

**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

J Stephens
Aim2Sustain Properties Ltd
Unit 19/20 Mardon Park
Baglan Energy Park
SA12 7AX

Name and address of the agent

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

DATE REGISTERED: 19 December 2023

APPLICATION NO: P2023/0963

LOCATION: Land Adjacent To , Unit 19/20 Mardon Park, Baglan Energy Park, SA12 7AX

PROPOSAL: Section 73 application to remove condition 7 (green roof), revise wording of condition 16 (landscaping management plan) and agree conditions 3, 4, 5, 6, 8, 9, 10, 11, 12, 15, 16, 17, 18, 20, 21, 22 and 23 of planning permission P2021/1087 for construction of four industrial units (Class B1, B8) with associated car parking drainage and landscaping.

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

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than 17 March 2027.

Reason:

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

List of Approved Plans

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

A0-A700 rev C - Block Plan
A1-A701 rev E - Location plan Floor plans and elevations

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 No development shall commence on site, including site clearance, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be made with reference to the requirements of British Standard BS5228-1:2009 - "Code of practice for noise and vibration control on construction and open sites". The CEMP should include the following information: -
- a) Construction methods: details of the extent and phasing of development; details of construction materials or techniques to be used; details for the storage and management of plant and materials used in constructing the development and details, waste and contaminated land.
 - b) General Site Management: details of the construction programme including timetable; details of site clearance; construction drainage, site setup plan detailing sensitive receptors, buffer zones and relevant protection measure maintenance of security hoarding including decorative displays and facilities for public viewing; details of complaint investigation procedures.
 - c) Control of Nuisances: Identification of the significant construction and demolition noise & vibration sources; details of physical and operational management controls necessary to mitigate noise & vibration emissions; and measures to control light spill.
 - d) Traffic Management: details of site deliveries; details for the loading and unloading of plant and materials; details of wheel wash facilities; details for the parking of vehicles of site operatives and visitors; The erection and maintenance of security hoarding; A scheme for recycling/disposing of waste resulting from demolition and construction works and a scoping route for all deliveries to and from the development.
 - e) Hours of working on site, including specified hours for deliveries; details of restrictions to be applied during construction and demolition works (including timing, duration and frequency of works) to prevent noise or nuisance amenity issues to surrounding properties.
 - f) Biodiversity Management: invasive species management (to include wall cotoneaster *Cotoneaster horizontalis*).
 - h) Soil management: details and methods of topsoil stripping, storage and protection of seed bank for re-use on the green roof and planting bunds;

i) CEMP masterplan: detailing the development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation.

j) Resource Management: fuel and chemical storage, waste management, water consumption and energy consumption.

k) Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan and site drainage plan.

l) Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

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

Reason:

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

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

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

Reason:

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

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

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

Reason

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

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

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

Reason:

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

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

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

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

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

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

(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
 - groundwater and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

- 9 No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and 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. and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

Action Conditions

- 10 Prior to the stage of development where gas protection measures are installed, 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 agreed 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 (2011-2026).

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

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

Reason:

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

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

- 12 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 10 shall have been submitted to and agreed 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 (2011-2026).

- 13 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 (2011-2026).

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

Reason

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

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

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

Reason:

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

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

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

Reason:

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

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

- 17 Notwithstanding the submitted plans, prior to the first beneficial use of the development hereby approved a scheme indicating the positions, height, design, materials and type of boundary treatment and gates to be erected to all boundaries shall be submitted to

and approved in writing by the Local Planning Authority. The boundary treatment shall be completed, as approved, prior the first beneficial use is of the development and retained as such thereafter.

Reason:

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

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

- 18 Prior to the first beneficial use of each unit, it's respective car parking spaces/bicycle storage and access around the spaces shall be marked out as per the layout on drawing no A0-A700 rev C and A1-A7001 rev E and retained for such use thereafter.

Reason:

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

- 19 Notwithstanding the submitted plans, prior to their use in the construction of the development hereby permitted, details and samples of the materials to be used in the construction of the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

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

Reason:

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

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

- 21 Notwithstanding the submitted plan and prior to the first beneficial use of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the siting, design and internal layouts of secure cycle

storage. The cycle storage as agreed shall be provided in accordance with the approved scheme prior to the first beneficial use of the development and retained as such thereafter.

Reason:

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

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

- 22 There shall be no piling activities related to the construction of the development hereby approved unless a piling method statement has first been submitted to and approved in writing by the Local Planning Authority. Any piling shall only be carried out in accordance with the approved method statement.

Reason:

In the interest of local amenity during the construction phase and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan (2011-2026).

Details in respect of the above condition were approved by planning permission ref. P2023/0963 on the 15/02/2024.

Regulatory Conditions

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

Reason:

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

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

Reason:

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

- 25 Notwithstanding the provisions of Part 8 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification) no development specified within classes A to E shall be installed on the site without the prior grant of planning permission in that behalf.

Reason:

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

- 26 The premises shall be used for use Class B1 and B8, as defined by the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in materials any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

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

- 27 Any gates provided shall be of a type which open inward only and can be seen through, and shall be retained as such thereafter.

Reason:

In the in interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 28 Prior to the first beneficial use of the development the proposed vehicular access points shall tie into and be constructed to the same standard as that of the existing private roads and retained as such thereafter.

Reason:

In the in interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan (2011-2026).

Informatives:

- 1 Drainage Informative: Please note that from 7th January 2019, all new developments of more than 1 house, or where a construction area is of 100m² or more, plus if the SAB authority believe that any redevelopment of land has significant surface water drainage implications. This will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in Schedule 3 of the Flood & Water Management Act 2010. These systems must be approved by the Council's SAB & Highway Development Control Section before construction work begins. In this respect it is essential that a developer of any such project gain SAB approval of its surface water drainage alongside any relevant planning permission. You will not be allowed to start construction until both permissions have been approved. If you have not done so already, and your development would not fall into any of the relevant exceptions, you are therefore strongly encouraged to request further advice from the SAB. Involving the SAB Officers in pre-application discussions will allow for SuDS drainage matters (to ensure suitability of proposed SuDs design in line with national standards and adequate site layout) to be considered alongside the assessment of planning merits. There is an additional charge of £250 for this service. This can be as part of any agreed further pre-application submissions with the Planning Authority (recommended) or independently/ direct with the SAB. You are advised, however, that failing to engage in joint pre-application discussions has the potential to lead to delays and, most notably, the potential need to obtain further planning permission should any agreed SuDS design not be compliant with any relevant planning permission. Further details are available at www.npt.gov.uk/sab

- 2 Trees, scrub and grasslands are likely to contain nesting birds between 1st March and 31st July inclusive. Such habitats are present on the application site and area to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
- 3 Deptford Pink informative: The applicant is made aware that a licence will be required to affect any works associated with the legally protected Deptford Pink. You are advised to contact NRW directly on this matter.
- 4 Invasive species informative: The applicant is advised that any invasive plant species including (wall cotoneaster *Cotoneaster horizontalis*) found on site will need to be managed and removed from site.
- 5 Welsh Water Informative: As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Neath Port Talbot County Borough Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. We would like to make the developer aware that the proposed development is within close proximity to a public foul sewerage pumping station. We would like to advise the developer that no habitable buildings be constructed within a 15m vicinity of the pumping station as to minimise any effects of noise and odour nuisance. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- 6 Highways informative: Development proposals must seek to maximise walking and cycling accessibility by prioritising the provision of appropriate on-site infrastructure and where necessary off-site infrastructure. Walking and cycling infrastructure and services should be prioritised and put in place from the outset, before travel patterns have been established, as per Planning Policy Wales, Edition 11 and Future Wales - The National Plan 2040. All new walking and cycling infrastructure should be built to

standards set out in Welsh Government's Active Travel Guidance and off-site infrastructure should link to (where possible) routes on Neath Port Talbot Council's Active Travel Network Map. This shows where walking and cycling routes already exist (Existing Routes) and where upgrades or brand new routes are anticipated for the next 15 years (Future Routes) in built up areas. Further information on the Active Travel Guidance and Neath Port Talbot's Active Travel Network Map can be found here www.npt.gov.uk/activetravel

The decision to recommend planning permission 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 the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that the redevelopment of this brown field site, with Industrial units with a B1 and B8 Use class will not only enhance the character and appearance of the area, it would also provide great economic benefits to the area by providing new employment opportunities within the employment allocation at Baglan Energy Park. The proposed development would also have no unacceptable impacts upon, on residential amenity, highway and pedestrian safety, biodiversity, flooding and pollution. Accordingly, the proposed development is considered to accord Policies SP1, SP2, SP3, SP4, SP11, SP15, SP16, SP17, SP19, SP20 SP21, SC1, I1, EC2, EC3, EC7, EN8, M2/1, W3, TR2, and BE1

It is further considered that the decision complies with 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: 15 February 2023

IMPORTANT:

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

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

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

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

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

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

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

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

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

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

Making an Appeal

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

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

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

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

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

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