

09 October 2020

Delivered by Planning Applications Wales (PP-09000203)

Ms N Lake
East Team Leader – Planning Division
Neath Port Talbot County Borough Council
The Quays
Brunel Way, Baglan Energy Park
Neath
SA11 2GG

Ref: TATT3026

Dear Nicola,

**CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT (CLOPUD) – BOS PLANT
DRAINAGE WORKS, PORT TALBOT STEELWORKS**

On behalf of our client Tata Steel UK Limited (“Tata Steel”), we are pleased to enclose an application for a Certificate of Lawfulness for the proposed drainage works at Port Talbot Steelworks’ Basic Oxygen Steel-making (BOS) plant. This application has been submitted via Planning Applications Wales.

The application comprises the following documents and supporting information:

Document Name	Author	Reference Number	Version
Covering Letter	Turley	-	-
Application Form and Certificates	Turley	-	-
Site Location Plan	Tata Steel		
BOS Plant Area Layout Plan	Tata Steel	-	-
Engineering Drawings	Tata Steel	BOS Plant Drainage (Zone-1) Layout of Roads S1-30025. BOS Plant Drainage for Z1 Basic Scheme Drawings for Road and Drain Layout Plan (SW-30067). BOS Plant Drainage (Z-11) Layout Plan of Drain (SW-30042). BOS Plant Drainage for Z-11 Basic Scheme Drawings for Road and Drain Layout (SW-30068).	
Drainage Strategy	Cambria	CC2080-CAM-ZZ-XX-RP-C-0001	0001

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APPLICATION FEE

The proposed lawful development use comprises 'other operations'. The requisite planning application fee is calculated using the site area set out in the schedule on the accompanying BOS Plant Area Layout Plan. Based on a total area of 19,550 sq m, the appropriate application fee is £2,300. An online payment has been made to Neath Port Talbot County Borough Council (NPTCBC) upon submission.

PROPOSED WORKS

The proposed scheme is split into two Zones of work at the BOS plant: Zones I and II. The objective of the proposal is to address the absence of a formal surface water drainage system around the BOS plant. This will prevent pooling of water at the plant, which can lead to logistical and health and safety risks in an area of the Steelworks where molten metals are being transported.

Zone I

The Zone I works are located to the north east of the BOS plant as shown on plan S1-3025 and SW-300067, and comprise the following elements:

- The resurfacing of the existing Kress Car road with concrete and associated roadside drainage, including Hot Metal Tracks to avoid any risk of hot metal contacting groundwater.
- Rearrangement and resurfacing of service road with concrete and flexible paving to avoid traffic near to industrial processes and Hot Metal Tracks.
- Drainage connection from North Teeming Bay the new sumps.
- New sumps (Sumps 1 and 2) and drainage connections with existing Lagoon.
- Expanded Gilly sump and connection to existing effluent line.

Zone II

The Zone II works are located north west of the BOS plant as shown on plan SW-30042 and SW-30068, and comprise the following:

- Concreting of existing road and turning area in the Desulph and Converter Bay.
- New drainage and contouring of the ground to guide water into the sump. This will form part of wider apparatus and road rearrangement. The Desulph area drainage will be connected to the Gilly sump and the remainder to new Sump Pit 4.
- Pumped drainage connection from Sump Pit 4 to the lagoon.
- Creation of 12m high canopy over Converter Bay.

The positive drainage provision, hard surfacing and weather proofing will deliver substantial benefits for health and safety and the effective operation of this heavy industrial area of the Steelworks. The works will also reduce dust emissions in the area. The proposal will significantly enhance the quality of the local environment.

PRE-APPLICATION DISCUSSIONS

Informal discussions on the proposals took place with NPTCBC's planning team throughout late 2019 and early 2020. Informal agreement was reached that the proposed works constitute permitted development. Owing to the nature of the works, the proposals fall under more than one Part of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014 (hereafter the "GPDO").

It was agreed that a certificate of lawfulness application should be submitted to confirm this as the formal agreed position.

The pre-application discussion included the informal agreement that the proposals do require Sustainable Drainage Approval (SAB). A SAB pre-application was undertaken in June 2020. Comments were received on 16 July, confirming that the proposed SAB approach is acceptable, subject to consulting on the drainage strategy and discharge license with Natural Resource Wales (NRW). This is underway and a full SAB application will be submitted in due course.

Building on the informal position agreed at the pre-application stage, the following sections sets out why the proposals constitute permitted development not requiring planning permission.

ASSESSMENT

Permitted development

The sections of the GPDO set out below are considered relevant to any assessment of the proposed works.

Part 8, Class A

This Part of the GPDO permits “the erection, extension or alteration of an industrial building or warehouse”, subject to a number of conditions being met¹.

Part 8, Class B

This section permits the following:

*“Development carried out on industrial land for the purposes of an industrial process consisting of–
(a) the installation of additional or replacement plant or machinery,
(b) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus, or
(c) the provision, rearrangement or replacement of a private way, private railway, siding or conveyor”*

Development under Class B part (a) is not permitted if:

- It materially affects the external appearance of the premises; or
- Any of the plant / machinery would exceed 15m in height above ground level, or the height of anything being replaced (whichever is greater).

There are no conditions set by the GPDO in respect of parts (b) or (c) of Class B.

Drainage works and works to private internal roads

Part 8, Class B (b) and (c) permits the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus on industrial land for the purposes of industrial processes and the rearrangement or replacement of a private way on industrial land. There are no restrictions on these two sections of Class B in respect of materials or the scale of such works.

The majority of the proposed works in Zone I and II constitute permitted development under Part 8, Class B:

- **Zone I:** the resurfacing of the Kress Car road and rearrangement and resurfacing of the service road adjacent to the BOS plant under Part 8, Class B (c). These form internal private roads associated with the adjacent industrial and steel processes.

¹ Full GPDO Extract at Appendix 1.

- **Zone I:** the provision of two new sumps, associated pipework and rearrangement associated with the Gilly sump under Part 8, Class B (b). These works are being undertaken on industrial land for the purposes of supporting the surrounding industrial processes at the BOS plant.
- **Zone II:** the resurfacing and alignment of a concrete turning area, as rearrangement in relation to the existing private way under Part 8, Class B (c).
- **Zone II:** the drainage works and contouring of the ground, as part of the wider road rearrangement works and to support the drainage and industrial processes, under Part 8, Class B (c).

New canopy structure

Part 8, Class A permits the erection, extension or alteration of an industrial building or warehouse. Such development is not permitted if:

- The height of any part of the new structure exceed the height of the highest building within the curtilage of the premises or 15 metres (whichever is lower).
- The height of the building as extended or altered would exceed the height of the building being extended or altered.
- Any part of the works are within 5 metres of the boundary of the curtilage of the premises.
- The gross floor space of the new structure would exceed 100 sqm.
- The gross floorspace of the original building would be exceeded by more than 25% or 1,000 sqm.
- The works would reduce the space available for parking or turning of vehicles.

This Class is also subject to the condition that the industrial building is used for carrying out industrial process, for research and development or the provision of employee facilities ancillary to the undertaking.

In accordance with the requirements for permitted development rights to apply:

- The proposed canopy is located well within the Steelworks site and not close to any boundary of the premises.
- The canopy will support, protect and 'weather-proof' the transfer of materials to the Converter Bay. It is therefore directly used for supporting and carrying out of industrial processes at the site.
- The structure in height than many surrounding buildings within the BOS plant area and lower than 15m, at a height of 12m.
- Has no impact on the overall floorspace, as the canopy seeks to protect the existing Converter Bay space.
- The canopy is located east of the concrete turning area. It does not affect space available for parking or turning of vehicles in the area. This will, in fact, be enhanced through the wider private way rearrangements occurring as part of the proposal.

On this basis, the new canopy constitutes permitted development under Part 8, Class A of the GPDO.

SUMMARY AND CONCLUSIONS

The above assessment demonstrates that the proposed works constitute permitted development under Part 8 Class A or Class B of the GPDO. The proposal relates to works required to support the industrial processes undertaken at the BOS Plant and associated Converter Bay area. These will support the efficient operation in this location and wider effective drainage, health and safety of the area.

We would be grateful for formal agreement of the above position from the Council, via a Certificate of Lawfulness.

We trust the above provides sufficient information, however should you require any further details to determine the position, please do not hesitate to contact us.

Yours sincerely



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Appendix 1: GPDO Extract – Part 8, Class A

Coronavirus

See Coronavirus legislation
on [legislation.gov.uk](https://www.legislation.gov.uk)Get Coronavirus guidance from [GOV.UK](https://www.gov.uk)
Additional advice for [Scotland](#) | [Wales](#) | [Northern Ireland](#)[legislation.gov.uk](https://www.legislation.gov.uk)

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The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014

Wales Statutory Instruments 2014 No. 592 (W. 69) Article 2

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[Previous: Provision](#)[Next: Signature](#)[Plain View](#)[Print Options](#)**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.**Amendment of the Town and Country Planning (General Permitted Development) Order 1995**

- 2.—(1) The 1995 Order is amended in accordance with this article.
- (2) In Part 3 (changes of use) of Schedule 2, in paragraph B.1 of Class B for “235” substitute “500”.
- (3) For Part 8 of Schedule 2 substitute—

“PART 8
INDUSTRIAL AND WAREHOUSE DEVELOPMENT

Class A

Permitted development**A. The erection, extension or alteration of an industrial building or a warehouse.****Development not permitted****A.1.** Development is not permitted by Class A if—

- (a) the height of any part of the new building erected would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;
- (b) the height of the building as extended or altered would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the building being extended or altered;
- (c) any part of the development, would be within 5 metres of any boundary of the curtilage of the premises;
- (d) the gross floor space of any new building erected would exceed 100 square metres;
- (e) the gross floor space of the original building would be exceeded by more than—
 - (i) 10% in respect of development on any article 1(5) land or within a World Heritage Site, or 25% in any other case; or
 - (ii) 500 square metres in respect of development on any article 1(5) land or within a World Heritage Site, or 1,000 square metres in any other case;

whichever is the lesser;

- (f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or
- (g) the development would be within the curtilage of a listed building.

Conditions**A.2.** Development is permitted by Class A subject to the following conditions—

- (a) the development must be within the curtilage of an existing industrial building or warehouse;
- (b) any building as erected, extended or altered may only be used—
 - (i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;
 - (ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;

- (c) no building as erected, extended or altered may be used to provide employee facilities—
 - (i) between 7.00 pm and 6.30 am, for employees other than those present at the premises of the undertaking for the purpose of their employment, or
 - (ii) at all, if a notifiable quantity of a hazardous substance⁽¹⁾ is present at the premises of the undertaking;
- (d) any new building erected must, in the case of article 1(5) land or land within a World Heritage Site, be constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and
- (e) any extension or alteration must, in the case of article 1(5) land or land within a World Heritage Site, be constructed using materials which have a similar external appearance to those used for the building being extended or altered.

Interpretation of Class A

A.3. For the purposes of Class A—

- (a) where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement;
- (b) "original building" does not include any building erected at any time under Class A; and
- (c) "employee facilities" means social, care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees.

Class B

Permitted development

B. Development carried out on industrial land for the purposes of an industrial process consisting of—

- (a) the installation of additional or replacement plant or machinery,
- (b) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus, or
- (c) the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.

Development not permitted

B.1. Development described in Class B(a) is not permitted if—

- (a) it would materially affect the external appearance of the premises of the undertaking concerned; or
- (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

Interpretation of Class B

B.2. In Class B, "industrial land" means land used for the carrying out of an industrial process, including land used for the purposes of an industrial undertaking as a dock, harbour or quay but does not include land in or adjacent to and occupied together with a mine.

Class C

Permitted development

C. Development consisting of—

- (a) the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or
- (b) the replacement in whole or in part of such a surface.

Development not permitted

C.1. Development is not permitted by Class C if the development would be within the curtilage of a listed building.

Conditions

C.2. Development is permitted by Class C subject to the condition that the hard surface must be—

- (a) porous or permeable; or
- (b) provided to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the industrial building or warehouse; and
- (c) permanently maintained so that it continues to comply with the requirements of paragraph (a) and (b).

Class D

Permitted development

D. The deposit of waste material resulting from an industrial process on any land comprised in a site which was used for that purpose on 1st July 1948 whether or not the superficial area or the height of the deposit is extended as a result.

Development not permitted

D.1. Development is not permitted by Class D if—

- (a) the waste material is or includes material resulting from the winning and working of minerals; or
- (b) the use on 1 July 1948 was for the deposit of material resulting from the winning and working of minerals.

Class E

Permitted development

E. The erection or construction of a refuse or cycle store within the curtilage of an industrial building or warehouse.

Development not permitted

E.1. Development is not permitted by Class E if—