

**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

Tata Steel UK Ltd
C/O Agent
United Kingdom

Name and address of the agent

Turley - Miss Jadine Havill
Turley
18 Windsor Place
Cardiff
CF10 3BY
United Kingdom

DATE REGISTERED: 12 May 2020

APPLICATION NO: P2020/0403

LOCATION: Port Talbot Steelworks , Grange Road, Margam, SA13 2NG

PROPOSAL: Removal of Condition 16 (duplicate condition) and amendment to Condition 17 (Construction Hours) of Planning Permission P2018/1036 (granted on 06/02/2019) to allow 24-hour working on the new Sinter Plant

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:-

This decision notice is Revision Number 1, issued on 27/01/2022.

List of Approved Plans

- 1 The development shall be carried out in accordance with the following approved plans and documents:
Existing Site Layout Plan - Tata Steel - 2313-00-00-19-062 - PR3
Proposed Demolition Plan - Tata Steel - 2313-00-00-19-068 - PR1
Proposed Site Layout Sheet 1 - Tata Steel - 2313-00-00-19-063-S1 - PR9
Proposed Site Layout Sheet 2 - Tata Steel - 2313-00-00-19-063-S2 - PR7
Proposed Site Access Plan - Tata Steel - 2313-00-00-19-064 - PR6
Sinter Bag Filter General Arrangement - Boldrocchi - FMA201 Rev 0.

Sinter Bag Filter General Layout Sheet 2/2 - Boldrocchi - 01 Rev 3.
 Sinter Bag Filter Compressor Room General Arrangement - Boldrocchi - CBA201 Rev 0.
 Proposed Ductwork Elevation Sheet 1 - Tata Steel 2313-00-00-19-065-S1-PR6
 Proposed Ductwork Elevation Sheet 2 - Tata Steel 2313-00-00-19-065-S2-PR5
 Proposed Soft Landscape Plan - EDP - edp5232_d002 Rev H.
 LVIA Technical Addendum - Turley.
 Dispersion Modelling Addendum - Tata Steel.
 Technical Documents
 Pre-application Consultation Report - Turley Strategic Communications.
 Design and Access Statement - Turley Design.
 Planning Statement - Turley Planning.
 Existing Landscape and Landscape Removal - EDP - edp5232_d001e.
 Landscape and Visual Appraisal - Turley LVIA.
 Phase II Site Investigation Report - Geotechnology - 1855r1v1d1118.
 Noise Assessment - RSK - 297308-01 - 03 March 2020.
 Preliminary Ecological Appraisal Report - ADAS - BRT69105-190 - 03
 Drainage Strategy - Jubb - DS01 - v4
 Air Quality Assessment - RSK - 443189-01 - 04
 Dispersion Modelling - Tata Steel - 170785.
 Archaeology Desk-based Assessment - Cotswold Archaeology - 18497 - Issue 2
 Construction and Demolition Method Statement (including Waste Management) - Tata Steel.

Reason:

In the interests of clarity.

Action Conditions

- 2 The surface water drainage scheme, as approved under planning permission ref. P2019/5697 on 15/01/2020, shall be fully implemented on site as part of the approved development, and retained as such thereafter.

Reason:

To ensure the provision of adequate surface water drainage measures and to comply with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 3 The remediation scheme, as approved by planning permission ref. P2019/5697 on 15/01/2020, shall be fully implemented on site in accordance with the 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.

- 4 All piling works on site shall be undertaken strictly in accordance with the scheme approved by planning permission ref. P2019/5697 on 15/01/2020.

Reason:

To ensure adequate environmental protection measures are implemented and in the interest of the amenity of the wider surrounding area and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 5 Notwithstanding the submitted details, prior to the commissioning date (meaning the date on which the secondary de-dusting extraction system is first operational, which shall include for any purposes of testing) of the hereby approved secondary de-dusting extraction system, a revised landscaping scheme, which shall include the reasons for tree species selection given their proposed location together with the sizes at time of planting and proposed density and with measures for their protection, shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be carried out on site during the first planting season after the first beneficial use of the hereby approved development and any trees or plants which within a period of five years are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species.

Reason:

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act, 1990 and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

Details in respect of the above condition were approved by application P2021/0233 on the 27/01/2022.

- 6 Notwithstanding the submitted details, prior to the commissioning date (meaning the date on which the secondary de-dusting extraction system is first operational, which shall include for any purposes of testing) of the hereby approved development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The approved management plan shall be implemented prior to the end of commissioning for its permitted use.

Reason:

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act 1990 and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

Details in respect of the above condition were approved by application P2021/0233 on the 27/01/2022.

- 7 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.

- 8 The development hereby approved shall be constructed strictly in accordance with the materials as approved by planning permission ref. P2019/0303 on 07/05/19.

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.

- 9 Notwithstanding the submitted details, prior to the start of any demolition works on site, a revised Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
- i. Storage of plant or materials used in the demolition works;
 - ii. Method of treatment and storage of waste resultant from the demolition works;
 - iii. Measures to control the emission of dust and dirt during demolition works;
 - iv. A scheme for recycling/disposing of waste resulting from the demolition works, including details of transportation of any waste to be removed from the site.
 - v. The method and timescales for any demolition.
 - vi. Hours of demolition works.
 - vii. Details of the proposed works to reinstate the land.
- The approved scheme shall be fully implemented on site in accordance with the approved details for the duration of all demolition works.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan.

- 10 The applicant shall give written notice to the Local Planning Authority within 7 working days of the 'first commissioning date' (meaning the date on which the secondary de-dusting extraction system is first operational, which shall include for any purposes of testing) of the hereby approved development. The applicant must cease to operate the existing secondary de-dusting extraction system and complete demolition of the existing electrostatic precipitator (ESP), Fan and 55m stack as identified on Proposed Demolition Plan, Tata Steel, 2313-00-00-19-068-PR1 no later than 9 months after the 'first commissioning date', in accordance with the approved revised Demolition Method Statement that is required to be submitted and approved under Condition 09.

Reason:

In the interests of the visual amenity of the wider surrounding area, and to comply with Policy BE1 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 11 The hereby approved development shall be constructed in accordance with the finished floor levels, as specified on drawing P7132-02-003 and 2313-00-00-19-065-S2-PR4.

Reason:

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

- 12 The approved Construction and Demolition Method Statement (including Waste Management) - Tata Steel shall be fully implemented as approved, or as modified by Condition 09, throughout the construction and demolition operations on site.

Reason:

In the interests of amenity, highways safety and air quality, and to ensure the development complies with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 13 Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the Local Planning Authority in writing within 7 working days. Works shall be halted in the area/part of the structure affected until provision has been made for the retention and/or recording in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason:

To ensure adequate measures are implemented should any unexpected Archaeology be found on site during construction, and to and comply with Policy SP21 of the Neath Port Talbot Local Development Plan.

- 14 Prior to the first beneficial use of the proposed development commencing including any testing of the approved development, and if required by Condition 3, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with Condition 3 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.

- 15 For the duration of the construction operations associated with the hereby approved development the level of noise emitted shall not exceed:

(i) 65 dB LAeq,T at the closest noise sensitive receptors (3 Lower West End, 26 Mariners Point and 30 Prince Street) between 07:00 and 19:00 hours Mondays to Fridays and between 07:00 and 13:00 hours Saturdays;

(ii) 55 dB LAeq,T at 3 Lower West End and 26 Mariners Point and 60 dB LAeq,T at 30 Prince Street between 19:00 and 23:00 hours Mondays to Fridays, 13:00 - 23:00 on Saturdays and 07:00 - 23:00 on Sundays;
(iii) 55 dB LAeq,T at the closest noise receptors (3 Lower West End, 26 Mariners Point and 30 Prince Street) between 23:00 and 07:00 hours Mondays to Sundays. The noise control measures will be carried out in accordance with Section 7.1 of the approved Noise Assessment report prepared by RSK (Document No. 297308-01(03)).

Reason:

In the interests of the amenity of the wider surrounding area and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan. (Demolition noise is controlled by condition 9.)

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 the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on the amenities of neighbouring residents, visual amenity of the area or highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies SC1 (Settlement Limits), EC2/11 (Existing Employment Areas), EC3 (Employment Areas Uses), EN8 (Pollution and Land Stability), BE1 (Design) and TR2 (Design and Access of New Development) 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: 22 June 2020

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.