

**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 OUTLINE PLANNING PERMISSION

Name and address of the applicant

The Welsh Ministers
Department for Economy & Transport
Cathays Park
Cardiff
CF10 3NQ
United Kingdom

Name and address of the agent

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DATE REGISTERED: 29 March 2021

APPLICATION NO: P2021/0327

LOCATION: Land at and surrounding the Nant Helen Surface Mine site,
Powys and Onllwyn Distribution Centre, Neath Port Talbot

PROPOSAL: Development of a Global Centre of Rail Excellence, comprising of two test tracks of loop configuration including an electrified high speed rolling stock test track of 6.9km in length and an electrified low speed infrastructure test track of 4.5km, with overhead line equipment (OLE) and dual platform station test environment; together with operations and control offices (including staff accommodation and welfare), shunter cabins (2 no.), research and development, education and training, rolling stock storage sidings and maintenance/ cleaning/ decommissioning facilities; and associated, drainage, internal vehicular accesses, branch line rail connection, staff and visitor car parking, lighting, electrical infrastructure (including substations and lineside shore supplies and transformers), fencing (perimeter security, acoustic and stock proof), land reformation and hard and soft landscaping, together with demolition of existing buildings/structures (cross-boundary application - see Powys CC Application ref. 21/0559/OUT). (Additional Environmental Info: Revised ES Chapters, Figures, Appendices - Air Quality / Biodiversity)

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority in pursuance of its power under the above mentioned Act and Order hereby **PERMITS** 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 IS DECISION NOTICE REVISION 2 DATED 24th NOVEMBER 2022.

Time Limit Conditions

- 1 ~~Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.~~

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins **on any related phase approved under Condition 7** and the development shall be carried out as approved.

Reason:

The application was made for outline planning permission.

The above condition was amended under Non-Material amendment application P2022/0650. Approved on the 24th November 2022.

- 2 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in substantial accordance with the principles and mitigation measures as set out within the Environmental Statement and Addendum 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.

List of Approved Plans

- 5 The development hereby permitted shall be carried out in accordance with the following documents and plans or as otherwise modified by other conditions, schemes or approvals by the Local Planning Authority:

ES - Volume I - Main Text - Combined
ES Volume II Front Cover and Table of Contents
ES Volume III Front Cover and Table of Contents
Drawing 001 Site Location Plan
Drawing 002 Parameter Plan
Drawing 004 Proposed Demolition Plan

Reason

Required to be imposed pursuant to Section 71ZA of the Town and Country Planning Act 1990 (as amended).

Pre-Commencement Conditions

- 6 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

- 7 Prior to the submission of any application for the approval of reserved matters, the applicant / developer shall have submitted to and had approved in writing by the Local Planning Authority a plan sub-dividing the overall site area into phased development areas to substantially accord with the illustrative masterplan and parameters submitted to and approved as part of this application, together with details of the supporting information which is to be submitted for each phase under the relevant conditions of this consent

Reason:

To allow the sub division of the overall site into coherent areas of land and the submission of reserved matters pursuant to each development area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

The above Condition was discharged under Planning application P2022/0649 on the 04/10/2022

- 8 As part of the submission of the first reserved matters application for each phase of development as agreed under Condition 7 which proposes new buildings, a schedule of external materials (including samples where requested) shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be carried out in accordance with the details as approved.

Reason:

In the interests of visual amenity of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan

- 9 Prior to the commencement of work on each phase of development as agreed under Condition 7, and notwithstanding the submitted details which refer to palisade fencing, full details of all boundary enclosures / treatments within the site and on the site boundaries including their siting, design and materials, together with an assessment of ecological impacts (including upon wildlife movement and collisions and details of how wildlife corridors and movement will be accommodated) shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments within each phase shall be carried out in accordance with the details as approved before the use of the associated land within that phase is commenced or buildings occupied and thereafter retained as approved.

Reason:

In the interests of health and safety and visual amenity of the area, to ensure all ecological mitigation measures are applied in line with the ES, and to ensure the development complies with PPW, Future Wales, TAN5 and Policies EN6, EN7 and BE1 of the Neath Port Talbot Local Development Plan.

- ~~10 No development shall take place (including demolition, ground works, and vegetation clearance) until such time as the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority. After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Glamorgan Gwent Archaeological Trust for inclusion in the regional Historic Environment Record and the National Monuments Record, RCAHMW. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.~~
- 10 No development outside of the areas delineated as phase 1a and phase 2a on the phasing plan as agreed under Condition 7 shall take place (including **demolition**, ground works, and vegetation clearance) until such time as the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work within each of the further phases in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work for each phase will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report for each phase should be submitted to the Local Planning Authority. After approval by the Local Planning Authority, a copy of the reports and resulting archive should also be sent to the Historic Environment Record Officer, Glamorgan Gwent Archaeological Trust for inclusion in the regional Historic Environment Record and the National Monuments Record, RCAHMW. Thereafter, the phased programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

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, and generally to protect the historic environment as required by Planning Policy Wales and Policy SP21 of the Neath Port Talbot Local Development Plan.

NOTE: Please see associated Condition 7 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

The above condition was amended under Non-Material amendment application P2022/0650. Approved on the 24th November 2022.

- 11 Notwithstanding the draft Construction Environmental Management Plan (CEMP), no development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until an updated phase-specific 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 as a minimum the following information: -

- a) Risk assessment of potentially damaging construction activities.
- b) Construction methods: details of construction materials or techniques to be used;
- c) General Site Management: details of the construction programme including timetable; details of site clearance; details of complaint investigation procedures.
- d) Resources Management: details of fuel and chemical storage and containment, details of waste generation and its management, details of water consumption, wastewater, and energy use.
- 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).
- f) Pollution Prevention Plan: demonstrating how relevant Guidelines for pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- g) Invasive Non-Native Species Management Plan.
- h) Details of task and security lighting to avoid disturbance of habitats of importance to crepuscular or nocturnal species.
- i) Responsible persons and lines of communication and emergency contact details.
- j) Use of protective fences, exclusion barriers and warning signs.
- k) 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; details of dust & odour control measures and measures to control light spill.
- l) 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.
- m) Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- n) All items listed under para. 7.16.1 - 7.16.5 of the ES

The approved CEMP shall be adhered to and implemented throughout the site preparation and construction period strictly in accordance with the approved details.

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, and to ensure all ecological mitigation measures are applied in line with the ES, and to accord with Planning Policy Wales (Edition 11), TAN 5: Nature Conservation and Policies SP15, SP16, EN6, EN7 and EN8 of the Neath Port Talbot LDP.

NOTE: Please see associated Condition 8 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

12 No development shall commence until a Construction Method Statement/ Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:

- (i) Details of the traffic management to be provided to protect the highway network and NCN 43, including details of the approved route for construction traffic (which should seek to avoid heavy vehicles using the route through Seven Sisters);
- (ii) Details of wayfinding and pedestrian/cycle (active travel) routes to serve the site during the construction phase.
- (iii) Details on vehicle and cycle parking for site operatives and visitors.
- (iv) Detail on loading and unloading areas for plant and materials.
- (v) Detail on storage of plant and materials during the construction phase.
- (vi) Details covering the erection and maintenance of security hoarding.
- (vii) Wheel washing facilities

The approved Statement shall be adhered to throughout the construction period.

Reason:

In the interest of highway safety and to ensure compliance with Policies BE1 and TR2 of the Neath Port Talbot Local Development Plan.

13 No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until an Ecological Protection Plan (EPP) has been submitted to and approved in writing by the local planning authority. The EPP shall include but is not limited to the measures set out in 7.16.5 and 7.21.3 of the ES.

- a) Risk assessment of potentially damaging construction activities.
- b) Details of Pre-commencement Surveys, including methodologies and timing.
- c) Identification of "biodiversity protection zones".
- d) Reptile trapping and relocation method statement including details of receptor sites.
- e) Vascular Plant Species translocation method statements (specifically common wintergreen, lesser bulrush, floating bur-reed, greater tussock sedge and spiked water milfoil, royal fern and viviparous fescue).
- f) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to retained features of ecological importance during construction (may be provided as a set of method statements).
- g) The location and timing of sensitive works to avoid harm to ecological features of importance.
- h) The times during construction when specialist ecologists need to be present on site to oversee works.
- i) Responsible persons and lines of communication.
- j) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- k) Use of protective fences, exclusion barriers and warning signs.

The approved EPP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason:

To comply with Neath Port Talbot Council Policies SP15, SP16, EN6 and EN7 in relation to the Natural Environment and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

NOTE: Please see associated Condition 9 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

- 14 No development shall take place in any phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until details of the proposed site-wide strategy to maintain and enhance wildlife corridors supporting wildlife movement within and without of the development site has been submitted to and approved in writing by the Local Planning Authority. This will include but is not limited to the following:
- a) Detailed specification of culverts
 - b) Locations of culverts
 - c) A plan showing key wildlife corridors across the site, as informed by up to date ecological surveys
 - d) Details of landscaping and fencing to encourage use
 - e) Monitoring of use

The scheme shall be implemented as approved.

Reason:

To ensure all ecological mitigation measures are applied in line with the ES; in compliance with wildlife legislation, PPW, Future Wales, TAN5 and LDP Policies EN6 and 7.

- 15 No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until a scheme to maintain and enhance wildlife corridors has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in line with, implement and demonstrate compliance with the approach set out in the strategy agreed under condition 14, and shall be implemented as approved.

Reason:

To ensure all ecological mitigation measures are applied in line with the ES; in compliance with wildlife legislation, PPW, Future Wales, TAN5 and LDP Policies EN6 and 7.

- 16 No development shall take place (including demolition, ground works, site or vegetation clearance) until a scheme for the conservation of reptiles has been submitted to and approved in writing by the Local Planning Authority. This will include but is not limited to the following:
- a) Location of any receptor sites to be used and detail of landownership/control of the sites
 - b) Suitability of receptor sites for reptiles that will include estimated existing populations presented based on up to date survey information.
 - c) Enhancement measures to be implemented on receptor sites
 - d) Re-location methodologies and timing
 - e) Monitoring proposals
 - f) Details of any necessary agreement with landowner.

The scheme shall be fully implemented as approved in accordance with the agreed methodologies and timescales.

Reason:

In the interests of ecology and as reptiles are afforded protection under the Wildlife and Countryside Act (1981) as amended. To ensure the ecological mitigation measures to be applied in line with the ES; in compliance with wildlife legislation. particularly Wildlife and Countryside Act (1981) as amended, PPW, Future Wales, TAN5 and LDP Policies EN6 and EN7.

- 17 No development shall take place (including demolition, ground works, site or vegetation clearance) until a Barn Owl Compensation Scheme that includes the provision of a minimum of 2 Barn Owl boxes, 1 in NPT and 1 in Powys has been submitted to and approved in writing by the LPA. The scheme will include but is not limited to:
- a) Details of locations and details of landownership
 - b) Box design/specification
 - c) Demonstration of agreements with relevant landowners
 - d) Details of monitoring use
 - e) Provisions for replacement where damage or deterioration prevents intended use

The scheme shall be implemented as approved.

Reason:

To contribute towards the mitigation of loss of wild bird habitat to the development and to comply with the Conservation of Habitats and Species Regulations 2017 (as amended). To ensure the ecological mitigation measures to be applied in line with the ES; in compliance with wildlife legislation, PPW, Future Wales, TAN5 and LDP policies EN6 and EN7.

- 18 No development shall take place in any phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until such time as a Strategic Biodiversity Plan (SBP) has been submitted to and approved in writing by the Local Planning Authority. The SBP shall set out the approach to be taken to the production of phase-specific Biodiversity Plans (PBP) under condition 19. The SBP shall include but is not limited to the following:
- a) Methodologies and principles for scheduling of pre-commencement ecological checks and where necessary update to ecological surveys, particularly for protected species, taking account of CIEEM Advice note on the Lifespan of Ecological Report and Surveys.
 - b) Methodology to update and confirm the quantitative assessment of habitat loss and creation (updating ES 7.19.48, table 7.8 and Appendices 7T and 7V).
 - c) A biodiversity enhancement scheme that will set out the approach to the design and implementation of enhancement measures including, but not limited to, the measures set out in 7.23.1-7.23.7 inclusive, of the Environmental Statement.
 - d) Detail the mechanism, including principles to be applied, for the review of the adequacy of mitigation, compensation and enhancement measures in light of pre-commencement ecological checks and / or surveys. This will include the inclusion of new, revised and additional measures where necessary to ensure the scheme delivers an overall net benefit.

The Plan shall be implemented as approved.

Reason:

To update and clarify the ecological impacts predicted and inform the ecological mitigation, compensation and enhancement measures to be applied in line with the ES; in compliance with wildlife legislation, particularly the Environment Wales Act 2016, PPW, Future Wales, TAN5 and LDP policies EN6 and 7.

- 19 No development shall take place in each individual phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until such time as a Phase Biodiversity Plan (PBP) has been submitted to and approved in writing by the Local Planning Authority. The PBP shall be in line with, implement and demonstrate compliance with the approach set out in the SBP agreed under condition 18. The Plan shall be implemented as approved.

Reason:

To update and clarify the ecological impacts predicted and inform the ecological mitigation, compensation and enhancement measures to be applied in line with the ES; in compliance with wildlife legislation, particularly the Environment Wales Act 2016, PPW, Future Wales, TAN5 and LDP policies EN6 and 7.

- 20 No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance, or machinery being brought onto site) until protective fencing and warning signs have been erected on site in accordance with the approved Construction Environmental Management Plan and Ecological Protection Plan. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

Reason:

To comply with Neath Port Talbot Council Policies SP15, SP16, EN6 and EN7 in relation to the Natural Environment and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

NOTE: Please see associated Condition 11 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

- ~~21 Notwithstanding those works already permitted and approved in accordance with planning approval P2020/0362, no development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.~~

~~The report of the findings shall include:~~

- ~~• A desk study~~
- ~~• A non-intrusive site reconnaissance~~
- ~~• Formulation of an initial conceptual model~~
- ~~• A preliminary risk assessment~~

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

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

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

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 in accordance with Policy EN8 of the Local Development Plan.

NOTE: Please see associated Condition 13 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

The above condition was amended under Non-Material amendment application P2022/0650. Approved on the 24th November 2022.

- ~~22 Notwithstanding those works already permitted and approved in accordance with planning approval P2020/0362, no development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. A mine gas risk assessment should form part of the overall assessment.~~

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

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

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 in accordance with Policies SP16 and Policy EN8 of the Local Development Plan.

NOTE: Please see associated Condition 14 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

The above condition was amended under Non-Material amendment application P2022/0650. Approved on the 24th November 2022.

~~23 Notwithstanding those works already permitted and approved in accordance with planning approval P2020/0362, no development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 22 has been received from the local planning authority.~~

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

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

23 Notwithstanding those works already permitted and approved in accordance with planning approval P2020/0362, no development shall take place **in each phase of development as identified in condition 7** (including **demolition**, ground works, site or vegetation clearance) until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme

must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 22 has been received from the local planning authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012). All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

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 in accordance with Policies SP16 and Policy EN8 of the Local Development Plan.

NOTE: Please see associated Condition 15 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

The above condition was amended under Non-Material amendment application P2022/0650. Approved on the 24th November 2022.

- 24 No development shall take place in any phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) where foul connections are required until a foul water drainage scheme for that phase has been submitted to and approved in writing by the local planning authority. The scheme shall thereafter implemented in accordance with the approved details prior to the occupation of the development.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 25 No development shall take place in any phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) - where such phase affects sewers and water mains - 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 system in the interests of public health and safety.

~~26 No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include (but not be limited to):~~

- ~~i) A statement setting out the design objectives and how these will be delivered;~~
- ~~ii) any earthworks showing existing and proposed finished levels or contours;~~
- ~~iii) means of enclosure and retaining structures;~~
- ~~iv) other vehicle and pedestrian access and circulation areas;~~
- ~~v) hard surfacing materials; and~~
- ~~vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.~~
- ~~vii) A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, which shall cover a period of no less than 20 years~~

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

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

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

- i) A statement setting out the design objectives and how these will be delivered;
 - ii) any earthworks showing existing and proposed finished levels or contours;
 - iii) means of enclosure and retaining structures;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials; and
 - vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.
 - vii) A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, which shall cover a period of no less than 20 years
- Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species (native only), plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant). Development thereafter must be completed in full accordance with the details and implementation programme as agreed, and the landscaping shall thereafter be maintained in accordance with the approved

management plan.

Reason:

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

The above condition was amended under Non-Material amendment application P2022/0650. Approved on the 24th November 2022.

- 27 Prior to the submission of any application for approval of reserved matters, a scheme of intrusive site investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity. As part of (or alongside) the first reserved matters submission full details shall be submitted detailing (a) the findings of the intrusive site investigations carried out to locate the mine entries and shallow coal mine workings; and (b) details of any remediation works and/or mitigation measures to address land instability arising from coal mining legacy as may be necessary, which should include a plan showing the established locations of the mine entries present on site and how these relate to the development layout.

The intrusive site investigations and remedial works shall be carried out in accordance with the approved details and with authoritative UK guidance.

Reason:

To ensure that the scheme is designed and implemented with regard to the need to address the risks posed to the development by past coal mining activity, and to ensure compliance with Policies SP16 and EN8 of the Local Development Plan.

- 28 As part of the submission of the first reserved matters application (for any phase of development as agreed under Condition 7) a site wide landscape Strategy and associated scheme of Landscape Mitigation Planting (to include a timetable for implementation; shall be submitted to the Local Planning Authority for its approval in writing. Such landscape strategy shall cover a period of no less than 20 years, and shall include a mechanism for review and extension in the event planting has not mitigated the impacts on the National Park to the extent identified in the Environmental Statement. This strategy will include indications of all existing trees and hedgerows on the land, and details of any to be retained, taking into account potential growth, together with measures for their protection in the course of development. No development shall commence until such landscape strategy has been approved in writing, and thereafter the scheme shall be implemented in accordance with the approved details.

Reason:

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

NOTE: Please see associated Condition 17 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

- 29 As part of the submission of the first reserved matters application (for any phase of development as agreed under Condition 7) a detailed light pollution/dark skies assessment shall have been undertaken and submitted to the local planning authority for its approval in writing. The result of such assessment shall be used to inform and influence the final external lighting scheme required under condition 56.

Reason:

To ensure the extent, form and use of external lighting is minimised in the interest of protecting nearby Brecon Beacons National Park (Dark Sky Reserve) and to ensure compliance with Planning Policy Wales, Future Wales, and Policies SC1 and BE1 of the Neath Port Talbot Local Development Plan.

- 30 As part of the submission of the first reserved matters application (for any phase of development as agreed under Condition 7) a site wide Energy Strategy shall be submitted to the LPA for its approval in writing. Thereafter, for each phase of development as agreed under Condition 7, the first reserved matters submission for that phase shall be accompanied by 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, to demonstrate compliance with the overarching energy strategy for the site. The development of each phase shall thereafter be operated in accordance with the scheme as approved.

Reason:

In the interest of sustainability and to comply with the decarbonisation objectives of Planning Policy Wales and Future Wales, and the requirements of Policy RE2 of the Neath Port Talbot Local Development Plan.

- 31 As part of the submission of the first reserved matters application (for any phase of development as agreed under Condition 7) a site wide / overarching waste management strategy / Plan shall be submitted to the LPA for its approval in writing, detailing the control, management, storage and disposal of any waste material generated during the demolition and construction of the development. The development of each phase shall thereafter be undertaken in accordance with the scheme 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.

- 32 At commencement (stage 2), completion (stage 3) and 12 months after completion (stage 4), all highway works required off Wembley Road onto Onllywn Road to allow for safe access for Pedestrians, cyclists, crossing points and bus stop locations shall be subject to a Road Safety Audit in accordance with Design Manual for Roads and Bridges HD19/03 and shall at each stage of the Audit be submitted to and approved

in writing by the Local Planning Authority. All measures arising from the audit shall be implemented on site in accordance with the agreed details and timetable.

Reason:

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

- 33 In support of the submission of the first of the reserved matters for each phase of development identified in Condition 7, a scheme detailing the phasing approach for the development reflecting the car parking (including a minimum of 10% spaces with Vehicle Charging Points for Ultra Low Emission Vehicles (ULEV)), delivery and maneuvering requirements on site for that phase, to include shall be submitted to the Local Planning Authority for its approval in writing. The approved scheme shall be implemented on site prior to any related part of the development being brought into beneficial use, in accordance with the agreed scheme and phasing.

Reason:

In the interest of highway safety and to ensure the development accords with the sustainability objectives of Planning Policy Wales and Future Wales: The National Development Plan, and to ensure compliance with Policies BE1 and TR2 of the Neath Port Talbot Local Development Plan.

- 34 In support of the submission of the first of the reserved matters for each phase of development identified in Condition 7, a scheme shall be submitted to the LPA for its approval in writing detailing the provision of cycle parking and facilities, which shall include covered shelters, appropriate lighting and CCTV, staff lockers, and changing and showering facilities.

Reason:

In the interests of promoting sustainable transport and to ensure the development complies with Policy SP20 of the Neath Port Talbot Local Development Plan.

- 35 In support of the submission of the first of the reserved matters for each phase of development identified in Condition 7, a scheme shall be submitted to the Local Planning Authority for its approval in writing detailing the provision of outdoor amenity space to benefit the staff employed within that phase / part of the site. No building in each phase shall be operated until such amenity space has been provided in accordance with the approved details, and such amenity space shall thereafter be maintained and retained for its approved purpose.

Reason:

To ensure appropriate amenity space is provided to serve the staff at the site, and to comply with Policy OS1 of the Neath Port Talbot Local Development Plan.

Action Conditions

- ~~36 No later than six months before the development is first brought into beneficial use, a detailed 25 year Ecological Management and Monitoring Plan (EMMP) shall be submitted to the local planning authority for its approval in writing. The purpose of the~~

~~plan shall be to set out strategies for the management, maintenance and monitoring measures of the ecological, environmental and landscape features at the site as outlined in the submitted Environmental Statement. The content of the EMMP must include (but not be limited to) the following:~~

- ~~a) The measures set out in 7.22.2 and 7.25 excluding details provided under condition 14 (wildlife corridors), 9 (fencing), 55 (lighting), 17 (barn owls).~~
- ~~b) Details of the management and monitoring of enhancements provided in the Bio enhancement scheme under conditions 18 & 19.~~
- ~~c) Description and evaluation of features to be managed.~~
- ~~d) Ecological trends and constraints on site that might influence management~~
- ~~e) Aims and objectives of management~~
- ~~f) Appropriate management options for achieving aims and objectives~~
- ~~g) Prescriptions for management actions~~
- ~~h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over 5 year phases).~~
- ~~i) Details of the body or organisation (and funding thereof) responsible for implementation of the plan.~~
- ~~j) Ongoing monitoring and remedial measures.~~

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

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

36 As part of the first reserved matters **for any phase of development (excluding phase 1a) as approved under condition 7 of this permission**, a detailed 25 year Ecological Management and Monitoring Plan (EMMP) for the site as a whole shall be submitted to the local planning authority for its approval in writing. The purpose of the plan shall be to set out strategies for the management, maintenance and monitoring measures of the ecological, environmental and landscape features at the site as outlined in the submitted Environmental Statement. The content of the EMMP must include (but not be limited to) the following:

- a) The measures set out in 7.22.2 and 7.25 excluding details provided under condition 14 (wildlife corridors), 9 (fencing), 55 (lighting), 17 (barn owls).
- b) Details of the management and monitoring of enhancements provided in the Bio enhancement scheme under conditions 18 & 19.
- c) Description and evaluation of features to be managed.
- d) Ecological trends and constraints on site that might influence management.
- e) Aims and objectives of management.
- f) Appropriate management options for achieving aims and objectives.
- g) Prescriptions for management actions.
- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over 5 year phases).
- i) Details of the body or organisation (and funding thereof) responsible for

implementation of the plan.

j) Ongoing monitoring and remedial measures.

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

Reason:

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

NOTE: Please see associated Condition 10 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

The above condition was amended under Non-Material amendment application P2022/0650. Approved on the 24th November 2022.

- 37 No less than three months prior to the first beneficial use of the facility hereby approved, a scheme shall be submitted detailing:
1. The predicted nature and type of trains using the facility, which as a minimum should ensure that unless required for shunting of other trains within the facility, all trains using the test tracks hereby approved shall as a minimum fall within the environmental parameters as set out in Chapter 14 of the Environmental Statement;
 2. updated air quality modelling and assessments relating to statutory, non-statutory sites and ancient woodland based upon such identified parameters; and
 3. Any necessary mitigation and long-term monitoring measures to be implemented to minimise adverse impacts upon the ecology of these sites.

The development shall not be brought into beneficial use until such scheme has been approved, with any mitigation and long-term monitoring identified within the assessments thereafter implemented in accordance with the agreed details and timescales.

Reason:

To update and clarify the ecological impacts from air quality predicted and inform the ecological mitigation measures to be applied in line with the ES in compliance with wildlife legislation, particularly the Conservation of Habitats and Species Regulations 2017 (as amended), PPW, Future Wales, TAN5 and LDP Policies EN6 and EN7.

- 38 The approved remediation scheme under condition 23 must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

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

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 in accordance with Policies SP16 and EN8 of the Local Development Plan.

NOTE: Please see associated Condition 19 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

- 39 Following submission of a remediation strategy, if deemed necessary as part of that strategy a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

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

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 in accordance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

NOTE: Please see associated Condition 18 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

- 40 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on the affected area of the 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 in accordance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

NOTE: Please see associated Condition 19 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

- 41 Prior to the facility being brought into beneficial use the operator shall submit for the written approval of the Local Planning Authority an Operational Noise Management Plan (ONMP) detailing the necessary controls to ensure compliance with the agreed noise criteria set out within the Environmental Statement. As a minimum it shall include any assumptions that have been made regarding the operation of the site in deriving the predicted noise levels as detailed in Appendix 10C of the Environmental Statement. The ONMP shall be subject to periodic review not less than every 12 months, with the results of such review submitted to the Local Planning Authority for its approval in writing, and any recommended changes to operational activities that may be recommended within such revised ONMP thereafter implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority.

All operations at the site shall be carried out in full accordance with the ONMP (as approved or revised) for the duration of its operation.

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 42 Prior to the facility being brought into beneficial use, all acoustic barriers identified on Figures 10.1 to 10.3 within the Environmental statement shall have been constructed/ provided on site in full accordance with a detailed location plans and specification, which shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter all acoustic barriers shall remain in place for the life of the development.

Reason: To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 43 Prior to the installation of any fixed plant or machinery an updated BS4142 assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment must demonstrate that the approved noise criteria specified in condition 64 (based on Table 10.1 of the Environmental Statement) can still be achieved at any noise sensitive receptor (and shall include details of any necessary mitigation to achieve such levels). All fixed plant or machinery and identified noise mitigation measures shall thereafter be maintained as approved and operated at all times to ensure that the approved noise criteria in condition 64 are not exceeded.

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 44 For the purposes of demonstrating compliance with Condition 64 and the *"Total overall predicted scheme noise level with noise fence barriers"* stated in Table 10.5 of the Environmental Statement (reproduced below) during the first 12 months of operation the operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the site, according to a measurement protocol which shall first have been agreed in writing by the Local Planning Authority.

Receptor (see fig. 10.1 in ES)	Total overall predicted scheme noise level L_{Aeq} (15 mins) with noise fence barriers			
	Daytime L_{Aeq} (15 mins)	Evening L_{Aeq} (15 mins)	Night Time L_{Aeq} (15 mins)	L_{Amax} , F
R1	29	29	26	56
R2	41	41	37	58
R3	40	40	37	58
R4	41	41	38	59
R5	42	42	39	57
R6	39	38	35	54
R7	45	33	29	49
R8	37	37	33	53
R9	40	36	31	50
R10	36	36	33	53
R11	41	41	38	59
R12	35	22	18	48
R13	33	27	23	47
R14	42	35	31	57

No later than 13 months after the development is first brought into beneficial use, a noise emissions assessment completed at the expense of the developer shall be submitted to the Local Planning Authority for approval. Should the assessment conclude that the predicted noise levels as identified within Table 10.5 of the Environmental Statement are being exceeded, then a scheme for further mitigation shall accompany any assessment and shall thereafter be implemented within three months following the written approval from the Local Planning Authority. The mitigation as approved shall thereafter be retained and maintained in accordance with the details as approved.

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 45 Prior to the commencement of the use hereby permitted a scheme for the ongoing monitoring of noise during operation of the site shall have been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include (but not be limited to);

- a) Access to monitoring data by the Local Planning Authority at no additional cost to the authority;
- b) A scheme for identifying exceedances and initiating an investigation and corrective action to address any exceedance of the agreed criteria set out in condition 64.
- c) A procedure for the reporting of the outcome of the investigation and any action taken to the Local Planning Authority within 24 hours of the exceedance

Once approved the scheme shall be implemented for the duration of the operation of the site. Development thereafter shall proceed in line with the approved scheme and shall remain as such for the duration of the operational use of the site.

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 46 Not less than three months prior to the first operation of the facility/site, a community liaison scheme, which shall include (but not limited to):

- a) a mechanism for dealing with complaints from the Local Community;
- b) Details of a nominated representative of the operator who will have the lead role in liaising with local residents and the relevant planning authority; and
- c) the composition and operation of a regular Stakeholder Meeting (to include representatives of the communities surrounding the site) shall be submitted to the local planning authority for its approval in writing. The facility/site shall not be operated until such time as the scheme has been approved in writing by the local planning authority, and the liaison and approved stakeholder meetings shall thereafter continue in accordance with the approved scheme for as long as the facility operates.

Reason:

To ensure that the operator has ongoing, formal engagement with the local community and specialist consultees, in the interest of fostering a positive community relationship, and particularly in the interests of protecting the amenity of nearby residential properties, and in accordance with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 47 At twelve months, three years and five years after the first beneficial operation of the facility hereby approved, additional traffic impact surveys shall be undertaken to ascertain the actual traffic flows, and such survey data and assessment of the need (if

any) for further or additional traffic management or orders as required to be implemented (and including a timetable for implementation) shall be submitted within one month of the survey date to the Local Planning Authority for its approval in writing. The recommendations within the approved assessment shall be implemented in accordance with the approved details.

Reason:

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

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

Reason:

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

- ~~49 Notwithstanding the submitted plans, no part of the development hereby approved shall be brought into beneficial use until such time as a combined cycleway and pedestrian access, together with street lighting, linking Onllwyn Road to the main washery site, and an improved pedestrian crossing of Wembley Avenue to Onllwyn Road at the Wembley Avenue junction (to include as a minimum dropped kerbs and tactile paving) have been implemented in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.~~

- 49 **No development outside of Phase 1A as approved under Condition 7 of this permission shall be brought into beneficial use** until such time as a combined cycleway and pedestrian access, together with street lighting, linking Onllwyn Road to the main washery site, and an improved pedestrian crossing of Wembley Avenue to Onllwyn Road at the Wembley Avenue junction (to include as a minimum dropped kerbs and tactile paving) have been implemented in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority

Reason:

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

The above condition was amended under Non-Material amendment application P2022/0650. Approved on the 24th November 2022.

- ~~50 No part of the development hereby approved shall be brought into beneficial use until such time as a scheme of Active Travel Improvements, to include (but not limited to) improvements to bus facilities at Wembley Avenue (NPT) and improvement works required along NCN43 (Powys) and wider links to the site has been submitted to and approved in writing by the Local Planning Authority. All identified improvements shall~~

~~be implemented in accordance with a timescale approved under the scheme.~~

- 50 **A. As part of the first reserved matters for any development outside of Phase 1a as approved under condition 7 of this permission, a site wide strategy for Active Travel Improvements, to include (but not limited to) improvements to bus facilities at Wembley Avenue (NPT) and improvement works required along NCN43 (Powys) and wider links to and within the site, including timeframes for their implementation has been submitted to and approved in writing by the Local Planning Authority.**
- B. Detailed schemes for all identified improvements within the strategy shall be submitted to and approved in writing by the Local Planning Authority prior to their implementation in accordance with timescales approved under the site wide strategy and retained as such thereafter.**

Reason:

In order to facilitate safe and sustainable access to the site, and to accord with Policy SP20 of the Neath Port Talbot Local Development Plan.

The above condition was amended under Non-Material amendment application P2022/0650. Approved on the 24th November 2022.

- 51 At twelve months and five years after the first beneficial operation of the facility hereby approved - or in the event a specific request is made in writing by the Local Planning Authority - a survey of the highways surrounding the site shall be undertaken to ascertain whether unplanned visitors to the facility are causing problems on the local highway network, with the results submitted to the Local Planning Authority for approval in writing. If such monitoring identifies adverse impacts, a scheme shall be submitted to the Local Planning Authority for its approval in writing within one month of the survey date detailing potential mitigation measures (which could include parking provision or regulations, or other visitor-related proposals). The recommendations within the approved scheme shall be implemented in accordance with the approved details and timescales.

Reason:

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

- 52 No part of the development hereby approved (or such phase that may be approved under condition 7) shall be brought into beneficial use until such time as a signed statement or declaration prepared by a suitably competent person confirming the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity, and confirming that the site is, or has been made, safe and stable for the approved development, has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that a competent person has verified the works on site in order to mitigate

any risks arising from the coal-mining legacy at the site, and to ensure compliance with Policy EN8 of the Neath Port Talbot Local Development Plan.

~~53 No later than six months before the development is first brought into beneficial use, a Welsh language Impact Assessment / strategy shall be submitted to the Local Planning Authority for its approval in writing, outlining all measures and engagement pre-operation to assess the impacts on Welsh language and identification of opportunities arising from the proposed development.~~

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

Reason:

To contribute to the Well-being Goal of creating a 'Wales of vibrant culture and thriving Welsh language' and comply with the need for such major development to promote the Welsh language in accordance with Policy SP22.

The above condition was amended under Non-Material amendment application P2022/0650. Approved on the 24th November 2022.

~~54 Prior to first beneficial operation of any part of the development hereby permitted a detailed Welsh Language Action Plan, founded on the impacts and opportunities identified within the Impact Assessment approved under condition 52, and identifying specific measures and a timetable and implementation plan, shall have been submitted to and approved in writing by the local planning authority. All measures identified within the Action Plan shall be implemented in full accordance with the approved plan.~~

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

Reason:

To contribute to the Well-being Goal of creating a 'Wales of vibrant culture and thriving Welsh language' and comply with the need for such major development to promote the Welsh language.

The above condition was amended under Non-Material amendment application P2022/0650. Approved on the 24th November 2022.

~~55 Notwithstanding the submitted Travel Plan, no less than six months prior to first beneficial use of any part of the development hereby approved, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The amended Travel Plan shall include details of the appointment of a Travel Plan Coordinator, and incorporate the means to encourage staff to use more sustainable means of transport and reduce the demand on private transport. The Plan should also include a detailed monitoring scheme/schedule, which shall incorporate regular reviews covering the initial five year period, together with details covering submission and approval of subsequent updated Travel Plans every five years for the duration of the operation of the development, which shall seek to address any issues that have failed to reduce the use of the car and meet the agreed targets set in the travel plan. All measures identified within any approved Travel Plan required by the scheme shall be implemented within three months following its approval.~~

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

Reason:

In the interests of promoting sustainable transport and to ensure the development complies with Policy SP20 of the Neath Port Talbot Local Plan.

The above condition was amended under Non-Material amendment application P2022/0650. Approved on the 24th November 2022.

56 No external lighting shall be installed or operated at the site other than in accordance with a detailed external lighting scheme, which shall first have been submitted to and approved in writing by the local planning authority. The scheme shall take into account the Dark Skies Assessment required by condition 29, together with the lighting needs and mitigation requirements associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task. It shall also be specifically designed to minimise the risk of light spillage beyond the development site boundary and within ecologically sensitive areas.

The scheme shall include:

- a. A report, prepared by a lighting engineer, setting out the technical details of the luminaires and columns, including their location, type, shape, dimensions and, expected luminance output and specifically explaining what design attributes

- have been chosen to minimise light pollution.
- b. A plan illustrating illuminance levels across the development site and at the boundary of the site. The level of illuminance should be appropriate to the character of the surrounding area as a whole.
- c. A statement which demonstrates how the lighting scheme will be viewed against the wider landscape and, where appropriate, the potential role of landscaping in minimising the day and night-time visual impact of the installation.
- d. An Environmental Lighting Impact Assessment against conservation requirements for protected species and designated landscapes.

All lighting installed at the site shall be in full accordance with the approved details.

Reason

To ensure the extent, form and use of external lighting is minimised in the interest of protecting the wider countryside, nearby Brecon Beacons National Park (Dark Sky Reserve) and to ensure nocturnal wildlife are not adversely affected or disturbed by the lighting of the site and to ensure compliance with Planning Policy Wales, Future Wales, TAN5 and Policies SC1, BE1, EN6 and EN7 of the Neath Port Talbot Local development Plan.

- 57 Prior to the facility being brought into beneficial use the operator shall submit for the written approval of the Local Planning Authority a scheme addressing any required areas of external storage, together with those area(s) identified for decommissioning of trains or similar rail related items. There shall be no external storage of materials or parts (including those arising from the decommissioning of trains or similar rail related items) other than in accordance with such agreed details.

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 58 No less than three months prior to commencement of the development hereby permitted, full details of a Labour Recruitment Strategy, to include measures aimed at facilitating best available access for local people to the opportunities for employment arising from the construction and operation of the Global Centre of Rail Excellence, and identifying how the project can deliver benefits to Wales and to local communities through targeted recruitment and training, and supply chain initiatives, shall have been submitted to the Local Planning Authority for its approval in writing. 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 GCRE.

Regulatory Conditions

- 59 The site access onto / from the Intervalley Road (A4221) shall be restricted solely to construction traffic, emergency vehicles and deliveries only, and shall at not times be

used by staff or other persons working on or visiting the site. Prior to first beneficial use of any part of the former washery site, the access shall be provided with permanent gates and signage in accordance with details which shall first have been approved in writing under this condition or an associated reserved matters submission, with the gates and signage thereafter retained in accordance with the approved details.

Reason:

In the interest of highway safety and to ensure compliance with Policies BE1 and TR2 of the Neath Port Talbot Local Development Plan.

- 60 Construction and demolition works on the site of the former washery (also applying to the starting up and/or warming up of any vehicles, equipment and machinery) shall not occur outside of the following times:

07.00 to 18.00 hours Mondays to Fridays (excluding Bank/Public Holidays) and;
08.00 to 13.00 hours on Saturdays
No construction or demolition activities shall occur on Sundays or Bank/Public Holidays.

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 61 During the hours of 19.00 and 07.00 hours the following activities shall not take place within the former washery site;
- Use of the train wash facility
 - Use of the maintenance shed without the air curtain switched off and doors closed

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 62 During the hours of 19.00 and 07.00 hours all train movements within the former washery site shall be electric-powered, unless the operator has first had submitted to and approved in writing a scheme (supported by appropriate noise assessment) dealing with the number, speed and specification of movement of trains during such defined period.

Reason:

To ensure that the impacts of any non-electric train movements are suitably assessed and controlled under an agreed scheme, in order to protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 63 Any buildings incorporating offices and / or staff accommodation, shall be constructed ensuring that the sound insulation performance of all such buildings achieves internal ambient noise levels that do not exceed the values detailed within British Standard

BS8233:2014.

Reason:

To protect the amenity of those persons working at or visiting the approved use and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 64 The rating level of noise arising from operation of the test tracks shall not exceed the values set out in, or derived from, the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission.

Receptor (see fig. 10.1 in ES)	Total overall predicted scheme noise level L_{Aeq} (15 mins) with noise fence barriers			
	Daytime L_{Aeq} (15 mins)	Evening L_{Aeq} (15 mins)	Night Time L_{Aeq} (15 mins)	$L_{Amax, F}$
R1	29	29	26	56
R2	41	41	37	58
R3	40	40	37	58
R4	41	41	38	59
R5	42	42	39	57
R6	39	38	35	54
R7	45	33	29	49
R8	37	37	33	53
R9	40	36	31	50
R10	36	36	33	53
R11	41	41	38	59
R12	35	22	18	48
R13	33	27	23	47
R14	42	35	31	57

Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Table specified as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling.

All measurements shall be taken using a type 1 sound level meter with a microphone height between 1.2m and 1.5m in free field conditions (3.5 m from a reflective surface).

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 65 On receipt of a justified complaint to the Local Planning Authority the Local Planning Authority may request in writing that the applicant obtain an assessment of the noise arising from the operations on the site. The noise assessment shall be undertaken by a competent and suitably qualified acoustic consultant, who shall be a Member of the Association of Noise Consultants (ANC) or the Institute of Acoustics (IOA).

Prior to undertaking the noise assessment and within 14 days of receipt of the written request from the Local Planning Authority following receipt of a complaint, the consultant shall contact the Local Planning Authority and shall agree a methodology and most appropriate standards which shall include timeframes for the completion of the noise assessment. Following the noise assessment, a copy of the report shall be submitted to and approved by the Local Planning Authority along with evidence that the control measures recommended within the report are implemented and maintained thereafter.

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 66 Any residential accommodation (whether temporary staff facilities or permanent lay-down and mess facilities) provided at the site shall be for short-term accommodation of staff associated with the GCRE, or associated visitors to the site, and shall not be utilised as permanent residential accommodation, or occupied at any time by any person(s) as their sole or main place of residence.

Reason:

Since no justification for the provision of permanent residential accommodation within the countryside has been put forward, and to ensure compliance with Policy SC1 of the Neath Port Talbot Local Development Plan

- 67 Prior to the facility being brought into beneficial use, adequate water supplies for firefighting purposes shall have been provided on site

Reason:

To ensure that adequate water supplies are available on site for firefighting purposes on site as requested by Mid and West Wales Fire Service

Informatives:

- 1 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 and Powys County Council, as the determining SuDS Approval Bodies (SABs), 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.
- 2 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

- 3 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.
- 4 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.
- 5 The archaeological work required by condition must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/cifa) and it is our Policy to recommend that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited MCIfA Member.
- 6 In order to ensure the road works you are required to undertake are carried out to the satisfaction of the Local Planning Authority and subsequently adopted you are advised prior to commencing any work on these works to contact the Head of Engineering and Transport Services at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG (FAO Mr Justin Griffiths, telephone number (01639) 686397 or e-mail j.griffiths4@npt.gov.uk) to agree the specification, enter an adoption agreement and arrange onsite inspection of your works.
- 7 Any agreement to adopt the roads relating to this development should be entered into with the Council prior to the commencement of development. Such an agreement will be under Section 38 of the Highways Act 1980 relating to the specification, timescale and subsequent adoption of the roads and a Bond to ensure that the Authority can complete the works if the Developer defaults on the roadworks.
- 8 Prior to commencing any works on site the applicant will be required to enter into an agreement with the Authority under Section 278 of the Highway Act 1980 to carry out the works upon the existing public highway. You are advised prior to commencing any work on these works to contact the Head of Engineering and Transport Services at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG (FAO Mr Justin Griffiths, telephone number (01639) 686397 or e-mail j.griffiths4@npt.gov.uk) to agree the specification, enter the agreement and arrange on site inspection of your works.
- 9 Developers' attention is drawn to the provisions of Section 278 of the Highways Act, 1980 in cases where a development would require access or other works to be carried out within the existing highway. Where highway works to benefit a development require land adjacent to an existing highway to be constructed upon

together with works on the existing public maintained highway, a hybrid S38/278 shall be used. Works that are to be undertaken within the existing public maintained highway only will require a S278 agreement. No Work shall be undertaken on the existing public maintained highway until the appropriate legal agreement has been entered into

- 10 Any works undertaken on the public highway without the appropriate legal agreement with the Highway Authority, the Highway Authority has the right to request the developer to remove and/or reinstate that part of the highway back to its original condition to the satisfaction of the Highway Authority. A plan detailing the differences between the existing and proposed highway shall be submitted to form part of the legal agreement, this should be made up of two colours, green for the proposed area to be adopted and brown for the existing highway.
- 11 Developers are reminded that consent under the Town and Country Planning Act, 1990/91, conveys no approval for works to be undertaken affecting any part of the public highway, including verges and footways. The Developer must:-(i) Obtain the approval of Neath Port Talbot County Borough Council as Highway Authority for the details of any works to be undertaken in the Public Highway.(ii) Indemnify the Authority against all claims arising from such works, including claims under the Land Compensation Act.(iii) Give not less than 1 calendar months' notice in writing of the date of commencement of the works.As part of this process you are advised that any principle contractors and/or subcontractors that are on the Local Authority's framework approved list are permitted to undertake the works on the public highway, a list of these contractors are available from the Highway Authority's Highway Development Control Section on request.
- 12 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
- 13 All public footpaths crossing the site (in NPT - footpaths 15,32,33,34, along with an unnumbered path and Bridleway 28 Dylais Higher) shall remain open at all times with no alteration or change of condition to the PROW. Any damage caused to the Rights of Way as a result of the development hereby permitted, and notified to the developer / operator, shall be immediately rectified to the satisfaction of the LPA.
- 14 It is recommended that vegetation clearance should avoid the bird breeding season 1st March to 31st July inclusive in accordance with the Wildlife and Countryside Act 1981 (as amended). A note should be added to the planning permission, if granted, to this effect.

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. In addition, the Council, in accordance with Section 3(3) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, has taken all the environmental information into consideration.

Having particular regard to the advice in PPW and TAN23, along with the recent guidance on post Covid-19 recovery in Wales: Building Better Places: The Planning System Delivering Resilient and Brighter Futures, and having considered the likely significant effects of the development on the environment - which can largely be mitigated by conditions - it is concluded that in the overall planning balance the proposed GCRE would create a potentially world class facility, which would create significant social, economic, cultural and environmental benefits which would contribute towards 'reinvigorating the Valleys', and outweigh the identified impacts caused by the development.

Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3, SP4, SP6, SP11, SP14, SP15, SP16, SP20, SP21, SP22, SC1, I1, EC5, TO4, EN2, EN6, EN7, EN8, M1, M3, TR2, TR3, TR4, 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: 27 July 2021

IMPORTANT:

(1) Please note that for all decisions issued after 16th March 2016 for outline or full planning permission, a revised decision notice will be issued whenever a subsequent consent is given, for example providing details of any Reserved Matters approvals (outline applications only) and/or approval of conditions (including on Reserved Matters). This will ensure that the current status of the conditions applied to a consent is clear. Accordingly you are advised to visit www.npt.gov.uk/planning to view the application documentation to see if this is the current version, or whether it has been superseded by a more up-to-date revision of this Decision Notice. For Reserved Matters approvals the revised Decision Notice will only be shown under the Outline approval.

(2) Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

(3) In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition). Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

(4) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2009+A1:2010).

(5) From 1st October 2012 it has been an offence to install a public sewer or lateral drain without having an adoption agreement in place. From the 1st October 2012 the vast majority of all existing private sewers and lateral drains which link with the public sewer network were transferred to Welsh Water. For further details on how this will affect your development please contact: Welsh Water Developer Services, PO Box 3146, Cardiff, CF30 0EH. Telephone No. 0800 9172652 or email: developer.services@dwrcymru.com.

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-

(1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below)	Within 6 Months
(2) Householder Appeal see endnote i	Within 12 weeks
(3) Minor Commercial Appeal see endnote i	Within 12 weeks
(4) Listed Building or Conservation Area Consent appeals	Within 6 months
(5) Tree Preservation Order (TPO) Consent	Within 28 days
(6) Advertisement Consent	Within 8 weeks
(7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development	Within 6 months
(8) Hazardous Substances Consent	Within 6 months
- (5) Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, or online at www.planningportal.gov.uk/pcs .
- (6) The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (7) The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
- (8) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land in

accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

- (9) Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
- (10) In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- (11) Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
- (12) Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686949 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.