

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

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

APPROVAL OF FULL PLANNING PERMISSION

Name and address of the applicant

ARTICO Environmental Limited
C/O Agent

Name and address of the agent

Dr Stuart Watcham
Technia Environment and Planning Limited
Unit 1
Foxes Lane
Oakdale Business Park
Blackwood
NP12 4AB

DATE REGISTERED: 8 September 2022

APPLICATION NO: P2022/0769

LOCATION: Land At Units 1-3 Sirius Drive , Seaway Parade Industrial
Estate, Baglan Energy Park, Port Talbot, SA12 7BR

PROPOSAL: Change of use to asbestos waste transfer station, construction
of steel reinforced concrete pad and drainage works.

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

This decision notice is REVISION NUMBER 1, issued on 18 August 2023

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

List of Approved Plans

- 2 The development shall be carried out in accordance with the following approved plans and documents:

- . Drawing 11099 - 000 - A (Rev A) Location Plan;
- . Drawing 11099 - 000 - B Site and Surrounding Area;
- . Drawing 11099 - 000 - C Site Plan (Existing);
- . Drawing 11099 - 000 - D Site Plan (Proposed);
- . Drawing 11099 - 000 - E (Rev A) Drainage Plan;
- . Drawing 11099 - 000 - F Parking Arrangements (Existing);
- . Drawing 11099 - 000 - G Vehicle Access and Loading Unloading Areas;
- . 11099 Storage Container Details

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Before beginning any development at the site, you must do the following: -
- a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and
 - b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

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

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

Action Conditions

- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 5 Before the first use of the development hereby approved as a waste transfer station, a biodiversity enhancement scheme shall be implemented, and completed, at the site, details of which shall be submitted to and approved in writing by the Local Planning Authority. To be retained as such in perpetuity.

Reason:

In the interests of maintaining the landscape and habitats of the Authority's area through the protection, creation, and enhancement of links between sites and their protection for amenity, landscape, and biodiversity value. To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Environment (Wales) Act 2016 and in accordance with Local Development Plan Policy SP15.

Details in respect of the above condition were approved by Discharge Condition Planning Application P2023/0566 on 18/08/2023

- 6 Prior to the first use of the site for the storage of asbestos waste, a copy of the approved environmental permit (permit under the Environmental Permitting (England & Wales) Act (2016)), to include a copy of the emissions management plan, shall be submitted to the Local Planning Authority.

Reason:

In the interests of the local environment in accordance with Policy SP16 of the Local Development Plan.

Regulatory Conditions

- 7 The site hereby given planning permission for change of use shall be used as a waste transfer station for the receipt, bulking and secure storage of asbestos waste prior to its transfer off site for disposal at suitably licensed waste management facilities. The site shall not be used for any other waste development other than that expressly authorised by this condition ("waste development" as defined in Article 2 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012).

Reason:

To ensure that the nature of the development is appropriately controlled and is as described in the application and reflects the need for a waste transfer facility as described in the application's supporting Waste Policy Statement. Also in the interests of amenity, the character and appearance of the area, and highways safety and the free flow of traffic, in accordance with LDP Policies BE1 and TR2.

- 8 The site shall be used for the siting of two containers only, no other means of storing waste shall occur within the site (including within skips, vehicles or on the ground). The authorised containers shall be in accordance with approved document "11099 Storage Container Details" and the containers shall be sited only in the location shown on drawing "11099 - 000 - D Site Plan (Proposed)". Other areas of the site shall be kept clear of obstruction to allow for the manoeuvring of vehicles as shown on approved drawing "11099-000-G Vehicle Access and Loading / Unloading Areas"

Reason:

To appropriately define the nature of the permission for the change of use. In the interests of amenity, the character and appearance of the area and highway safety in accordance with Local Development Plan Policies BE1 and TR2.

- 9 The containers shall store a maximum of 10 tonnes of asbestos waste at any one time and the site shall not be used to store more than 180 tonnes of asbestos waste in a calendar year.

Reason:

To ensure that the scale of the development is appropriately controlled and is as described in the application and reflects the need for a waste transfer facility as described in the application's supporting Waste Policy Statement. Also in the interests of amenity, the character and appearance, and highways safety and the free flow of traffic, in accordance with LDP Policies BE1 and TR2.

- 10 Notwithstanding the provisions of Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), there shall be no temporary uses of the site.

Reason:

To ensure that the site is not used for 28 day temporary uses in addition to the consented use in order to safeguard the amenities of the area and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

Informatives:

1 Please note that SAB approval maybe required prior to any work commencing. It is a breach of approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018.

2 Natural Resources Wales (NRW) has advised that the site of development is within Zone C1 of the Development Advice Maps to Technical Advice Note 15: Development and Flood Risk (20 July 2004). The developer should consider flood risk at this site and the applicant should be aware of the advice provided in the NRW letter which has been referred to the applicant's agent.

3 Natural Resources Wales (NRW) has advised that the activity proposed will require an environmental permit and NRW should be contacted directly regarding this.

4 Short term exposure to contamination during construction and maintenance work (e.g. utility contractors) should be controlled by the use of PPE and appropriate H&S procedures as outlined in the CIRIA document 132 - "A Guide for Safe Working on Contaminated Sites.

The decision to recommend issuing a planning permission has been taken in accordance with Section 38(6) of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

The principle of development is acceptable and this determination has been made against the National Policy requirements set for waste development contained within Planning Policy Wales (Edition 11; 2021) and Technical Advice Note 21: Waste (2017). A proposal of this nature is justified as it relates to asbestos, which is a legacy waste, for which there is support for providing development which facilitate appropriate disposal. The proposal is appropriately located within a settlement and within an active industrial estate. It will not be detrimental to the character and appearance of the area, amenity, local environment or highway safety. Accordingly, the proposed development is in accordance with Policies SP2; SP5; SP11; SP15; SP16; SP19; SC1; EC2; EC3; EC4; W1; W3; TR2; and BE1 of the Neath Port Talbot Local Development Plan (2011-2026) (adopted January 2016).

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: 17 November 2022

IMPORTANT:

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

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

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

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

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

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

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

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

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

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

Making an Appeal

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

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

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686820 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

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

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

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