

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

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

APPROVAL OF FULL PLANNING PERMISSION

Name and address of the applicant

Mr Huw Davies
Mid & West Wales Fire & Rescue Service
Mid and West Wales Fire Rescue - HQ
Lime Grove Avenue
Carmarthen
SA31 1SP

Name and address of the agent

Mr Rhys Edwards
Lawray Architects
Greenmeadow Springs
1 Cae Gwyrdd, Tongwynlais
Cardiff
CF15 7AB

DATE REGISTERED: 13 June 2023

APPLICATION NO: P2023/0466

LOCATION: Earlswood Depot, Earlswood Depot Access Road, Jersey
Marine, Neath, Neath Port Talbot, SA10 6NG

PROPOSAL: Variation of condition 10 (operation times) of planning
permission P2022/0589 dated 10.03.23 (for conversion of
existing workshop building into a carbonaceous fire behaviour
training facility) to extend existing Monday to Friday operation
times from 09:00-17.00 to 09:00hrs to 22:00hrs and permit
Saturday and Sunday operation times of 09:00hrs to 17:00hrs.

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

Conditions:-

Time Limit Conditions

- 1 The evening operation/use of the facility (17.00 - 22.00 hours) is granted on a temporary basis only for a period ending no later than 12 months from the date of this permission. Thereafter the facility shall revert to a daytime only operation (09.00 - 17.00 hours) 7 days a week, unless a further planning permission to continue the evening operation/use is expressly granted on application to the Local Planning Authority prior to the expiry of the 12 month period.

Reason:

To allow the Local Planning Authority to assess the potential impacts of the development over time, having regard to the need to protect amenity as required by Policies BE1 and EN8 of the Adopted Neath Port Talbot Local Development Plan.

List of Approved Plans

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

EFT-LAW-X-X-DR-A-210014_Proposed Acoustic Fencing_C0
Earlswood CFBT Facility Operating Hours_Fire Service Justification Letter
6514/ENS1_REV1 - Environmental Noise Assessment (18/05/2023)
6514/NIA1 - Noise Impact Assessment (18/05/2023)
EFT-LAW-X-X-DR-A-069001_Proposed Site Plan_P0
EFT-LAW-X-X-DR-A-062001_Proposed Elevations and Sections_P2
EFT-LAW-X-X-DR-A-061001_Proposed Ground Floor Plan and Roof Plan_P3
EFT-LAW-X-X-DR-A-040001_Proposed Demolition Plan_P0
FT-LAW-X-X-DR-A-039002_Existing Site Plan - Workshop_P0
Design and Access Statement
Preliminary Ecological Appraisal 29.6.22
Bat Survey 23.9.22
Flood Consequences Assessment - Version 1 May 2022
Earlswood Fire Training Air Quality Assessment J10-13379A-10_F2
22.6514_Environmental Noise Study
01_ESP.8178.3720 - Geo Technical and Geo Environmental Study - Final Report, Figure 1 and Appendices
Drainage Layout
Proposed Surface Water Interceptor
14995_C502_r04 Drainage Plan
14995-Drainage Strategy Report-Earlswood LR - Iss 03
4995_C500 r08 Composite Drainage Plan
14995_C501_r06_Drainage Details
14995_C101_r01 Existing Services
14995_C100_r01 Topo survey
EFT-LAW-X-X-DR-A-039001_Location Plan and Existing Site Plan_P1
EFT-LAW-X-X-DR-A-032001_Existing Elevations and Sections_P1
EFT-LAW-X-X-DR-A-031001_Existing Floor Plans and Roof Plan_P1

Reason:

In the interests of clarity.

Pre-Commencement Conditions

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

- (i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (ii) an assessment of the potential risks to:
 - human health,
 - groundwater and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

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

Reason:

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

Action Conditions

- 5 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 4 shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

- 6 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.

- 7 The development shall be carried out strictly in accordance with the recommendations contained within the Preliminary Ecological Assessment and Bat Survey Reports hereby approved. For the avoidance of doubt these identify a roost gap behind the existing building's fascia as not being affected by the proposed development and retained in its present state. If any part of the existing roof or fascia needs replacing or modifying in any way, then an EPS licence application for the removal or modification works must first be made to Natural Resources Wales.

Prior to the development being brought into use, the proposed new bat and bird boxes shall be installed at the site/building in accordance with the plans hereby approved. These shall be retained as part of the development in perpetuity.

Reason:

In the interest of biodiversity, to maintain and mitigate against the loss of any foraging habitats, and to accord with Policy 9 of Future Wales: The National Development Plan 2040 and Policy SP15 of the Adopted Neath Port Talbot Local Development Plan.

- 8 The development hereby approved shall only proceed in accordance with the specified sound rating levels contained within the noise assessment reports hereby approved and the specific sound attenuation equipment details/specification contained therein.

Reason:

In the interest of amenity and to accord with Policies BE1 and EN8 of the Adopted Neath Port Talbot Local Development Plan (2011-2026).

- 9 The noise rating level of the extractor plant shall not be greater than the background sound level +5dB when measured at the nearest sensitive receptor, when assessed in accordance with the methodology and principles set out in 'BS4142:2014 Methods for rating and assessing industrial and commercial sound'.

Reason:

In the interest of amenity and to accord with Policies BE1 and EN8 of the Adopted Neath Port Talbot Local Development Plan (2011-2026).

Regulatory Conditions

- 10 Should the Local Planning Authority make such a request in writing following receipt of noise complaints regarding the operation of the site, a post-operation investigation and survey shall be undertaken and the results submitted to the Local Planning Authority within one month of such request being made. Following the noise assessment, noise mitigation and control measures shall be implemented as necessary.

Reason:

In order to safeguard the amenities of adjoining occupiers, to ensure that the impact on nearby residential properties is in accordance with the approved technical specification and to accord with Policies BE1 and EN8 of the Adopted Neath Port Talbot Local Development Plan (2011-2026).

Informatives:

1 The firefighting training activity and other training activities which may be undertaken across the wider facility may present a pollution risk to controlled waters. The applicant is advised to enter into pre-application discussions with Natural Resources Wales (NRW) in respect of a water discharge activity permit under the Environmental Permitting (England and Wales) Regulations 2016, for the treatment and discharge of contaminated surface water from the facility to the River Neath. This process will establish and assess all of the water quality pollution risks. NRW acknowledge that the existing septic tanks which will serve the facility are outside of the red line boundary of this planning application. Nevertheless, they consider this is a matter which needs to be assessed as part of the permit or registration process as exemption from the requirement for a permit application from NRW.

2 Natural Resources Wales recommends that developers should: 1. Follow the risk management framework provided in Land contamination risk management (LCRM) 2. Refer to 'Land Contamination: a guide for developers (WLGA, 2017) for the type of information required in order to assess risks to controlled waters from the site. 3. Refer to our groundwater protection advice on www.gov.uk. We strongly advise that the developer adheres to best practice in pollution prevention during the development and operation of the site as per Guidance for Pollution Prevention (GPP) documents | NetRegs | Environmental guidance for your business in Northern Ireland & Scotland.

3 Flood resilience measures should be included in the design and construction including raised electrical points. The developer should provide appropriate signage and prepare a Flood Emergency Plan to make all site occupiers aware of the risk of flooding and actions and/or evacuation procedures to be followed during an extreme event. The developer should sign up to NRW's Floodline Warnings Direct Service. This is a free service

that provides flood warnings, giving time to prepare, direct by telephone, mobile, email, SMS text message and fax.

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

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on the visual amenity of the area, highway safety, biodiversity, flood risk or other environmental considerations. Accordingly, the proposed development is in accordance with Policies EN6, EN7 EN8, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

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

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 30 November 2023

IMPORTANT:

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

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

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

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

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

(6) Welsh Water Dwr Cymru advise that the planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industry Act 1991.

Please note, in accordance with Construction and Design Management (CDM) Regulations, it is the applicant's responsibility to ensure that any proposed works within their curtilage do not conflict with any underground services and is recommended they review their land registry title deeds for any legal covenants. For Sewers or Watermains that may be present and affected by your proposals, you are advised to contact Dwr Cymru Welsh Water who will be able to explain whether your proposed works will be acceptable as well as any consent required. Prior to commencing works, it is also recommend the applicant review the information and guidance on Building Over Sewers

available on Welsh Water's website at

The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water 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.

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 & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0300 060 4400, or online at <https://planningcasework.service.gov.wales/>.
- (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.