

**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

Welsh Water
Linea
Fortran Road
Cardiff
CF30 0EH
United Kingdom

Name and address of the agent

Mr Luke Atherton
Mott MacDonald
10 Temple Back
Redcliff
Bristol
BS1 6FL
United Kingdom

DATE REGISTERED: 19 October 2021

APPLICATION NO: P2021/0987

LOCATION: Land At Cwmwernderi Reservoir, Between Bryn And Goytre,,
Port Talbot

PROPOSAL: Temporary (until July 2023) construction compound (Upper
Site) to facilitate necessary maintenance works to
Cwmwernderi Reservoir

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 use shall be discontinued and any associated paraphernalia/chattels associated with the use shall be removed from the land in its entirety, and the land shall be restored to its former condition, on or before 31st July 2023.

Reason:

Due to the temporary nature of the proposal and to comply with Policies SC1 and BE1 of the Neath Port Talbot Local Development Plan.

List of Approved Plans

- 2 The development shall be carried out in accordance with the following approved plans and documents:
B14504-123535-12-XX-RP-TA-PN0024 P1 - Cwmwernderi Design and Access Statement
B14504-123532-12-XX-RP-NB-E10023 P2 - Cwmwernderi PEAR_Optimized
B13181-123532-12-RP.NA EI0029 - Compound and Access NRW Consultation
B14504-123532-XX-XX-DR-ZA-PN9015 - Site Location Plan
B14504-123532-XX-XX-DR-ZA-PN9017 - Site Compound Layout Plan
21-0416-001 JN Bentley Cwmwernderi Reservoir Office Unit
21-0416-002 JN Bentley Cwmwernderi Reservoir Welfare Unit
B14504-123532-12-XX-RP-NA-E10021 A - Arboricultural Impact Assessment

Reason:

In the interests of clarity.

Action Conditions

- 3 Notwithstanding the submitted details, the parking bays, as detailed in Drawing No. B14504-123532-XX-XX-DR-ZA-PN9017, shall measure 2.6 metres wide by 4.8 metres in length - rather than the 2.4 metres wide currently shown. The parking bays shall be marked out on site and retained as such for the duration of the temporary works.

Reason:

In the interest of adequate parking on site and to comply with Policy TR2 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 4 Notwithstanding the submitted details, the access gates as shown in Drawing No. B14504-123532-XX-XX-DR-ZA-PN9017 shall open inwards only, and retained as such for the duration of the works.

Reason:

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

- 5 Access and egress to and from the site for all construction and associated traffic shall follow the route approved in Drawing No. B14504-123532-12-XX-RP-NA-EI0029 at all times.

Reason:

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

Informatives:

The developer is advised of the following from Natural Resources Wales:

Pollution Prevention: The proposed site is within short distance of drainage features. We therefore advise that silt management must form part of the preparation phase. Cut off ditches and bunds around the perimeter of the site during the clearance phase should be installed to prevent silt contaminated run-off from entering these drainage features. When the compounds are laid, provision should be made for drainage of the site and run-off directed or controlled to ensure it does not carry sediments off-site into the drainage features. Sumps or settlement is recommended. It is noted the compound will be used for storage of fuel. All fuel storage and refuelling operations should be done in accordance with 'Guidance for Pollution Prevention (GPP) 2 - Above ground oil storage' ensuring all stores are double skinned and associated pipe work be contained within a bund. Further information on GPPs is available here: [Guidance for Pollution Prevention \(GPPs\) - Full list | NetRegs | Environmental guidance for your business in Northern Ireland & Scotland](#). The 'Cwmwernderi reservoir - Landowner's consultation paper for compounds and proposed access track' document by MMB, dated 23/08/21 note that there will be approximately 60 movements of concrete lorries over the life of the works. No information is given on use of concrete, its batching, pouring, mixing or washing, although a 'materials storage' area is alluded to on the secondary (lower) compound. As concrete is to be used on site, due consideration must be given to pollution prevention in terms of its storage and use and be in line with 'GPP 5 Works and maintenance in or near water - section 3 Concrete, cement and grout'. Welsh Government Woodland Estate As the works are proposed on NRW managed Welsh Government woodland estate, any required re-planting of felled trees will be agreed between our Land Management Team and the Contractor, under our separate land management function. For further information on this please contact Philip Morgan, Land Management Team Leader by emailing: Philip.morgan@cyfoethnaturiolcymru.gov.uk

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

3 Prior to commencement of any works for the improvement of the access track with the installation of the temporary culvert, temporary works consents under Section 23 of the Land Drainage Act 1991 may need to be obtained from the Authority if discharging into a Watercourse. You are therefore advised to contact the Highway Development Engineer, at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG (Tel.No. 01639 686850 or e-mail hdc@npt.gov.uk). Please note such consents can take up to 8 weeks to be processed after registration and early application is advised.

4 The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended) section 1, it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

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

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 would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area/open countryside, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies SP14, SP15, SP16, SP20, SP21, SC1, EN2, EN6, EN7, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

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

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 10 December 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 686820 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

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

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

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