

**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

UK Power Reserve Ltd
C/O Prism Planning Ltd

Name and address of the agent

Mr Steve Barker
Prism Planning Ltd
Milburn House
17 Woodland Road
Darlington
DL3 7BJ
United Kingdom

DATE REGISTERED: 18 December 2020

APPLICATION NO: P2020/1089

LOCATION: Ex Gas Works , Land To The West Of Afan Way, Port Talbot,
SA12 6HQ

PROPOSAL: Variation of Conditions 1 (List of Approved Plans) and 2 (Fence Construction Timescales) of Planning Permission P2019/5071 granted on 08/04/2020 to allow an amended supporting structure for the approved fence due to ground-conditions and wind loading, amending the opening gates to sliding ones, and to allow an extension of time to construct the fence on site

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:-

List of Approved Plans

- 1 The development shall be carried out in accordance with the following approved plans and documents:
Site Lighting Arrangement (Dwg. No. DWG-EL-028 Rev 01).
Attenuation Layout (Dwg. No. 500 Rev E).

Foundation Plan (Dwg. No. 101 Rev C2).
 Pile Connection Plan (Dwg. No. SK01 Rev C2).
 As Built and Approved Elevations (Dwg. No. 15027.109 Rev 1).
 Site Cross-Section (Dwg. No. 15027.113 Rev 1b).
 Proposed Site Plan (Dwg. No. 15027.102 Rev 6j).
 Approved Location Plan (Dwg. 15027.104.1 Rev 1a).
 Design Statement for An Acoustic Screen (May 2019).
 Noise Survey and Assessment Report (May 2019).
 Air Quality Assessment (September 2018).
 Review of Access Options (July 2017).
 Septic Tank Details.
 Afan Way, Flood Consequences Assessment (February 2014).
 Proposed Lighting Data Sheet.
 Site Risk Assessment.
 Incident Investigation and Reporting Requirements.
 Details of Equipment, Materials and Appearance.
 External Lighting Strategy.
 Security Fence Details - Harper Chalice.
 Phase I and Phase II Geo-Environmental Assessment (August 2017).
 Detailed Remediation Strategy (May 2018).
 Report for the Periodic Monitoring of Odour Concentration from Afan Way Engine Compound, and neighbouring locations, Port Talbot (January 2020).
 Dwg. No. DR-ST-GA-03 Rev 04.
 Dwg. No. DR-ST-500.
 Dwg. No. GA-100 Rev P1.

Reason:

In the interests of clarity.

Action Conditions

- 2 Prior to the operation of the plant during night-time hours of 23:00 to 07:00 or within 6 months of the date of this permission (whichever is the sooner), the new acoustic barriers and other security fencing shall be fully installed on site in full accordance with the approved plans and the details approved under condition 3 of this consent, and shall be retained and maintained as such thereafter.

Reason:

In the interest of visual amenity and to comply with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 3 The acoustic wall hereby approved shall be fully installed and retained in accordance with the agreed sample and maintenance scheme, as approved under Planning Application P2020/0977 on 09/12/2020.

Reason:

In the interest of visual amenity and to comply with Policy BE1 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 4 The development hereby approved shall be carried out in accordance with the approved details, and retained as such thereafter.

Reason:

In the interest of visual amenity and to comply with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no fences, gates walls or other means of enclosure other than those approved under this permission or by condition shall be erected to the perimeter or within the site.

Reason:

In order to safeguard the amenity of the area and to comply with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 6 Notwithstanding the provisions of Part 8 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification) no plant or machinery other than that expressly authorised by this permission or by condition shall be installed on the site.

Reason:

In the interest of residential amenity and to comply with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 7 The parking spaces and turning hereby approved shall be made available on site and retained for such use thereafter.

Reason:

In the interests of highway safety and to conform with the requirements of the Local Planning Authority concerning off-street car parking (servicing) and to comply with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 8 The lighting scheme hereby approved shall be fully implemented on site in accordance with the approved details, and retained as such thereafter.

Reason:

In the interest of visual and residential amenity and highway safety and to comply with Policies BE1 and TR2 of the Neath Port Talbot Local Development Plan.

- 9 The drainage scheme hereby approved shall be fully implemented on site in accordance with the details hereby approved within three months of the date of this permission, and retained as such thereafter.

Reason:

In the interest of adequate drainage of the site and to comply with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 10 The generating station hereby approved shall only be used for the production of standby electricity (A Short Term Operating Reserve (STOR)) in accordance with the details provided in the Design, Access and Planning Statement (October 2015).

Reason:

To clarify the nature of the approval, and in the interest of residential amenity and to comply with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 11 All construction traffic shall enter the site via the route as approved on Dwg. 15027.104.1 (Operational and Construction Access Plan) Rev. 1a only.

Reason:

In the interests of highway and pedestrian safety and to comply with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 12 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.

- 13 The development hereby approved shall not exceed a maximum generating capacity of 20MW, and this permission approves only the specification of generator and number of generators as set out within the application documentation.

Reason:

In the interest of clarity and in the interest of amenity, since the application has only assessed the air quality and noise impact of the current generators in accordance with Policies BE1, SP2, SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 14 The access gates, as approved under Planning Application P2017/1160 on 23rd January 2018, shall be installed on site within three months of the date of this permission and shall remain in situ locked at all times (other than when required for access purposes).

Reason:

In the interest of highway safety and security of the site and to comply with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 15 Operation of the STOR generators / facility outside the hours of 07.00 to 23.00 shall not exceed a total 100 hours in any calendar year. An up to date register of such night-time operation - which shall comprise details of the date and hours of operation that have occurred outside of the hours of 07.00 to 23.00 hours - shall be kept by the operator and made available for inspection by the local planning authority upon request, with an annual summary of night-time operations (January - December) provided to the Local Planning Authority no later than 31st January in the following year.

Reason:

In the interest of residential amenity of neighbouring properties and to comply with Policy BE1 of the Neath Port Talbot Local Development Plan.

Informatives:

1 The developer is advised that any risk to construction workers is managed at the site through the provision of appropriate Personal Protective Equipment (PPE) and the adoption of safe working practices as outlined in the CIRIA document 132 - 'A Guide for Safe Working on Contaminated Sites'.

Reasons for Decision:

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.

It is considered that the proposed variation of conditions on Planning Application P2019/5071 would not have a detrimental impact upon residential amenity (including noise issues), or upon the character and appearance of the surrounding area, and there would be no adverse impact upon highway and pedestrian safety. It is also considered that the development would have no unacceptable air quality issues. Hence, the development would be in accordance with Policies SP16, SP20, SP21, SC1, EN8, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with 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: 9 February 2021

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.

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

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.