

**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 Richard Colman
Neath Port Talbot County Borough Council
The Quays
Brunel Way
Neath
SA11 2GG
United Kingdom

Name and address of the agent

Mr Robert Morgan
Atkins
West Glamorgan House
12 Orchard Street
Swansea
SA1 5AD
United Kingdom

DATE REGISTERED: 23 September 2021

APPLICATION NO: P2021/0970

LOCATION: Gelliceibryn Brook Intake, Lancaster Close Ending At River
Neath Near To The A465 Bridge, Glynneath.

PROPOSAL: Replacement intake structure at Gelliceibryn Brook at
Lancaster Close, new culvert along length of new route, new
outfall structure at River Neath, near to the A465 bridge,
temporary vehicular access opposite Morfa Glas and
compound as part of the Rock Street Flood Alleviation Scheme.
(23/11/21 - Revised Ecological Impact Assessment.)

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority
in pursuance of its power under the above mentioned Act and Order hereby **GRANTS
PLANNING PERMISSION** for the development as described above to be carried out in
accordance with the application and the plans submitted therewith, subject to compliance
with the following conditions:

Conditions:-

This decision notice is REVISION 1, issued on 02/03/23.

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:

Lancaster Close and Rock Street - Ecological Impact Assessment by Atkins Nov 2021.

Lancaster Close and Rock Street - Ecological Impact Assessment by Atkins October 2020.

Plans and Long Section Sheet 1 of 4 DR-CD-000 002 C01.

Plans and Long Section Sheet 2 of 4 DR-CD-000 003 C01.

Plans and Long Section Sheet 3 of 4 DR-CD-000 004C01.

Plans and Long Section Sheet 4 of 4 DR-CD-000 005 C01.

Adopted Highway Boundary - DR-CD 000 006 rev C01.

Tree and Shrub Removal Plan - DR-CD 000 007

~~Proposed Scheme Overview - Location Plan DR-CD 000 001~~

Existing Inlet Sections DR-CD 000 009

Proposed Inlet General Arrangement DR-CD 000 010 Rev C01

Inlet Structure Sections and Details DR-CD 000 011 C02.

Existing Open Channel Works General Arrangement DR-CD 000 020

Proposed Outlet General Arrangement DR-CD 000 030

Typical Drainage Detail Sheet 1 of 2 DR-CD 000 040

Typical Drainage Detail Sheet 2 of 2 DR-CD 000 041

Planning Statement by Atkins dated 9 September 2021.

Glynneath Flood Consequence Assessment - Atkins 8 September 2021.

Reason:

In the interests of clarity.

Proposed Scheme Overview - Location Plan DR-CD 000 001 C05

Drainage Proposal MH11-MH12 Open-Cut RS_DR_004 Rev A

Knights Brown Environmental Management Plan Ref F504 Rev 4 issue 1.2 (December 2021)

Method Statement Open Cut Solution MH11 to MH12 Ref MSrevA

Excavation – Open Cut Solution – Health Safety and Environment Risk Assessment by Knights Brown.

The above drawings were approved as a non-material amendment by application P2023/0060 approved on 2/03/2023.

Pre-Commencement Conditions

- 3 No development shall commence on site until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwater and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

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 compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 4 No development shall commence until details of a Method Statement and Risk Assessment for the protection of the structural condition of the public sewers and watermains crossing the site has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced, and shall be retained at all times for the duration of the approved operations including the restoration works.

Reason:

To ensure that the proposed development does not affect the integrity of the public sewerage and water supply systems, in the interests of public health and safety.

- 5 No development shall commence on site until a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historic environment shall be prepared and submitted to and approved in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors,

and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 6 No development, including site clearance, shall commence 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: -
- 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
 - General Site Management: details of the construction programme including timetable; details of site clearance; details for erection and maintenance of security hoarding including decorative displays and facilities for public viewing; details of complaint investigation procedures; details of measures to recycle and disposing of waste resulting from the development;
 - Control of Nuisances:; details of dust & odour control measures and measures to control light spill
 - Traffic Management: details of site deliveries; details for the loading and unloading and storage of plant and materials; details of wheel wash facilities; details for the parking of vehicles of site operatives and visitors; specific details of works to facilitate a temporary vehicle access off the B4242 and traffic management that will be required during the construction period of the scheme in or adjacent to the public highway;
 - 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
 - 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 the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1, EN8 and TR2 of the adopted Neath Port Talbot Local Development Plan.

- 7 No development shall take place until a Construction Noise and Vibration Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Noise Management Plan shall identify all significant noise sources; detail the physical and operational management controls necessary to mitigate emissions from these noise sources; hours of working on site, and specified hours for deliveries; and any elements of operation that could lead to amenity issues from noise and disturbance to surrounding properties. The Construction Noise and Vibration Management Plan shall also detail any noise complaint investigation procedures. The approved Construction Noise and Vibration Management Plan shall be adhered to throughout the operation of the approved use.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with policy BE1 of the Neath Port Talbot Local Development Plan.

Action Conditions

- 8 Prior to the felling of any trees on site a replacement planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of replacement tree planting for the trees that are to be felled. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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.

- 9 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.

- 10 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 3 shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out

safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 11 Prior to the first beneficial use of the hereby approved development, full details of a ecological enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a monitoring and management plan together with a detailed programme of works for the enhancement scheme for a minimum period of 5 years. The approved scheme shall be fully implemented on site in accordance with the approved programme of works.

Reason

To ensure that the project provides adequate ecological enhancement in accordance with policies EN6 and EN7 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 12 An Ecological Clerk of Works (ECoW) shall oversee all development works, including ensuring the covering over of all exposed trenches each night to prevent any wildlife from becoming trapped in the trench; the use and positioning of all temporary construction lighting and the treatment and biosecurity measures for dealing with invasive non-native species on site.

Reasons:

To ensure the appropriate management of the construction works to limit any potential adverse ecological impacts to an acceptable level and to accord with policies SP15, EN6 and EN7 of the Neath Port Talbot Local Development Plan.

- 13 The Public Right of Way shall be protected at all times and any damaged caused to the Right of Way shall be rectified to it former condition. No permanent alterations or changes of conditions to the Public Right of Way is to be undertaken.

Reason

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

- 14 Demolition or construction works shall not take place outside the hours of 07:00 to 19:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays and no works on Sundays or Public Holidays.

Reason:

In the interest of residential amenity and to ensure the development complies with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 15 All tree work must be completed by suitably qualified staff and in accordance with BS3998:2010 Tree Work -Recommendations, and current good practice.

Reason.

In the interests of the future health of trees that are to be retained and in the interests of the environment and in accordance with policies BE1.

- 16 On completion of the culverting works between points MH11 and MH12, the embankment shall be fully reinstated and its surface returned to its former condition and seed with an appropriate seed mix.**

Reason

In the interests of Biodiversity and visual amenity and to comply with policies BE1 and EN7 of the Neath Port Talbot Local Development Plan.

The above condition was added by the Non-Material Amendment application P2023/0060 granted permission on 02/03/23

Informatives:

1 The works to facilitate a temporary vehicular access off the B4242, and the traffic management that will be required during the construction period of the scheme in or adjacent to the public highway will require the written consent of the Highway Authority. You should therefore contact the Highways Maintenance Unit of Neath Port Talbot County Borough Council at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG FAO Gary Thomas (Tel No. 01639 686327) e-mail g.thomas3@npt.gov.uk and Terry Davies (Tel No. 01639 686868) e-mail t.a.davies@npt.gov.uk to discuss any licenses or approval required. This is required to be undertaken before any works commence on the highway.

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

The Reasons for Decision.

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that would provide essential flood alleviation measures and would have no unacceptable impact on the residential amenity of adjacent residents; the character and appearance of the immediate and wider surrounding area, the highway and pedestrian safety and would improve the current drainage and flood risk within the area. There would also be no adverse impact upon ground contamination, archaeology or biodiversity. Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3, SP15, SC1, EN7, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

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

Signed:



Ceri Morris – Head of Planning & Public Protection

Date: 29 June 2022

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.