

**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

Sandvik Osprey
Land West of Junction 38 of the M4
Port Talbot
Margam
SA13 2NU
United Kingdom

Name and address of the agent

Simon Barry
Boyer
Third Floor
Park House
Greyfriars Road
Cardiff
CF10 3AF
United Kingdom

DATE REGISTERED: 18 February 2022

APPLICATION NO: P2021/1255

LOCATION: Land West Of Junction 38 Of The M4, Port Talbot, Margam,
SA13 2NU

PROPOSAL:

Full planning application of the development of a metal processing facility totalling 28,500sq.m of floorspace comprising a powder processing plant (17,377sq.m), warehouse and store (5,428 sq.m) office building (1,442 sq.m), amenity building (776 sq.m), laboratory (200 sq.m), services building (470 sq.m), substation (107 sq.m), phase 2 (2,700 sq.m), CCTV, storage tanks and plant, parking, servicing and roads and associated works. (Additional and Revised information including details of diversion of water main, Boundary treatment and Acoustic Fencing details, external lighting scheme, revised Noise Impact Assessment, Revised Health Impact Assessment, Revised Health Impact Assessment and Air Quality Clarification Information).

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 carried out in accordance with the following approved plans and documents:

- Bat Survey Results and Ecological Note to Inform EIA Scoping Feb 2022. Issue 3.
- Margam Preliminary Drainage Strategy Report 220203.
- Phase 1 for Water Diversion Sheet 3 of 4 003 01.
- Connection Details Phase 2 Water Main Diversion Sheet 4 of 4 004 01.
- Phase 2 for Water Main Diversion Sheet 1 of 4 002 01
- Site Location Plan 20.62 C01.
- Boundary Treatment Plan 20.26 C13
- Overall Site Master Plan - 20.62 Rev E.
- Proposed Surface Drainage Master Plan. 20.62 C09 Rev E.
- Overall Proposed Foul Drainage Plan 20.62 C07.
- Building Elevations (Production Building) 20.62 ESK07 Rev B
- Production Unit Ground Floor Plan 20.62 ASK06.
- Production Unit First Floor 20.62 ASK07.
- Production Unit Second Floor 20.62 ASK08.
- Proposed Elevations - Office Block 20.62 A03 Rev B
- Office Block Ground Floor General Arrangements Plan 20.62 A01 Rev A
- Office Block First Floor General Arrangements Plan 20.62 A02 Rev A.
- Proposed Elevations - Amenity Block 20.62 A06 Rev B.
- Amenity Block - Ground Floor General Arrangement Plan 20.62 A04 Rev A
- Amenity Block - First Floor General Arrangement Plan 20.62 A05 Rev A
- Service Room Flood Plan and Elevations (OPT2) 20.62 ASK10 Rev B.
- Switchroom Floor Plan and Elevations (OPT2) 20.62 ASK09 Rev B
- Security Gatehouse Brochure.
- Lighting Scheme 2122-002 E01(A1)
- Lighting Scheme 2122-002 E01(A2)
- Lighting Scheme 2122-002 E01(A3)
- Lighting Scheme 2122-002 E01(A4)
- Lighting Scheme 2122-002 E01(B1)
- Lighting Scheme 2122-002 E01(B2)
- Lighting Scheme 2122-002 E01(B3)
- Lighting Scheme 2122-002 E01(B4)
- Lux Levels E01 Rev 2
- Column Positions E02 Rev 1
- CCTV Camera Layout. 075 275 N15 03B.
- Ground Investigation and Strategic Landscape Plan (PL02) 2189902 - SBC-00-XX-DR-L-001.
- Revised Noise Impact Assessment 1 PRELIM_Rev 6
- Margam Air Quality Technical Clarification_F2.
- Revised Health Impact Assessment 784-B0320061 HIA 05 April 2022.

- Design and Access Statement Final 211216.
- Planning Statement 220207.
- CEMP Version 2.
- Industrial Unit - Travel Plan.
- Margam Soil Survey RAMS.
- Agricultural Land Classification and Soil Resources 9209.
- Coal Mining Risk Assessment.
- Flood Consequence Assessment GLR-JBAU-XX-XX-RP-Z-0001- D3-C03.
- Feasibility Report and Energy Assessment 303713- LZC
- Site Waste Management Plan - V1.
- Tree Report ArbTS_1171.2
- Transport Assessment APEX 28 January 2022. C21052/TA01.
- Volume 1 - Main Text - Environmental Statement.
- Volume 2 - Appendices - Environmental Statement.
- Volume 3 - Non-Technical Summary - Environment Statement.
- Revised Volume 1 - Chapter 15 Health.

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 No development shall take place, nor any site clearance, until the tree protection measures, recommendations and guidance as detailed in the ArbTS Tree Survey dated 7 February 2022 have been fully implemented on site and shall continue to be fully implemented throughout the construction operations on the site.

Reason:

To ensure all existing trees are protected throughout the construction of the development, in the interest of visual amenity, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 4 Prior to the start of development on site, full details of a mitigation strategy for the loss of nesting/foraging habitats (in accordance with the Habitat Regulations 2017) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details can include manufactured bird bricks etc that can be incorporated into the fabric of the building or artificial nest boxes placed on the outside of the building and shall include a schedule of works. The approved details shall be fully implemented on site in accordance with the approved details.

Reason:

To ensure that the development would have no adverse impact upon the site's biodiversity and accords with policy EN6 of the Neath Port Talbot Local Development Plan.

- 5 Prior to any work commencing on site a scheme shall be submitted to and approved in writing by the local planning authority detailing junction road markings for both proposed vehicular access points, tactile crossing points, 'No Left Turn' signage on egress from the new junction created for operational vehicles and any carriageway marking amendments and street furniture that may need to be relocated to facilitate the development. The submitted details shall include a schedule of works. All carriageway markings and signage shall be in compliance with the Traffic Signs Regulations and General Directions 2016-2020. The approved details shall be fully

implemented on site in accordance with the approved details and the schedule of works and shall be retained as such thereafter.

Reason

In the interests of highway and pedestrian safety and in accordance with policy TR2 of the Neath Port Talbot Local Development Plan.

- 6 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 7 Prior to the start of construction on site and notwithstanding the submitted Draft Construction Environmental Management Plan, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones" (including retained habitat areas, areas of peat, wildlife receptor sites);
 - c) Details of pre-commencement checks for protected species;
 - d) Survey information (where necessary) to establish any material change in the presence and/or abundance of S7/SINC habitats and species, protected species, reptiles, birds, terrestrial invertebrates and bats; and identify any likely new ecological impacts that might arise from any changes;
 - e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). Measures shall include, but are not limited to: a method statement for the conservation of reptiles (including details of receptor sites and their suitability); measures to prevent wildlife becoming trapped in excavations; measures to prevent pollution of watercourses on and off-site; measures to eradicate invasive non-native species; measures to deter species where necessary;
 - f) The location and timing of sensitive works to avoid harm to biodiversity features;
 - g) The times during construction when specialist ecologists need to be present on site to oversee works;
 - h) details in accordance with ES Volume 1 - Chapter 10.115 detailing the protective measures to safeguard retained habitats;
 - i) Use of protective fences, exclusion barriers and warning signs; for all trees that are to be retained, watercourses, gas mains, and habitat areas;
 - j) A programme of ecological checks to address any changes in ecological constraints which may occur as a result of the construction timetable / phasing.
 - k) the parking of vehicles of site operatives and visitors;
 - l) details of the loading and unloading of plant and materials;
 - m) storage of plant and materials used in constructing the development;
 - n) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - o) wheel washing facilities;
 - p) measures to control the emission of dust and dirt during construction;
 - q) a scheme for recycling/disposing of waste resulting from construction works;
 - r) full details of a Construction Traffic Management Plan.

s) Details of the hours of construction works and deliveries to the construction site.

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, EN8, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

8 Before beginning any development at the site, you must do the following: -

a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

NOTE: Templates of the required Notice and Site Notice are available to download at www.npt.gov.uk/planning

9 Prior to the start of development on site, full details of a Local Labour Recruitment Strategy, to include the provision of measures aimed at facilitating best available access for people to the opportunities for employment arising from the construction and operation of the hereby approved development, shall have been submitted to and approved in writing by the Local Planning Authority. The Strategy, which shall include a timetable for its implementation, shall thereafter be implemented as approved.

Reason:

To ensure that the developer undertakes best endeavours to facilitate best available access for local people to the opportunities for employment arising from the construction and operation of the development and to accord with Policy SP11 of the Neath Port Talbot Local Development Plan.

10 No development shall commence on site until the role, responsibilities and operations to be overseen by an appropriately competent person (e.g. an ecological clerk of works or on-site ecologist) have been submitted to and approved in writing by the Local Planning Authority. The appointed person shall undertake all activities identified in both the Construction Environmental Management Plan and the Environmental Statement in addition to measures to address ecological legislation and works in accordance with the approved details.

Reason:

To ensure that the ecological mitigation is overseen by an appropriately competent ecologist, and to ensure the development complies with Policy EN7 of the Neath Port Talbot Local Development Plan.

- 11 Prior to the start of development on site, full details of a Soil Resource Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of recording, handling, storage and re-use both on-site and off-site and shall detail where any grassland and scrub is to be removed, measures to 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. The hereby approved development shall be carried out in accordance with the approved details. Reason:

To ensure appropriate soil management measures are implemented on site and that the development would have no adverse impact upon the site's biodiversity and accords with policy EN6 of the Neath Port Talbot Local Development Plan.

- 12 No development shall take place on site until details of the protective fencing for the gas pipeline that crosses the application site have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented on site for the duration of the construction operations on site.

Reason:

In order to protect the pipeline from the effects of development, and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

Action Conditions

- 13 Prior to the first beneficial use of the hereby approved development, a Landscape and Green Infrastructure Management Plan, including management responsibilities and maintenance, for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The Landscape and Green Infrastructure 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 within the site, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 14 Prior to their use in the construction of the development hereby permitted, full details and samples of the materials to be used in the construction of the external surfaces of the development shall 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.

- 15 Prior to the first beneficial use of the hereby approved development, full details and specification of the proposed Pumping Station shall be submitted to and approved in writing by the Local Planning Authority. The pumping station shall be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason.
To ensure that adequate provision is provided and in the interest of residential amenity and to accord with policy BE1 of the Neath Port Talbot Local Development Plan.
- 16 Notwithstanding the submitted details and prior to the first beneficial use of the hereby approved development full details of an Operational Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented throughout the operation of the approved development.
Reason.
To ensure the provision of an up to date operational stage Waste Management Plan and in accordance with policy W3 of the Neath Port Talbot Local Development Plan.
- 17 Notwithstanding the submitted lighting scheme, no external lighting shall be erected on site until full details of a lighting scheme for the site has been submitted to and approved in writing by the local planning authority. Any lighting scheme implemented on site shall be carried out in accordance with the approved details and shall be retained as such thereafter. The submitted scheme shall incorporate best practice guidance to ensure the retention of dark corridors for the movement of bats with no direct lighting of vegetation.
Reason
To ensure that any external lighting erected on site would have no adverse impact upon the site's biodiversity and accords with policy EN6 of the Neath Port Talbot Local Development Plan.
- 18 Notwithstanding the submitted details on drawing Boundary Treatment Plan 20.62 C13 in relation to the location, material specification and height of the proposed acoustic fencing, prior to the first beneficial use of the hereby approved development full details of the acoustic mitigation measures as identified within the Hunter Acoustic Report - 6160/NIA1_Prelim_Rev6 dated 10/06/22 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented on site prior to the first beneficial use of the hereby approved development.
Reason
In the interests of residential amenity of the occupiers of the adjacent properties and to comply with policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.
- 19 Prior to the first beneficial use of the hereby approved development, a scheme for quiet deliveries should be submitted to and approved in writing by the local planning authority. The submitted scheme shall fully detail how all noise arising from deliveries on-site are to be controlled, with special consideration to night time deliveries. The approved scheme shall be fully implemented on site at all times for the duration of the operation of the approved development.
Reason.

To ensure there would be no adverse impact upon the residential amenity of the occupiers of the adjacent dwellings and to accord with the requirements of policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 20 Notwithstanding the submitted document, prior to the first beneficial use of the hereby approved development the submitted Travel Plans shall be reviewed and updated and shall be submitted to and approved in writing by the Local Planning Authority, and all those elements identified in the Approved Travel Plan as capable of being implemented prior to occupation have been implemented. All remaining measures and actions within the approved Travel Plan shall be implemented in accordance with the agreed programme of works, and the Plan shall continue to be implemented as long as any part of the development is occupied. The travel plan shall include a monitoring regime (which should include monitoring in the first, third and fifth years) including submission of interim reports and recommendations to the Local Planning Authority, and subsequent implementation of recommendations as identified in interim reports.

Reason:

In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site, in the interests of sustainable development, and to accord with Policy SP20 of the Neath Port Talbot Local Development Plan.

- 21 Prior to the first beneficial use of the hereby approved development the secure bicycle parking and shelters as shown on the approved drawings shall be fully implemented on site and shall be retained as such thereafter.

Reason:

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

- 22 Prior to the first beneficial use of the hereby approved development, the car parking spaces and all associated electric vehicle (EV) charging points shall be provided and marked out on site in accordance with drawing C02 Rev D, with the electric car parking bays being clearly signed that the bays are reserved for those charging vehicles only and for no other purpose and shall be retained as such thereafter.

Reason:

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

- 23 Prior to the start of any piling works on site, full details of a Piling Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall details all piling options available and identify the reasons for the selection of the proposed piling method, together with any necessary mitigation measures. The approved scheme shall be fully implemented on site in accordance with the approved details for the duration of any piling works that are to take place.

Reason:

In the interests of the residential amenity of the occupiers of the adjacent dwellings and to accord with policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 24 Prior to the first beneficial use of the hereby approved development, full details of an Operational Ecology Management Plan (OEMP), including long term design objectives, management responsibilities, maintenance schedules and monitoring

schedule for all landscape areas, shall be submitted to and approved by the local planning authority. The operation of the hereby approved development shall be carried out in accordance with the approved OEMP. Details of the habitats to be created including new hedgerow, tree and woodland planting, native wetland planting are contained within the Environmental Statement Volume 1 - Chapter 10.115.
Reason.

To ensure that the development would have no adverse impact upon the site's biodiversity and accords with policy EN6 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 25 Notwithstanding the provisions of Schedule 2, Part 8, Classes A, and B(a) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification) no additional buildings, extensions, or plant or machinery other than that expressly authorised by this permission shall be installed on the site without the prior grant of planning permission in that behalf.

Reason:

In the interests of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 26 Prior to the erection of any permanent boundary treatment on site, and notwithstanding the submitted drawings the proposed 2.8 metre Paladin fence line around both the HGV/Service and Staff/Visitor accesses to the site shall be setback a minimum of 1 metre from the back edge of the footway and shall be retained as such thereafter.

Reason.

To ensure adequate visibility for drivers egressing the site is provided and to accord with policies BE1 and TR2 of the Neath Port Talbot Local Development Plan.

- 27 In the event of noise complaints being received, the Local Authority may require the applicant to undertake a suitable and appropriate noise assessment and produce the findings and recommendations in a written report, which shall be submitted to and approved in writing by the Local Planning Authority. A suitably qualified and competent person shall undertake the assessment.

o The methodology shall be agreed with the Local Authority prior to the assessment.

o The assessment and subsequent report shall be submitted to the local Authority within 6 weeks of the Authority making the request.

o If an extension of time is required, then an application must be put in writing to the Authority for consideration. The request for an extension must detail the reasoning why an extension of time is required and detail how much of an extension is sought.

o Recommendations contained within the report shall be implemented within 4 weeks of submitting the report to the Authority.

o If an extension of time is required, then an application must be put in writing to the Authority for consideration. The request for an extension must detail the reasoning why an extension of time is required and detail how much of an extension is sought.

Reason.

To ensure that adequate provision is made for the investigation of any noise complaints received with where necessary appropriate mitigation measures are implemented and to accord with policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 28 Any gates or barriers located at the vehicular accesses shall be set back a minimum of 20 metres from the junction access point and shall be retained as such thereafter.
Reason.

To avoid vehicles stacking within the highway awaiting access to the site and in accordance with policy TR2 of the Neath Port Talbot Local Development Plan.

- 29 Prior to the first beneficial use of the hereby approved development all stands of Japanese Knotweed located within the application site boundary shall be appropriately treated to bring about its eradication from the site.

Reason.

To ensure the adequate control of a non-native invasive species and to ensure that it is not spread around the site during construction works and to comply with policy EN7 of the Neath Port Talbot Local Development Plan.

- 30 The sound rating level from the development shall not exceed the background sound level, as prescribed in tables 3.1 and 3.2 of report "6160/NIA1_PRELIM_Rev6", minus 5dB, during the day or night time hours at the nearest noise sensitive receptors, when assessed in accordance with the methodology and principles set out in BS4142:2014 Methods for rating and assessing industrial and commercial sound.
Reason.

To ensure that the proposed development would have no adverse impact upon the occupiers of adjacent properties and to accord with policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 31 The new junction to be created to give access to the operational/servicing element of the site shall be constructed to the same standard as the existing access road which is in compliance with the standard and specification of the highway authority and is currently going through the S.38 road adoption process.

Reasons.

In the interests of Highway and Pedestrian safety and in accordance with policies BE1 and TR2 of the Neath Port Talbot Local Development Plan.

- 32 The development hereby permitted shall be carried out in substantial accordance with the principles; mitigation and monitoring measures as set out within the Environmental Statement, unless provided for in any other conditions attached in this permission.

Reason:

The proposed development is the subject of an Environmental Impact Assessment and due regard must be had to the principle impacts of the development in the preparation of the detailed design and operation of the site. Any material alteration to the proposal may have an impact which has not been assessed by the process.

- 33 During all construction works, any excavation trenches shall be covered overnight, or appropriate escape ramps provided, to prevent any wildlife becoming trapped inside.
Reason
In the interest of Biodiversity and to accorded with policy EN6 of the Neath Port Talbot Local Development Plan.
- 34 If any features that may be used by bats (cracks, crevices, gaps, loose bark etc.) are identified during the tree works then the branches shall be section felled, lowered carefully to the ground and left on the ground for a minimum of 24 hours to allow any wildlife, such as bats, to escape if present. In addition, if bats are discovered during the works, work shall stop immediately and NRW shall be contacted as a licence may be required prior to works continuing.
Reason
To ensure that the development would have no adverse impact upon the site's biodiversity and accords with policy EN6 of the Neath Port Talbot Local Development Plan.
- 35 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.

Informatives:

- 1 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.
- 2 For the implementation of the Traffic Regulation Order you should contact the Project Manager Specials and Traffic of Neath Port Talbot County Borough Council at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG f.a.o. Mr Martin Brumby Project Manager Highways (e-mail m.brumby@npt.gov.uk or telephone 01639 686013) who will advise you of the procedure for the implementation of the required Traffic Regulation Order. *Please note this process can take up to 4 months - subject to the consultation process outcome*.

3 Development proposals must seek to maximise walking and cycling accessibility by prioritising the provision of appropriate on-site infrastructure and where necessary off-site infrastructure. Walking and cycling infrastructure and services should be prioritised and put in place from the outset, before people have moved in and travel patterns have been established, as per Planning Policy Wales, Edition 11 and Future Wales - the National Plan 2040. All new walking and cycling infrastructure should be built to standards set out in Welsh Government's Active Travel Guidance and off-site infrastructure should link to (where possible) routes on Neath Port Talbot Council's Active Travel Network Map. This shows where walking and cycling routes already exist (Existing Routes) and where upgrades or brand new routes are anticipated for the next 15 years (Future Routes) in built up areas. Further information on the Active Travel Guidance and Neath Port Talbot's Active Travel Network Map can be found here: www.npt.gov.uk/activetravel.

4 SAB Application Requirement 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. The required SAB permission is separate from any planning permission that might be granted and any works commenced without SAB approval will be deemed 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, which could mean removing any work that has commenced. As such under this legislation you are not permitted to start work on site until SAB approval has been granted for your proposed development. You can search the Authority's web site for further information using the link <https://www.npt.gov.uk/17534> or contact the Highway Development Control Section using hdc@npt.gov.uk.

5 Please note that from 7th January 2019, all new developments of more than 1 house, or where a construction area is of 100m² or more, plus if the SAB authority believe that any redevelopment of land has significant surface water drainage implications. This will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in Schedule 3 of the Flood & Water Management Act 2010. These systems must be approved by the Council's Highway Development Control service acting in its SuDS Approving Body (SAB) role before construction work begins. In this respect it is essential that a developer of any such project gain SAB approval of its surface water drainage alongside any relevant planning permission. You will not be allowed to start construction until both permissions have been approved. If you have not done so already, and your development would not fall into any of the relevant exceptions, you are therefore strongly encouraged to request further advice from the SAB. Involving the SAB Officers in pre-application discussions will allow for SuDS drainage matters (to ensure suitability of proposed SuDS design in line with national standards and adequate site layout) to be considered alongside the assessment of planning merits. There is an additional charge of £250 for this service. This can be as part of any agreed further pre-application submissions with the Planning Authority (recommended) or independently/ direct with the SAB. You are advised, however, that failing to engage in joint pre-application discussions has the potential to lead to delays and, most notably, the potential need to obtain further planning permission should any agreed SuDS design not be compliant with any relevant planning permission. Further details are available at www.npt.gov.uk/sab.

6 The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links:
<https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>
<https://www.ukfrs.com/index.php/promos/16847> Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).

7 As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Neath Port Talbot County Borough Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In the assessment of the proposed planning application the Planning Authority has had all due for the information submitted in support of the application, including the Environmental Statement. Further, it has given consideration to all available information in relation to other plans, proposals and other Environmental Statements. Similarly, it has considered information provided by all statutory and non-statutory consultees as well as all comments submitted by members of the public. The Planning Authority has used this information to come to a reasonable conclusion in relation to the impacts associated with the proposed development and has identified no requirement for monitoring.

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 proposal represents an appropriate form of development that would have no material adverse impacts on the socio-economic environment; the landscape and visual amenity; the heritage and archaeological assets; residential amenity, noise and vibration, air quality; highway and pedestrian safety; upon the land, hydrology, drainage and flood risk; biodiversity, waste management and the health and safety and risk to human health. Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3, SP4, SP5, SP10, SP11, SP15, SP16, SP18, SP19, SP20, SC1, I1, OS1, EC1/2+, EC3, TO4/1, EN6, EN7, EN8, RE1, RE2, W1/1b, W3, 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, policies 1, 2, 8, 9 and 12 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: 13 January 2023

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.