

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE)(WALES) ORDER 2012**

APPROVAL OF FULL PLANNING PERMISSION

Name and address of the applicant

Mr J Ridd
GBV Properties Ltd
19 Mardon Park
Baglan Energy Park
Port Talbot
SA12 7AX

Name and address of the agent

Mr Robert Bowen
Robert Bowen Planning & Development LTD
7 Llys Sant Teilo
Llangyfelach
Swansea
SA5 7HQ

DATE REGISTERED: 14 October 2022

APPLICATION NO: P2022/0868

LOCATION: Land At , Mardon Park, Central Avenue, Baglan, SA12 7AX

PROPOSAL:

Application under section 73, for variation of planning permission P2021/0956 for a detached industrial building (use class B8 - storage and distribution) with associated parking, drainage and landscaping, to remove condition 16 (water monitoring) and discharge of conditions: 4 (construction method statement), 5 (waste management plan), 6 (energy assessment), 7 (vehicle charging), 12 (land contamination), 14 (piling design), 15 (flood warning), 18 (nest boxes), 20 (lighting), 21 (boundary treatment), 23 (outdoor amenity space), 24 (materials), 25 (bin store) and 26 (cycle store).

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 15 March 2027.

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:

- A3 A502 rev B - Location Plan
- A0-A504 - Existing Site
- A0-A500 rev F - Block Plan
- A1-A501 rev G - Unit A Floor plans and elevations
- A1 A503 rev B - Sections
- 541.01 - Landscape, Ecology & SUDS Strategy & Planting Plan

Reason:

In the interests of clarity.

Pre-Commencement Conditions

3 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.

4 Notwithstanding the submitted information, no development shall commence on site, including site clearance, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be made with reference to the requirements of British Standard BS5228-1:2009 - "Code of practice for noise and vibration control on construction and open sites". The CEMP should include the following information: -

a) Construction methods: details of the extent and phasing of development; details of construction materials or techniques to be used; details for the storage and management of plant and materials used in constructing the development and details, waste and contaminated land.

- b) General Site Management: details of the construction programme including timetable; details of site clearance; construction drainage, site setup plan detailing sensitive receptors, buffer zones and relevant protection measure maintenance of security hoarding including decorative displays and facilities for public viewing; details of complaint investigation procedures.
- c) Control of Nuisances: Identification of the significant construction and demolition noise & vibration sources; details of physical and operational management controls necessary to mitigate noise & vibration emissions; and measures to control light spill.
- d) Traffic Management: details of site deliveries; details for the loading and unloading of plant and materials; details of wheel wash facilities; details for the parking of vehicles of site operatives and visitors; The erection and maintenance of security hoarding; A scheme for recycling/disposing of waste resulting from demolition and construction works and a scoping route for all deliveries to and from the development.
- e) Hours of working on site, including specified hours for deliveries; details of restrictions to be applied during construction and demolition works (including timing, duration and frequency of works) to prevent noise or nuisance amenity issues to surrounding properties.
- f) Biodiversity Management: invasive species management (to include wall cotoneaster *Cotoneaster horizontalis*).
- h) Soil management: details and methods of topsoil stripping, storage and protection of seed bank for re-use on the green roof and planting bunds;
- i) CEMP masterplan: detailing the development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation.
- j) Resource Management: fuel and chemical storage, waste management, water consumption and energy consumption.
- k) Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan and site drainage plan.
- l) Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

The CEMP shall be implemented as approved throughout the site preparation and construction phases of the development.

Reason:

In order to ensure necessary management measures are agreed and implemented to protect local amenity, especially for people living and/or working nearby, highway safety during construction, biodiversity, controlled waters, human health and to accord with Policies BE1, EN7, EN8 and TR2 of the Local Development Plan (2011-2026).

Details in respect of the above condition were approved by planning permission ref. P2022/0868 on the 06/01/2023.

- 5 Notwithstanding the submitted information, no development shall commence until, a Waste Management Plan for the control, management, storage and disposal of any waste material generated during the demolition and construction of the development shall be submitted to and approved in writing by the Local Planning Authority. All waste shall be treated in accordance with the agreed waste plan. The plan shall be implemented as approved.

Reason:

To ensure the appropriate disposal of any waste arising from the development in terms of protection of the environment and to ensure the sustainability principles are adopted during development and complies with Policy W3 of the Neath Port Talbot Local Development Plan (2011-2026).

Details in respect of the above condition were approved by planning permission ref. P2022/0868 on the 06/01/2023.

- 6 No development shall commence until an Energy Assessment which shall include, but not be limited to proposed methods of energy production and generation, including renewable energy, together with passive methods to be implemented to achieve energy reduction shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the scheme as approved prior to the first beneficial use of the development.

Reason:

In the interest of sustainability and to comply with the requirements of Policy RE2 of the Neath Port Talbot Local Development Plan (2011-2026).

Details in respect of the above condition were approved by planning permission ref. P2022/0868 on the 06/01/2023.

- 7 No development shall commence until a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the provision of Electric Vehicle Charging Points to serve the development. The scheme shall include a minimum of 10% of the overall spaces and shall also include details how future electric charging points can be delivered. The scheme as agreed shall be fully implemented prior to the first beneficial use of the development and shall be retained for such use thereafter.

Reason

In the interest of highway and pedestrian safety and to ensure compliance with Planning Policy Wales 11, and policies BE1 and TR1 of the Neath Port Talbot Local Development Plan (2011-2026).

Details in respect of the above condition were approved by planning permission ref. P2022/0868 on the 06/01/2023

- 8 Notwithstanding the submitted plans, no development shall take place (including vegetation clearance) until details soft landscape works have been submitted to and approved in writing by the Local Planning Authority. 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 (this will also include habitat enrichment for Section 7 bumblebee species and the Small Blue butterfly), plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant). The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation program.

Reason:

In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan (2011-2026).

- 9 Notwithstanding the submitted plans, no development shall take place (including vegetation clearance) until, full details of the proposed green roof, including roof design, details of the substrate, species mix/density, an implementation programme (including phasing of work where relevant) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and implementation program and retained as such thereafter.

Reason

In the interests of amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan (2011-2026).

- 10 Prior to the commencement of any development, including vegetation clearance, A scheme detailing the appropriate mitigation measures for rare and protected plant species (including timings of works) to ensure their future survival within the green roof and planting bunds, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details in accordance with the agreed implementation program.

Reason

Deptford Pink present which is a Schedule 8 plant (Wildlife and Countryside Act 1981) and Basil Thyme (Welsh Government S7 priority species) amongst other scarce plants, and in the interest of Biodiversity and mitigation for the loss of habitat within the site and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan (2011-2026).

- 11 Prior to the commencement of any works on site, including vegetation clearance a working method statement for protecting reptiles shall be submitted to and approved in writing by the Local Planning Authority. The strategy will be implemented as agreed.

Reason

In the interest of protected species and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan (2011-2026).

- 12 Notwithstanding the submitted information, No Development shall commence until a scheme which shall include the following components to deal with the risks associated with contamination of the site is undertaken by competent persons in accordance with the following document:-Development of Land Affected by Contamination: A Guide for Developers (WLGA & EAW, 2012) and shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment of the application site
 - a) all previous uses
 - b) potential contaminants associated with those uses
 - c) a conceptual model of the site indicating sources, pathways and receptors
 - d) potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity due to proximity to surface water and being situated on a Secondary A aquifer. Contamination is known/strongly suspected at site due to historical contaminative uses, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

Details in respect of the above condition were approved by planning permission ref. P2022/0868 on the 06/01/2023.

- 13 Notwithstanding the submitted information, no development shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation is submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also

include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reasons

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 14 No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason

Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan (2011-2026).

Details in respect of the above condition were approved by planning permission ref. P2022/0868 on the [DATE]

Action Conditions

- 15 Prior to the first beneficial use of the development hereby approved, a Flood Warning Scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide the following:

- a) Details of Flood emergency plan/procedure during an extreme flood event
- b) Details of escape/evacuation routes
- c) Details of flood warning signs and their locations within the building and car park
- d) Confirmation that the building is registered with NRW flood warning service. The approved scheme shall be fully implemented on site prior to the first beneficial use of the building and retained thereafter.

Reason:

In the interest of the staff and users of the site as it is partly located within a Flood Zone 3 and to comply with the requirements of Policy BE1 of the Neath Port Talbot Local Development Plan (2011-2026).

Details in respect of the above condition were approved by planning permission ref. P2022/0868 on the 06/01/2023.

- 16 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:- Development of Land Affected by Contamination: A Guide for Developers (WLGA & EAW, 2012). 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.

Reasons

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. Given the complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 17 Prior to the construction of any building, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing artificial nesting sites for birds and bat tube/bricks. The scheme shall include detail and locations of bird nesting boxes and bat bricks to new build elements or at other appropriate locations around the site. All approved artificial nesting sites/ and bat brick/tubes shall be implemented in accordance with the approved details prior to the first occupation of the building.

Reason

In the interest of Biodiversity and mitigation for the loss of habitat within the site and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan (2011-2026).

Details in respect of the above condition were approved by planning permission ref. P2022/0868 on the 06.01.2023.

- 18 Prior to the first occupation of any unit hereby approved, a landscape management plan, including the long term design objectives, management responsibilities, monitoring and maintenance schedules, for all landscaped areas including the green roof, shall have been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented and adhered to in accordance with the approved details thereafter.

Reason:

In the interest of visual amenity, and to ensure the long term management and maintenance of all landscaped areas within the site and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan(2011-2026).

- 19 Prior to the installation of any permanent external lighting on the site, a detailed lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority detailing the location of all proposed lights, the specification, intensity of illumination, predicted lighting contours (lux plots), together with proposed hours of operation and any mitigation measures required (including measures to reduce as far as practicable light spillage onto the adjoining properties and incorporate best practice guidance to ensure the retention of dark corridors for the movement of wildlife with no direct lighting of vegetation). The approved lighting shall be implemented on site in accordance with the approved scheme only, and retained as such thereafter.

Reason:

In the interest of residential amenity and to prevent any unacceptable light spillage, and to ensure compliance with Policies SP15, SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan(2011-2026).

Details in respect of the above conditon were approved by planning permission ref. P2022/0868 on the 06.01.2023.

- 20 Notwithstanding the submitted plans, prior to the first beneficial use of the development hereby approved a scheme indicating the positions, height, design, materials and type of boundary treatment to be erected to all boundaries and gates shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed, as approved, prior the first beneficial use is of the development and retained as such thereafter.

Reason:

In the interest of visual amenity and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan (2011-2026).

Details in respect of the above conditon were approved by planning permission ref. P2022/0868 on the 06.01.2023.

- 21 Prior to the first beneficial use of each unit, it's respective car parking spaces/bicycle storage and access around the spaces shall be marked out as per the layout on drawing no AO - A500 Rev F and retained for such use thereafter.

Reason:

In the interest of providing satisfactory parking, highway and pedestrian safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan (2011-2026).

- 22 Prior to the first beneficial use of the development a scheme detailing a staff outdoor amenity space shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide an area for future staff to be able to sit outdoors, the size of this area will be based upon the requirements set out within Policy OS1 and the open Space and greenspace SPG (July 2017). The scheme as agreed shall be impended prior to the first beneficial use of the development and retained as such thereafter.

Reason

In the interests of health and well-being of future staff and to ensure the development complies with Policy OS1 of the Neath Port Talbot local Development Plan (2011-2026).

Details in respect of the above condition were approved by planning permission ref. P2022/0868 on the 06.01.2023.

- 23 Notwithstanding the submitted plans, prior to their use in the construction of the development hereby permitted, 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 (2011-2026).

Details in respect of the above condition were approved by planning permission ref. P2022/0868 on the 06.01.2023.

- 24 Notwithstanding the submitted plan and prior to the first beneficial use of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the siting, design, finish of the bin storage buildings located around the site. The bin stores as agreed shall be provided in accordance with the approved scheme prior to the first beneficial use of the development and retained as such thereafter.

Reason:

In the interest of visual amenity, residential amenity and to ensure adequate bin storage is provided for future residents and to ensure compliance with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

Details in respect of the above condition were approved by planning permission ref. P2022/0868 on the 06.01.2023.

- 25 Notwithstanding the submitted plan and prior to the first beneficial use of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the siting, design and internal layouts of secure cycle storage. The cycle storage as agreed shall be provided in accordance with the approved scheme prior to the first beneficial use of the development and retained as such thereafter.

Reason:

In the interest of Active travel and providing safe secure cycle storage, visual amenity and to ensure compliance with Policy BE1 and TR2 of the Neath Port Talbot Local Development Plan (2011-2026).

Details in respect of the above condition were approved by planning permission ref. P2022/0868 on the 06.01.2023.

Regulatory Conditions

- 26 No infiltration of surface water drainage into the ground site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan (2011-2026).

- 27 No industrial activity of any kind, except loading and unloading, shall take place outside the proposed buildings or any external areas within the curtilage of the site.

Reason:

In the interest of visual amenity and the amenity of the area, and to accordance with policy BE1 of the Neath Port Talbot Local Development Plan (2011-2026).

- 28 There shall be no outside storage of bins, equipment, waste, materials etc. except within the designated bin storage areas.

Reason:

In the interest of visual amenity and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan (2011-2026).

- 29 Notwithstanding the provisions of Part 8 of Schedule 2 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 development specified within classes A to E shall be installed on the site without the prior grant of planning permission in that behalf.

Reason:

In the interests biodiversity and in the interest of local amenity, and to ensure compliance with Policies SP15, and BE1 of the Neath Port Talbot Local Development Plan. (2011-2026).

- 30 The premises shall be used for use Class B8 Storage or distribution , as defined by the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in materials any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

In the interest of clarity and to ensure other changes of use can be assessed in the interests of amenity and to accord with Policies SC1 SP15, EC2, BE1 and TR2 of the Neath Port Talbot Local Development Plan (2011-2026).

Informatives:

1 Drainage Informative - 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 SAB & Highway Development Control Section 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.

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

3 Deptford Pink informative - The applicant is made aware that a licence will be required to affect any works associated with the legally protected Deptford Pink. You are advised to contact NRW directly on this matter.

4 Invasive species informative - The applicant is advised that any invasive plant species including (wall cotoneaster *Cotoneaster horizontalis*) found on site will need to be managed and removed from site.

5 Welsh Water Informative - 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. We would like to make the developer aware that the proposed development is within close proximity to a public foul sewerage pumping

station. We would like to advise the developer that no habitable buildings be constructed within a 15m vicinity of the pumping station as to minimise any effects of noise and odour nuisance. 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. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

6 Highways Informative - The proposed vehicular access points to the proposed unit are located off a private road network, and shall tie into and be constructed to the same standard as that of the existing private roads. 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 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

The decision to recommend planning permission be issued has been taken in accordance with Section 38(6) 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.

The removal of condition 16 is considered to be acceptable and NRW has advised that it can be removed from the planning permission. The information submitted in relation to other conditions is considered to be acceptable. The development remains an acceptable proposal and remains in accordance with Policies SP1, SP2, SP3, SP4, SP10, SP11,

SP15, SP16, SP17 SP18, SP19, SP20 SP21, SC1, I1, OS1, EC2, EC3, EC7, EN8, M2/1 RE2, W3, TR2, and BE1.

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

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 24 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.