

**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 Brian Calo
ATT Engineering
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Resolven
Neath
SA11 4AZ

Name and address of the agent

Mr Ron Bagshaw
Ron Bagshaw & Associates
Woodfield House
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Cilfrew
Neath
SA10 8LH

DATE REGISTERED: 26 May 2021

APPLICATION NO: P2021/0621

LOCATION: Land At, Neath Abbey Industrial Park, Neath Abbey, Neath

PROPOSAL: Variation of condition 1 of planning permission P2015/0631 granted on 27th May 2016 to extend the consent for a further 5 years (Ecological Report Rec 10-8-21)

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:

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 in accordance with the following approved plans and documents:

Drwg No 01 -001 Proposed Site
Drwg BBA653 P01 A Floor Plans and elevations
BBA653 P02 C Site Plan and Sections
BS 5873 Tree Report by Tree solutions
Preliminary ecology appraisal by Acer Ecology Dated August 2021
Surface water drainage strategy report by CB3 consult Dated Dec 2015
Soil infiltration test report by ground investigation dated April 2016
Phase 1 assessment of land quality desk study by Quantum Geotechnical
Design and Access Statement Rev B

Reason
In the interest of Clarity

Pre-Commencement Conditions

- 3 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason
In the interest of the visual amenity of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 4 Prior to the commencement of work on site a scheme to assess the nature and extent of any contamination on the site, and confirmation of whether or not it originates on the site shall be submitted to and agreed in writing with the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006) and shall be submitted as a written report which shall include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - o human health,
 - o ground waters and surface waters
 - o adjoining land,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred remedial option(s).

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 5 Prior to the commencement of work on site a 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 agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

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.

- 6 Prior to the commencement of works on site a Construction Method Statement shall be submitted to and approved by the Local Planning Authority. The Approved statement shall be adhered to throughout the construction period. The statement shall provide the following:-
- a. The parking of vehicles of site operatives and visitors.
 - b. Loading and unloading of plant and materials.
 - c. Storage of plant and materials used in construction the development.
 - d. The erection and maintenance of a security holding including decorative displays and facilities for public viewing, where appropriate.
 - e. Prevention of material discharge onto the public highway.
 - f. Measures to control the emissions of dust and dirt during construction.
 - g. Wheel washing facilities
 - h. A scheme for recycling/disposing of waste resulting from any construction works.

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 Neath Port Talbot Local Development Plan.

- 7 (8) Notwithstanding the submitted plans, prior to the commencement of works on site, details of the proposed means of enclosure to all boundaries of the site shall be submitted to and agreed in writing with the Local Planning Authority. The agreed means of enclosure shall be erected prior to the occupation of the associated development and retained as such thereafter.

Reason

In the interests of the visual amenity and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 8 Prior to the commencement of development, a detailed scheme for the treatment and disposal of soils affected by Japanese Knotweed and Himalayan Balsam shall be submitted to and approved in writing by the Planning Authority. Such a scheme shall be in accordance with current best practice. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason

In the interests of amenity, and to ensure the treatment is carried out in accordance with recognised good practice and to accord with Policy SP15 of the Neath Port Talbot Local Plan.

- 9 No development shall take place until full details of landscaping containing a majority of native and/or wildlife friendly species has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason

In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 10 As recommended in P1916: Neath Abbey Business Park, Neath, Preliminary Ecological Appraisal: August 2021 (Acer Ecology) and prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction strictly in accordance with the approved details.

Reason

In the interests of biodiversity and the amenity of the area as a whole and to ensure the development complies with Policy EN7 of the Neath Local Development Plan.

Action Conditions

- 11 Prior to the first occupation the building/unit, the car park shall be constructed and marked out in accordance with Drawing number BBA653.P.02 Rev C and retained as such thereafter.

Reason

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

- 12 Prior to the first beneficial use of the building hereby approved details of screening to the bin storage area as shown on drawing BBA 653.P.02C shall be submitted to and approved in writing by the Local Planning Authority.

The screen fencing shall be erected in accordance with the agreed details prior to the first beneficial use of the building and retained as such thereafter.

Reason

In the interests of visual amenity and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 13 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 5 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 offsite receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 14 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.

- 15 The recommendations and protective fencing set out within the Tree report BS 5873 by tree solutions care and forestry shall be implemented during all phases of the development works.

Reason

In the interest of biodiversity and visual amenity, and to ensure compliance with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 16 Prior to first beneficial use, a Landscape Management Plan , including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority. The Landscape Management Plan shall be implemented and adhered to in accordance with the approved details thereafter.

Reason

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

- 17 As recommended in P1916: Neath Abbey Business Park, Neath, Preliminary Ecological Appraisal: August 2021 (Acer Ecology) and prior to commencement of the building a scheme for bird and boxes to be installed will be implemented. The scheme as approved shall be implemented prior to building completion.

Reason

In the interest of biodiversity, and to mitigate the loss of bird nesting/foraging habitats under the Habitats Regulations (2012) and to accord with Policy SP15 of the Neath Port Talbot Local Development Plan.

- 18 Prior to the erection of any lighting scheme for the site shall be submitted to and approved in writing by the local planning authority The scheme shall incorporate best practice guidance to ensure the retention of dark corridors for the movement of bats with no direct lighting of vegetation. The scheme shall be implemented and retained in accordance with the approved details.

Reason

To ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2010 are adequately protected and in the interests of highway and pedestrian safety, and to ensure compliance with Policies SP15 and EN6, TR2 of the Neath Port Talbot Local Development Plan.

- 19 Prior to the first beneficial use of the building/unit vision splays of 4.5 metres by 90 metres shall be implemented on site and retained as such thereafter.

Reason

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

- 20 The location of the proposed gates at the entrance of the site shall be constructed in accordance with Drawing number BBA653.P.02 Rev C and retained as such thereafter.

Reason

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

Regulatory Conditions

- 21 There shall be no outside storage of plant, machinery, raw materials, packing cases, rubbish, other waste matter or finished products, except within the screened bin storage area. Any stored materials shall not exceed the height of the screening.

Reason

In the interests of the visual amenity of the area, and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 22 There must be no interference, alterations or diversions of any ditch, watercourse, stream or culvert crossing or bordering the site.

Reason

In the interests of the proper drainage of the site and its surroundings, and to ensure the development complies with Policies SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 23 Foul water and surface water discharges must be drained separately from the site.

Reason

In the interests of the proper drainage of the site and its surroundings, and to ensure the development complies with Policies SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 24 During works all excavation trenches should be covered overnight to prevent any wildlife becoming trapped inside.

Reason

To ensure compliance with Policies SP15 and EN6 of the Neath Port Talbot Local Development Plan.

- 25 Where any grassland and scrub is to be removed, ensure that vegetation is cut to c.100mm in height one week prior to soil stripping. The vegetation shall be cut with hand-held machinery (e.g. strimmers and chainsaws) to reduce the risk of crushing. A further cut to approximately 50mm shall take place after a period of not less than 48 hours. After a further 48 hours an ecologist shall hand search remaining habitat for the presence of reptiles or amphibians prior to topsoil stripping and root removal.

Reason

To ensure conservation of protected species and their habitats, and to accord with Policy SP15 of the Neath Port Talbot Local Plan.

Informatives:

- 1 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.
- 2 The public right of way shall be protected at all times and any damage caused to the Right of way [PROW] shall be rectified to the satisfaction of the Local Planning Authority. No alteration or change of condition to the PROW is to be undertaken without further consultation with the Local Authority's Countryside Team
- 3 The applicant is advised that they should contact John Griffiths the Local Authority's Rights of Way Officer on 01639 686199 in relation to the footpath diversion.
- 4 No site/vegetation clearance/demolition should take place between 1st March to 31st July inclusive to minimise the potential for nesting birds to be disturbed as they are protected by law. If works have commenced and an otter/holt is found/suspected in the stretch of watercourse immediately adjacent to the site, then works in the vicinity should cease immediately and Natural Resources Wales (NRW) contacted.
- 5 Bats often roost in trees, and work on these trees may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a tree in which bats are roosting, Natural Resources Wales must be contacted. If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work shall cease and NRW should be contacted immediately. Where bats or their roosts are present, no works of felling, lopping or pruning shall take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. NRW can be contacted at:- Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000 Bat Conservation Trust can be contacted at:- 5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0345 1300228

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

It is considered that the proposed development by virtue of its scale, massing, design and location would not have a detrimental impact upon residential amenity or upon the character or appearance of the surrounding area or upon archaeological remains located in the area. In addition there would be no adverse impact upon highway or pedestrian safety. As such the proposal is in accordance with Policies SP11, SP15, SP20, SP21, EC2/3, EC3, EN7, TR2, BE1 and BE3 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: 26 August 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.