby approved.

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Reason: To protect the living conditions of nearby residents in compliance with Policies SP2, SP16 and EN8 of the LDP.

- 5 No development shall take place (including demolition, ground works, and vegetation clearance) until such time as a Noise Monitoring and Management Action Plan has been submitted to and approved in writing by the Local planning Authority. The approved plan shall be implemented at all times for the duration of site preparation and construction of the earthworks hereby approved.

Reason: To protect the living conditions of nearby residents in compliance with Policies SP2, SP16 and EN8 of the LDP.

- 6 No development shall commence or be undertaken within the area identified in green on plan NPT1/PCC1 until such time as the Welsh Ministers have formally issued Scheduled Monument Consent for all works within that area affecting the Scheduled Monument known as the Tramroad at Ystradgynlais (CH001).

Should Scheduled Monument Consent not be forthcoming for such works, no later than one year following commencement of development (as notified under condition 3), or such other period that may be agreed in writing by the Local Planning Authority, the developer shall submit to the Local Planning Authority for written approval full details, including levels, drainage and landscaping, of an alternative landform which excludes development inside the scheduled area and ties into the adjacent earthworks. Development shall be undertaken in full compliance with the amended plans approved under this condition which for the purposes of clarity shall supersede any other plans which relate and identify the degree of disturbance to the SM within the identified area on plan NPT1/PCC1.

Reason:

Since the works proposed within the scheduled area of the tramroad at Ystradgynlais and within its immediate setting do not currently amount to the exceptional circumstances necessary to justify such development under PPW and TAN24, and will therefore only be acceptable on the formal issuing of Scheduled Monument Consent by Welsh Ministers, such consent process considering at that time all matters material to their assessment.

- 7 No works shall commence on the construction development shall take place (including demolition, ground works, and vegetation clearance) until such time as the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority. After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Glamorgan Gwent Archaeological Trust for inclusion in the regional Historic Environment Record and the National Monuments Record, RCAHMW.

Reason: To protect the historic environment in compliance with Policy BE2 of the LDP.

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8 No development shall take place (including demolition, ground works, and vegetation clearance) until a detailed Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP must include (but not be limited to) the following:

- Risk assessment of potentially damaging construction activities.
- Construction Methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance, details of site construction drainage, containment areas, implementation of appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse and surface water drain.
- Resources Management: details of fuel and chemical storage and containment, details of waste generation and its management, details of water consumption, wastewater, and energy use.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- Pollution Prevention Plan: demonstrating how relevant Guidelines for pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Invasive Non-Native Species Management Plan.
- Details of task and security lighting to avoid disturbance of habitats of importance to crepuscular or nocturnal species.
- Responsible persons and lines of communication and emergency contact details.
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the site preparation and construction period strictly in accordance with the approved details.

Reason:

To comply with Neath Port Talbot Council Policies SP15, SP16, EN6 and EN7 in relation to the Natural Environment and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

9 No development shall take place (including ground works and vegetation clearance) until an Ecological Protection Plan (EPP) has been submitted to and approved in writing by the local planning authority. The EPP shall include the following.

- Risk assessment of potentially damaging construction activities.
- Details of Pre-commencement Surveys, including methodologies and timing.
- Identification of "biodiversity protection zones".
- Reptile trapping and relocation method statement including details of receptor sites.
- Vascular Plant Species translocation method statements (specifically common wintergreen, lesser bulrush, floating bur-reed, greater tussock sedge and spiked water milfoil, royal fern and viviparous fescue).

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- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to retained features of ecological importance during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to ecological features of importance.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The approved EPP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason:

To comply with Neath Port Talbot Council Policies SP15, SP16, EN6 and EN7 in relation to the Natural Environment and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

- 10 No development shall take place (including ground works, and vegetation clearance) until a detailed 25 year Ecological Management and Monitoring Plan (EMMP) has been submitted to, and approved in writing by, the local planning authority. The purpose of the plan shall be to detail the habitat creation and enhancement, management and monitoring protocols as outlined in Section 7.20 of the Nant Helen Complementary Restoration Earthworks Environmental Statement produced by Ove Arup & Partners Ltd dated 4th May 2020. The content of the EMMP must include (but not be limited to) the following:

- Purpose and conservation objectives for the proposed works.
- Review of site potential and constraints.
- Detailed design(s) and/or working method(s) to achieve stated objectives.
- Extent and location/area of proposed works on appropriate scale maps and plans.
- Type and source of materials to be used where appropriate.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- Persons responsible for implementing the works.
- Details of initial aftercare and long-term maintenance.
- Aims and objectives of monitoring to match the stated purpose.
- Identification of adequate baseline conditions prior to the start of development.
- Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- Methods for data gathering and analysis.
- Location of monitoring.
- Timing and duration of monitoring - appropriate to the habitat/feature concerned.
- Responsible persons and lines of communication
- Review, and where appropriate, publication of results and outcomes.

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A Report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the EMMP. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The EMMP will be implemented in accordance with the approved details.

Reason:

To comply with Neath Port Talbot Council Policies SP15, SP16, EN6 and EN7 in relation to the Natural Environment and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

- 11 No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Construction Environmental Management Plan and Ecological Protection Plan. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

Reason: To comply with Neath Port Talbot Council Policies SP15, SP16, EN6 and EN7 in relation to the Natural Environment and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

- 12 No development shall take place (including ground works, and vegetation clearance) until a Materials Handling Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall make provision for the stripping, conservation, management, storage and re-spreading of all topsoil and subsoil resources, and shall ensure that there is no importation of material unless it is first approved in writing by the local planning authority.

Reason: To ensure that natural resources existing on the site are managed to avoid loss and/or destruction, ensure all material that might be required to be brought onto the site is chemically suitable for the proposed end use, and to ensure accordance with Policy EN8 of the Local Development Plan.

- 13 No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with extant guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- A desk study
- A non-intrusive site reconnaissance
- Formulation of an initial conceptual model

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- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

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 offsite receptors in accordance with Policy EN8 of the Local Development Plan.

- 14 No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of 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 offsite receptors in accordance with Policy EN8 of the Local Development Plan.

- 15 If the presence of contamination is confirmed in the report required by Condition 15 above, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed

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remediation scheme should not be submitted until written approval for Condition 14 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

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 offsite receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 16 No development shall commence until full engineering details, relevant assessments and drawings of the implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- A timetable for its implementation, and
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- The detailed geotechnical design must be approved prior to commencement.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design in compliance with Policy DM6 of the LDP

Action Conditions

- 17 Works shall not commence on the northern embankment, until such time as a Landscape Strategy and associated scheme of Landscape Mitigation Planting - which shall include but not be limited to the northern face of the embankment as shown on Figure 9.16: Landscape Mitigation - has been submitted to and approved in writing by the Local Planning Authority. Such landscape strategy shall cover a period of no less than 20 years, and shall include a mechanism for review and extension in the event planting has not mitigated the impacts on the National Park to the extent identified in the Environmental Statement. The scheme shall be implemented in accordance with the approved details.

Reason:

To ensure that an appropriate scheme of planting is provided to mitigate the visual impact of the earthworks, both from the Brecon Beacons National Park and from Neath Port Talbot and Powys area and to ensure compliance with Policy BE1 of the Local Development Plan.

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- 18 Any remediation scheme submitted in relation to Condition 15 shall be subject to a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

The initial report shall be submitted within six months following the completion of the measures identified in the remediation scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.

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 offsite receptors in accordance with Policy EN8 of the Local Development Plan.

- 19 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.

Regulatory Conditions

- 20 Except in an emergency which shall be notified to the Local Planning Authority as soon as practicable, development, which includes the starting up of plant and machinery, or other activities associated with the development (other than water pumping, servicing, environmental monitoring, maintenance and testing of plant) authorised or required by this permission shall be limited to 0600 - 2200hrs Monday to Friday and 0700 - 1300hrs on Saturdays.

Reason:

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To protect the living conditions of nearby residents in compliance with Policies SP2, SP16 and EN8 of the LDP.

- 21 Notwithstanding condition 20 above, works related to the construction of the northern embankment, including all ground works involving excavations, shall be limited to the following times, between 07.00 to 18.00 hours Mondays to Fridays (excluding Bank/Public Holidays) and 08.00 to 13.00 hours on Saturdays.

Reason:

This condition is included to ensure consistency with the associated decision of Powys County Council, and to protect the living conditions of nearby residents

- 22 Noise arising from operations at the site as measured at any noise sensitive location shall not exceed background (LA90) plus 10dB LAeq,1hr or 55dB LAeq,1hr (free field), whichever is the lesser, during normal working hours (0700 to 1900 hours Monday to Friday excluding Bank/Public Holidays and 08.00 and 12.00 hours on Saturdays). At all other times the noise arising from operations at the site shall not exceed 42dB LAeq, 1hr (free field) at any noise sensitive location.

Reason:

To protect the living conditions of nearby residents in compliance with Policies SP2, SP16 and EN8 of the LDP.

- 23 Notwithstanding the noise level limits set out in Condition 21, between 08:00 and 18:00 Mondays to Fridays (excluding Bank/Public Holidays) and 08:00 and 12.00 the level of noise from operations consisting of the construction of the northern embankment shall not exceed the following levels, measured as dB LAeq,1hr (free field), at the noise sensitive locations specified below (as identified on Figure 10.1: Noise Sensitive Receptors for Northern Embankment): -

Receptor 1 - 61

Receptor 2 - 57

Receptor 3 - 60

Receptor 4 - 54

These levels shall apply only between 08.00 to 18.00 hours Mondays to Fridays (excluding Bank/Public Holidays) and 08.00 to 12.00 hours on Saturdays

Reason: This condition is included to ensure consistency with the associated decision of Powys County Council, and to protect the living conditions of nearby residents.

- 24 Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

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Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

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 offsite receptors in accordance with Policy EN8 of the Local Development Plan.

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 the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016. In addition, the Council, in accordance with Section 3(3) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, has taken all the environmental information into consideration.

Having particular regard to the advice in PPW and TAN23, along with the recent guidance on post Covid-19 recovery in Wales: Building Better Places: The Planning System Delivering Resilient and Brighter Futures, and having considered the likely significant effects of the development on the environment - which can largely be mitigated by conditions - it is concluded that in the overall planning balance the proposal to create a flexible and adaptable landform in this location on a site previously worked for coal extraction would meet with sustainable place-making objectives while also having the potential to create significant social, economic, cultural and environmental benefits which would contribute towards 'reinvigorating the Valleys', and outweigh the identified impacts caused by the development.

Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3, SP4, SP6, SP11, SP14, SP15, SP16, SP20, SP21, SP22, SC1, I1, EC5, TO4, EN2, EN6, EN7, EN8, M1, M3, TR2, TR3, TR4, BE1, BE2

Signed:



Ceri Morris – Head of Planning & Public Protection

Date: 30 July 2020

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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.

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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 Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, or online at www.planningportal.gov.uk/pcs .
- (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

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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 686949 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.

Superseded

