

PLANNING STATEMENT

Global Centre of Rail Excellence
Non-Material Amendment Application



JPW1877
Planning Statement
September 2022

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1 INTRODUCTION & BACKGROUND

- 1.1 This planning statement has been prepared on behalf of GCRE Ltd, the company established to take forward the Global Centre of Rail Excellence project.
- 1.2 Outline planning permissions were granted by Neath Port Talbot County Borough Council (ref P2021/0327) in July 2021 and Powys County Council (ref 21/0559/OUT) in August 2021.
- 1.3 The permissions were approved, subject to conditions and all matters were reserved. They are largely 'mirror consents' in that the conditions are worded and numbered almost identically.
- 1.4 The permissions enable the development to come forward in phases under condition 7, worded as follows:
- *Prior to the submission of any application for the approval of reserved matters, the applicant / developer shall have submitted to and had approved in writing by the Local Planning Authority a plan sub-dividing the overall site area into phased development areas to substantially accord with the illustrative masterplan and parameters submitted to and approved as part of this application, together with details of the supporting information which is to be submitted for each phase under the relevant conditions of this consent*
- Reason:
- *To allow the sub-division of the overall site into coherent areas of land and the submission of reserved matters pursuant to each development area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.*
- 1.5 Whilst condition 7 will prove to be extremely useful to the delivery of the scheme, a review of both permissions has identified that there is an issue in the construct of the permissions due to a 'clash' between condition 7 and condition 1 which deals with the submission of reserved matters. Condition 1 is worded as follows:
- *Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.*
- 1.6 Condition 1 as worded requires **all** details of layout, appearance, access, scale and landscaping to be submitted pre-commencement of any development, removing the ability to work up the details of different phases of the scheme as they become available/required.
- 1.7 It has also transpired, that there are a number of site-wide requirements that would be advantageous to the implementation of the scheme if they could also be phased.
- 1.8 As a result of the above, this application under Section 96A of the Town and Country Planning Act 1990 for non-material amendments, (NMA) seeks to better align the delivery of the project against the requirements of the permissions.
- 1.9 Importantly, the NMAs do not seek to remove any condition/s or divest the scheme of any fundamental requirements.
- 1.10 Both permissions require amendment as the requirements of the relevant conditions are site-wide.

2 NON-MATERIAL AMENDMENTS

- 2.1 The Welsh Government's 'Planning Guidance: Approving Non-Material Amendments' published in July 2014 states that there is no statutory definition of what constitutes a small amendment to an existing planning permission. In the absence of a definition and in deciding whether or not a proposed change is non-material, the guidance highlights that consideration should be given to the effect of the change, together with any previous changes made to the original planning permission.
- 2.2 When assessing and determining whether or not a proposed change would qualify as a non-material amendment, the guidance states that local planning authorities may wish to consider the following tests:
- 2.3 In the absence of a definition, the published guidance sets out the following tests for local planning authorities to consider in the determination of NMA applications:
- *(a)(i) Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,*
 - *(a)(ii) Would the proposed change result in a detrimental impact either visually or in terms of local amenity?*
 - *(b) Would the interests of any third party or body be disadvantaged in planning terms; or,*
 - *(c) Would the proposed change conflict with national or development plan policies?*
- 2.4 It is the above tests that the requested amendments are assessed against in the next section together with presenting the operational and/or other planning justifications. The tests are considered a 'starting point' for LPAs in their consideration of non-material amendments. It is acknowledged that there may be other considerations that will identify if a proposed amendment is non-material depending on the circumstances of each case.
- 2.5 The importance of pre-application discussions is noted to establish whether or not the proposed amendments are non-material in nature and can be determined as an application under Section 96A.
- 2.6 A substantial amount of pre-application discussion has been held with both LPAs via fortnightly regulatory meetings in which the scope/nature of the NMAs has been explored.

3 THE AMENDMENTS SOUGHT

- 3.1 The following discusses and makes the case for the necessary and desirable amendments to the outline permissions against the relevant tests. All suggested amendments to the wording of conditions are presented in **bold underlined** text for ease of review.
- 3.1 In order to ensure the viability of the overall GCRE scheme consented at outline stage, it is necessary to enable the scheme to be in a position to generate income as soon as possible. In order to do this, the aim is to establish the storage sidings in the washery area of the site as the first phase of development (Phase 1a).
- 3.2 The purpose of this sidings area in the short term (approximately 12 months) will be solely to store rolling stock. Once complete and as envisaged by the outline masterplan and permission, the washery area will provide multiple roles for the GCRE. These will include stabling/storage, maintenance sheds, train wash, refueling lines and decommissioning sheds.

Condition 1

- 3.3 Condition 1 controls the submission of the reserved matters – access, appearance, landscaping, layout and scale. These are the design and technical details of the scheme and are as worded, required to be submitted for approval across the entire site before any development begins and shall be carried out as approved.
- 3.4 With such a large-scale site and a scheme that comprises a number of different parts and functions, it is a condition that requires all details to have been designed at the outset. This condition, in its current state, essentially renders Condition 7 that enables phasing of certain elements across the site and scheme, unworkable. Post approval liaison has confirmed that this was not the intention of the decision takers at the time and is essentially a drafting matter that has come to light when looking at the permission; as a whole as part of the process of discharging conditions.
- 3.5 Given the above, it is clear the wording of Condition 1 needs to be amended to allow for reserved matters material to be submitted for approval on a phased basis in line with Condition 7 and it is proposed to re-word Condition 1 as follows:
- *Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins **on any related phase approved under Condition 7** and the development shall be carried out as approved.*

Condition 10

- 3.6 This condition is concerned with the archaeological resources contained within the site and is worded as follows:
- *No development shall take place (including demolition, ground works, and vegetation clearance) until such time as the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority. After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Glamorgan Gwent Archaeological Trust for inclusion in the regional Historic Environment Record and the National Monuments Record, RCAHMS. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.*

- 3.7 Condition 10 precludes any development from taking place including vegetation clearance. This condition is problematic to the scheme in that it requires both the preparation and submission of a scheme of investigation, plus then the undertaking and completion of that work and a report on its findings for the entire site.
- 3.8 The intended initial phase of the scheme, Phase 1a is sited on a part of the Onllwyn Washery which has been variously worked, restored and developed and as such is much disturbed land.
- 3.9 Chapter 8 'Cultural Heritage' of the Environmental Statement that accompanied the outline applications indicates at paragraph 8.7.4 (and elsewhere) that due to the washery being previously developed, that the '*modern operation is likely to have removed any evidence of earlier industry or other activity. Within the footprint of the washery there is negligible archaeological potential*'. The Chapter concludes that there is no requirement for archaeological mitigation in the washery location due to the negligible impact.
- 3.10 Given the above it would be advantageous to the bringing forward of phase 1a and the advanced preparation works associated with it, if Condition 10 were able to allow ground works and vegetation clearance for this initial phase only on the basis that it has been assessed as highly unlikely to cause any impact on the cultural heritage resource. The suggested amendment to Condition 10 is as follows:
- *No development **outside of the areas delineated as phase 1a and phase 2a on the phasing plan as agreed under Condition 7** shall take place (including demolition, ground works, and vegetation clearance) until such time as the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work **within each of the further phases** in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work **for each phase** will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report **for each phase** should be submitted to the Local Planning Authority. After approval by the Local Planning Authority, a copy of the reports and resulting archive should also be sent to the Historic Environment Record Officer, Glamorgan Gwent Archaeological Trust for inclusion in the regional Historic Environment Record and the National Monuments Record, RCAHMW. Thereafter, the **phased** programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.*

- 3.11 If deemed necessary, the requirement for a watching brief could be conditioned to any overall discharge of conditions consent for phase 1a.

Condition 21

- 3.12 Condition 21 deals with contamination and is worded as follows:

- *Notwithstanding those works already permitted and approved in accordance with planning approval P2020/0362, no development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.*
- The report of the findings shall include:
 - A desk study
 - A non-intrusive site reconnaissance
 - Formulation of an initial conceptual model
 - A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

- 3.13 To enable works in the Washery area in particular, to move forward, it would benefit the project implementation to have the demolition of buildings excluded from the requirement. The suggested amendment is as follows:
- *Notwithstanding those works already permitted and approved in accordance with planning approval P2020/0362, no development shall take place in each phase of development as identified in condition 7 (including ~~demolition~~, ground works, site or vegetation clearance) until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.*

Condition 22

3.14 Condition 22 deals with contamination and is worded as follows:

- *Notwithstanding those works already permitted and approved in accordance with planning approval P2020/0362, no development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. A mine gas risk assessment should form part of the overall assessment.*

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

3.15 To enable works in the Washery area in particular, to move forward, it would benefit the project implementation to have the demolition of buildings excluded from the requirement. The suggested amendment is as follows:

- *Notwithstanding those works already permitted and approved in accordance with planning approval P2020/0362, no development shall take place in each phase of development as identified in condition 7 (including ~~demolition~~, ground works, site or vegetation clearance) until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. A mine gas risk assessment should form part of the overall assessment.*

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

Condition 23

3.16 Condition 23 deals with contamination and is worded as follows:

- *Notwithstanding those works already permitted and approved in accordance with planning approval P2020/0362, no development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 22 has been received from the local planning authority.*

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' 2012).

3.17 To enable works in the Washery area in particular, to move forward, it would benefit the project implementation to have the demolition of buildings excluded from the requirement. The suggested amendment is as follows:

- *Notwithstanding those works already permitted and approved in accordance with planning approval P2020/0362, no development shall take place in each phase of development as identified in condition 7 (including ~~demolition~~, ground works, site or vegetation clearance) until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 22 has been received from the local planning authority.*

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' 2012).

Condition 26

3.18 This condition is concerned with the submission of details for hard and soft landscaping and in each phase of development and is worded as follows:

- *No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include (but not be limited to):*

i) A statement setting out the design objectives and how these will be delivered;

ii) any earthworks showing existing and proposed finished levels or contours;

iii) means of enclosure and retaining structures;

iv) other vehicle and pedestrian access and circulation areas;

v) hard surfacing materials; and

vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.

vii) A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, which shall cover a period of no less than 20 years

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species (native only), plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

Development thereafter must be completed in full accordance with the details and implementation programme as agreed, and the landscaping shall thereafter be maintained in accordance with the approved management plan.

Reason:

To ensure that an appropriate scheme of planting is provided to mitigate the visual impact of the earthworks, both from the Brecon Beacons National Park and from Neath Port Talbot and Powys area; and to ensure all ecological mitigation measures are applied in line with the ES; in compliance with wildlife legislation, PPW, Future Wales, TAN5 and LDP Policies EN6, EN7 and BE1 of the Local Development Plan.

3.19 The condition could benefit from a very simple modification that would bring clarity to it and for the avoidance of doubt. The suggested amendment is as follows:

- *No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until details of both hard and soft landscape works **for that phase** have been submitted to and approved in writing by the local planning authority. These details shall include (but not be limited to):*

i) A statement setting out the design objectives and how these will be delivered;

ii) any earthworks showing existing and proposed finished levels or contours;

iii) means of enclosure and retaining structures;

iv) other vehicle and pedestrian access and circulation areas;

v) hard surfacing materials; and

vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.

vii) A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, which shall cover a period of no less than 20 years

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species (native only), plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

Development thereafter must be completed in full accordance with the details and implementation programme as agreed, and the landscaping shall thereafter be maintained in accordance with the approved management plan.

Reason:

To ensure that an appropriate scheme of planting is provided to mitigate the visual impact of the earthworks, both from the Brecon Beacons National Park and from Neath Port Talbot and Powys area; and to ensure all ecological mitigation measures are applied in line with the ES; in compliance with wildlife legislation, PPW, Future Wales, TAN5 and LDP Policies EN6, EN7 and BE1 of the Local Development Plan.

Condition 36

3.20 This condition is concerned with ecological management, maintenance and monitoring and requires a plan to be prepared for the entire site before beneficial use. The scheme would benefit from an element of phasing being inserted into this condition so that (as per other requirements) strategies can come forward alongside the detailed design of the scheme. Condition 36 is worded as follows:

- *No later than six months before the development is first brought into beneficial use, a detailed 25 year Ecological Management and Monitoring Plan (EMMP) shall be submitted to the local planning authority for its approval in writing. The purpose of the plan shall be to set out strategies for the management, maintenance and monitoring measures of the ecological, environmental and landscape features at the site as outlined in the submitted Environmental Statement. The content of the EMMP must include (but not be limited to) the following:*

a) The measures set out in 7.22.2 and 7.25 excluding details provided under condition 14 (wildlife corridors), 9 (fencing), 55 (lighting), 17 (barn owls).

b) Details of the management and monitoring of enhancements provided in the Bio enhancement scheme under conditions 18 & 19.

c) Description and evaluation of features to be managed.

d) Ecological trends and constraints on site that might influence management.

e) Aims and objectives of management.

f) Appropriate management options for achieving aims and objectives.

g) Prescriptions for management actions.

h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over 5 year phases).

i) Details of the body or organisation (and funding thereof) responsible for implementation of the plan.

j) Ongoing monitoring and remedial measures.

The use hereby approved shall not commence until such Ecological Management and Monitoring Plan (EMMP) has been approved in writing, and thereafter the EMMP shall be implemented in accordance with the approved details.

A Report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the EMMP. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason:

To ensure all ecological mitigation/enhancement and compensation measures are applied in line with the ES, and to comply with Policies SP15, SP16, EN6 and EN7 of the Neath Port Talbot LDP, and meet the requirements of Future Wales, Planning Policy Wales (Edition 11), TAN 5: Nature Conservation and Planning.

3.21 The suggested amendment to Condition 36 is as follows:

- **As part of the first reserved matters for any phase of development (excluding phase 1a) as approved under condition 7 of this permission,** a detailed 25 year Ecological Management and Monitoring Plan (EMMP) **for the site as a whole** shall be submitted to the local planning authority for its approval in writing. The purpose of the plan shall be to set out strategies for the management, maintenance and monitoring measures of the ecological, environmental and landscape features at the site as outlined in the submitted Environmental Statement. The content of the EMMP must include (but not be limited to) the following:
 - a) The measures set out in 7.22.2 and 7.25 excluding details provided under condition 14 (wildlife corridors), 9 (fencing), 55 (lighting), 17 (barn owls).
 - b) Details of the management and monitoring of enhancements provided in the Bio enhancement scheme under conditions 18 & 19.
 - c) Description and evaluation of features to be managed.
 - d) Ecological trends and constraints on site that might influence management.
 - e) Aims and objectives of management.
 - f) Appropriate management options for achieving aims and objectives.
 - g) Prescriptions for management actions.
 - h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over 5 year phases).
 - i) Details of the body or organisation (and funding thereof) responsible for implementation of the plan.
 - j) Ongoing monitoring and remedial measures.

The EMMP shall be implemented in accordance with the approved details.

A Report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the EMMP. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason:

To ensure all ecological mitigation/enhancement and compensation measures are applied in line with the ES, and to comply with Policies SP15, SP16, EN6 and EN7 of the Neath Port Talbot LDP, and meet the requirements of Future Wales, Planning Policy Wales (Edition 11), TAN 5: Nature Conservation and Planning.

Condition 45 (on Powys permission 21/0559/OUT)

3.22 This condition is a Powys only requirement, relating to traffic management. The scheme would benefit from an element of phasing being inserted into this condition so that (as per other requirements) the design is aligned to the masterplanning work for the redevelopment of the washery site as a whole as opposed to now when only the Phase 1a scheme is in detailed design. The condition is worded as follows:

- *Prior to the commencement of the use hereby permitted a traffic management scheme to prevent vehicular obstruction at both site entrance off Wembley Ave/Heol Gaer (A4109) and the Intervally Road (A4221) (e.g TROs) shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with a timetable agreed within the approved scheme.*

3.23 This suggested amendment to this condition is as follows:

- *Prior to the commencement of the **testing of rail rolling stock**, a traffic management scheme to prevent vehicular obstruction at both site entrance off Wembley Ave/Heol Gaer (A4109) and*

the Intervallay Road (A4221) (e.g TROs) shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with a timetable agreed within the approved scheme.

Condition 46 (on Powys permission 21/0559/OUT) and 50 (on NPT permission P2021/0327)

3.24 This condition is a Powys CC and NPTCBC requirement, relating to active travel improvements. The scheme would benefit from an element of phasing being inserted into this condition so that (as per other requirements) the design is aligned to the masterplanning work for the redevelopment of the washery site as a whole as opposed to now when only the Phase 1a scheme is in detailed design. The condition is worded as follows:

- *No part of the development hereby approved shall be brought into beneficial use until such time as a scheme of Active Travel Improvements, to include (but not limited to) improvements to bus facilities at Wembley Avenue (NPT) and improvement works required along NCN43 (Powys) and wider links to the site has been submitted to and approved in writing by the Local Planning Authority. All identified improvements shall be implemented in accordance with a timescale approved under the scheme.*

3.25 This suggested amendment to this condition is as follows:

- **Prior to any of the phases of development approved under condition 7 of this permission being used for the testing of rail rolling stock,** *a scheme of Active Travel Improvements, to include (but not limited to) improvements to bus facilities at Wembley Avenue (NPT) and improvement works required along NCN43 (Powys) and wider links to the site has been submitted to and approved in writing by the Local Planning Authority. All identified improvements shall be implemented in accordance with a timescale approved under the scheme.*

Condition 49 (on NPT permission P2021/0327)

3.26 This condition is an NPTCBC only requirement, relating to cycle and pedestrian access to the main washery site. The scheme would benefit from an element of phasing being inserted into this condition so that (as per other requirements) the design is aligned to the masterplanning work for the redevelopment of the washery site as a whole as opposed to now when only the Phase 1a scheme is in detailed design. The condition is worded as follows:

- *Notwithstanding the submitted plans, no part of the development hereby approved shall be brought into beneficial use until such time as a combined cycleway and pedestrian access, together with street lighting, linking Onllwyn Road to the main washery site, and an improved pedestrian crossing of Wembley Avenue to Onllwyn Road at the Wembley Avenue junction (to include as a minimum dropped kerbs and tactile paving) have been implemented in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.*

Reason:

As such pedestrian / cycleway improvements are considered essential to facilitate safe and sustainable access to the site, and to accord with Policy SP20 of the Neath Port Talbot Local Development Plan.

3.27 This suggested amendment to this condition is as follows:

- **Phase 2a on the phasing plan as agreed under Condition 7 of this permission** *shall not be brought into beneficial use until such time as a combined cycleway and pedestrian access, together with street lighting, linking Onllwyn Road to the main washery site, and an improved*

pedestrian crossing of Wembley Avenue to Onllwyn Road at the Wembley Avenue junction (to include as a minimum dropped kerbs and tactile paving) have been implemented in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

Condition 49 on Powys permission 21/0559/OUT) and 53 (on NPT permission P2021/0327)

3.28 This condition is a Powys CC and NPTCBC requirement, relating to impact on the Welsh language. The scheme would benefit from an element of phasing being inserted into this condition so that (as per other requirements) the action plan can be prepared once, in particular, the masterplanning work for the redevelopment of the washery site as a whole has been completed and the final mix and quantum of uses/activities/components is understood. The condition is worded as follows:

- *No later than six months before the development is first brought into beneficial use, a Welsh language Impact Assessment / strategy shall be submitted to the Local Planning Authority for its approval in writing, outlining all measures and engagement pre-operation to assess the impacts on Welsh language and identification of opportunities arising from the proposed development.*

3.29 This suggested amendment to this condition is as follows:

- *No later than six months before **any of the phases of development approved under condition 7 of this permission are used for the testing of rail rolling stock**, a Welsh language Impact Assessment / strategy shall be submitted to the Local Planning Authority for its approval in writing, outlining all measures and engagement pre-operation to assess the impacts on Welsh language and identification of opportunities arising from the proposed development.*

Condition 50 (on Powys permission 21/0559/OUT) and 54 (on NPT permission P2021/0327)

3.30 This condition is a Powys CC and NPTCBC requirement, relating to a Welsh Language Action Plan. The scheme would benefit from an element of phasing being inserted into this condition so that (as per other requirements) the action plan can be prepared once, in particular, the masterplanning work for the redevelopment of the washery site as a whole has been completed and the final mix and quantum of uses/activities/components is understood. The condition is worded as follows:

- *Prior to first beneficial operation of any part of the development hereby permitted a detailed Welsh Language Action Plan, founded on the impacts and opportunities identified within the Impact Assessment approved under condition 49, and identifying specific measures and a timetable and implementation plan, shall have been submitted to and approved in writing by the local planning authority. All measures identified within the Action Plan shall be implemented in full accordance with the approved plan.*

3.31 This suggested amendment to this condition is as follows:

- *Prior to first beneficial operation of **any of the phases of development approved under condition 7 of this permission for the testing of rail rolling stock** a detailed Welsh Language Action Plan, founded on the impacts and opportunities identified within the Impact Assessment approved under condition 49, and identifying specific measures and a timetable and implementation plan, shall have been submitted to and approved in writing by the local planning authority. All measures identified within the Action Plan shall be implemented in full accordance with the approved plan.*

Condition 55 (on NPT permission P2021/0327)

3.32 This condition relates to the need for an updated Travel Plan. The scheme would benefit from an element of phasing being inserted into this condition so that (as per other requirements) the Travel Plan can be prepared once, in particular, the masterplanning work for the redevelopment of the washery site as a whole has been completed and the final mix and quantum of uses/activities/components is understood. Phase 2a of the scheme will be the largest generator/attractor of trips across the modes and so it makes sense to align the updated Travel Plan to the detail of that part of the development. The condition is worded as follows:

- *Notwithstanding the submitted Travel Plan, no less than six months prior to first beneficial use of any part of the development hereby approved, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The amended Travel Plan shall include details of the appointment of a Travel Plan Coordinator, and incorporate the means to encourage staff to use more sustainable means of transport and reduce the demand on private transport. The Plan should also include a detailed monitoring scheme/schedule, which shall incorporate regular reviews covering the initial five year period, together with details covering submission and approval of subsequent updated Travel Plans every five years for the duration of the operation of the development, which shall seek to address any issues that have failed to reduce the use of the car and meet the agreed targets set in the travel plan. All measures identified within any approved Travel Plan required by the scheme shall be implemented within three months following its approval.*

3.33 This suggested amendment to this condition is as follows:

- *Notwithstanding the submitted Travel Plan, no less than six months prior to first beneficial use of **Phase 2a on the phasing plan as agreed under Condition 7 of this permission for the testing of rail rolling stock**, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The amended Travel Plan shall include details of the appointment of a Travel Plan Coordinator, and incorporate the means to encourage staff to use more sustainable means of transport and reduce the demand on private transport. The Plan should also include a detailed monitoring scheme/schedule, which shall incorporate regular reviews covering the initial five year period, together with details covering submission and approval of subsequent updated Travel Plans every five years for the duration of the operation of the development, which shall seek to address any issues that have failed to reduce the use of the car and meet the agreed targets set in the travel plan. All measures identified within any approved Travel Plan required by the scheme shall be implemented within three months following its approval.*

4 ASSESSMENT OF AMENDMENTS

- 4.1 The proposed amendments to the outline permissions have been identified following a detailed review of them in the whole and the conditions contained therein. They have also been reviewed against the needs of the scheme as it moves through its various phases of implementation.
- 4.2 The amendments to Conditions as outlined in the previous chapter have been discussed and the reasons for them explained.
- 4.3 With regard to Condition 1, the amendment is necessary to make the permission function as it was intended and as such, is simply regularising a drafting/wording matter.
- 4.4 The amendment to Condition 10 deals with a matter that, based on assessment, is considered to be unlikely to be relevant to the phase1 (a and b) works and if unchanged will require a significant amount of document preparation, archaeological site investigation and reporting upfront that will cause significant delay to project programme.
- 4.5 The amendment to Conditions 21,22 and 23 remove 'demolition of buildings' from the requirement, so as to allow early works in the Washery to commence.
- 4.6 The amendment to Condition 26 brings clarity to the fact that this is a phased requirement and is for the avoidance of doubt.
- 4.7 The amendment to Condition 36 introduces an element of phasing that will allow details of ecological management, maintenance and mitigation to follow in tandem with the design details and knowledge of what is planned.
- 4.8 The amendments to Conditions 45 and 46 (Powys) and 49 (NPT) dealing largely with accessibility and traffic management improvements to the redeveloped washery area should be aligned to the masterplanning detail being understood. This is so that there is integration/alignment with fixed building and access arrangements which are unknown at this early stage of design development.
- 4.9 The amendments to Conditions 49 and 50 (Powys) and 53 and 54 (NPT) concerning Welsh language impact should be aligned to the fixing of the quantum and mix of uses/activities in the redeveloped washery area so that the full extent of the scope of the scheme is understood and impact and action can be duly explored.
- 4.10 The amendment to Condition 55 (NPT) will align the preparation of an updated Travel Plan to that part of the scheme that will generate/attract the most trips and so it makes sense to align the updated Travel Plan to it.
- 4.11 When assessed against the tests for local planning authorities to consider in the determination of NMA applications, the amendments sought are considered acceptable because:
 - the proposed changes do not lead to/result in an impact different to that caused by the original approved development scheme.
 - they would not result in a detrimental impact either visually or in terms of local amenity.
 - no third party interests will be disadvantaged in planning terms.
 - None of the proposed changes conflict with national or development plan policies contained in Future Wales: The National Plan (2040), or Planning Policy Wales or either Councils adopted local development plans.
- 4.12 In light of the above, it is considered that the proposed amendments accord with the relevant Welsh Government guidance and would constitute an NMA.

5 CONCLUSIONS

- 5.1 This planning assessment has clearly demonstrated that the requested amendments to the outline planning permissions amount to an NMA.
- 5.2 The Welsh Government's guidance on NMAs does not provide a definition of what an NMA can comprise. Rather, it depends on a number of factors such as the context of the overall scheme, the amendments being sought to the original planning permission and the specific circumstances to the site and surrounding area.
- 5.3 The development has been considered against the four tests and it is concluded that:
- There is no detrimental impact.
 - The scale of the proposed changes individually or in combination is not great enough to cause an impact different to that caused by the original approved development.
 - No third party or body would be disadvantaged in planning terms and the proposed change would not conflict with national or development plan policies.
 - The changes do not go to the heart of the permissions and do not conflict with any other planning conditions.
- 5.4 The conclusion is that the NMA should be approved.