

**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 Lee Tanner
Aqua 360
Old Distribution Terminal
Queens Dock
Swansea
SA1 8SB

Name and address of the agent

Miss Lisa Llewellyn
42 Gurnos Road
Ystalyfera
Swansea
Neath Port Talbot
SA9 2HY

DATE REGISTERED: 15 November 2023

APPLICATION NO: P2023/0845

LOCATION: The Metal Box, Milland Road Industrial Estate, Neath, Neath Port Talbot, SA11 1NJ

PROPOSAL: Conversion of rear section of existing building to create a shrimp farm (aquaculture business) including reconfiguration and cladding of roof to provide additional height clearance together with ancillary alterations and drainage

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 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:

100-A Rev B - Site Location Plan
100-A - Proposed Aqua360 Unit Plan
Drainage strategy and business process
External wall cladding specification
Roof and wall panel brochure
3 x 2T bulk LPG vessels - Above Ground Installation
240kWe Gas-engine Generator specification
SK01 Rev C Proposed Car Parking Layout 21.2.24
SK02 Rev C Swept Path Analysis - large 4 Axle Refuse 21.2.24
SK03 Rev C 21.2.24 Swept Path Analysis - Large Car
SK04 Rev C 21.2.24 Swept Path Analysis - 16.5m HGV
SK05 Rev B 21.2.24 Swept Path Analysis - 7.5T Box Van
Transport Statement - Addendum_V2 February 2024
1001 - Fire Strategy Plan-REV B
301 - Aquaculture Process Schematic Details
305 – Section Through Rising Main
302 Rev A - Drainage Plan/Outfall Sewer
303 - Site Investigation Plan
202 Rev B - Proposed Site Layout Plan
204 - Proposed Southwest Elevation REV C
205 Rev B - Proposed Office Remodel Layout
207 - Basement Undercroft Area to Unit Drainage REV B
208 - Typical Bay Section
209 - Proposed Northwest Elevation REV B
215 - As Proposed Roof Plan (Different Units) REV C
1005 - Proposed Offices Layout First Floor
4000 - Proposed Front Elevation
4000 - Section At Interface 2 Y-Y
4001 - Proposed Rear Elevation
4002 - Part Side Elevation
4002 - Plan View At X-X
17938 Geo-Environmental Desk Study (August 2023)
Blue Rock Construction Environmental Management Plan
Blue Rock Demolition H&S Policy
7017/NIA1 Noise Impact Assessment 15/08/2023
Transport Statement November 2023
Bat Survey Report (September 2023)
142 Odour Appraisal v2 26-9-2023

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
Reason

To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

- 4 Prior to commencement of the development hereby approved, a traffic management scheme to extend the one-way system along the access road, which includes the lay-by, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in accordance with the approved traffic management scheme.

Reason:

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

Action Conditions

- 5 The development shall be carried out strictly in accordance with the recommendations contained within the Bat Survey Report hereby approved. Prior to the first beneficial use of the development, new bird boxes shall be installed in accordance with recommendation 4.2 and in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority prior to installation. These bird boxes shall be retained in perpetuity.

Reason:

In the interest of biodiversity, to mitigate the loss of 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.

- 6 The development hereby approved shall be connected to the mains sewerage system prior to the first beneficial use of the premises and retained as such thereafter.

Reason:

In the interest of satisfactory drainage of the site, and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 7 The building shall be adapted so as to provide sound insulation in accordance with the approved noise impact assessment details [Planning Stage Report 7017/NIA1 dated 15/08/2023]. A verification noise survey report shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the premises and plant being fully operational. The results of the verification noise survey must demonstrate that the operation of the site does not impact the background noise level above 5dB, as stated in the condition with any adaptations to the building required to achieve compliance carried out and thereafter retained in perpetuity.

Reason:

To ensure that the amenities of occupiers of other buildings in the vicinity are protected, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 8 Prior to the first beneficial use of the development hereby permitted, the equipment to control the emission of odour from the premises shall be installed in accordance with the approved Odour Appraisal details [Project number 142. V2 dated 26/9/2023] and in accordance with the approved details an Odour Management Plan shall be first submitted to and approved in writing prior to commencement of the use. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details and adherence to the approved Odour Management Plan for as long as the use continues.

Reason:

In the interests of public health and local amenity, and to ensure accordance with Policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.

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

Reason:

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

Regulatory Conditions

- 10 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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.

- 11 No infiltration of surface water drainage into the ground is permitted other than with the prior express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason:

To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

- 12 The turning facility and HGV parking within the lay-by shown on approved drawing 'SK01 - Proposed Car Parking Layout Rev C', shall be provided prior to the beneficial use of the premises and thereafter remain available for use as such in perpetuity.

Reason:

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

- 13 Any gates provided across the access drive(s) 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.

Informatives:

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

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 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 Welsh Water 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.

3 Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for

court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property. In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

4 The development site is located within a Coal Authority Coal Mining Reporting Area which could be a potential source of ground gas, and an area potentially affected by contamination. Although the risk assessment processes for these are slightly different, they have similar themes and may form part of the same report, if produced by someone suitably qualified and competent in both areas. Evidence of their competence will need to be detailed within the report.

5 Construction and demolition activities can give rise to pollution and so it is important that appropriate provisions are in place to manage dust, silt, surface water and the storage of waste during the construction phase. You should take any precaution to prevent contamination of surface water drains and local watercourses. All works at the site must be carried out in accordance with GPP5, 'Works and maintenance in or near water' and PPG6, 'Working at construction and demolition sites' which is available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

6 The development is located in an area at risk of flooding. Guidance on development and flood risk can be found on NRW's website. NRW recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels. It is recommended that the occupiers should be signed up to NRW's flood warning service to receive Flood Alerts and Flood Warnings and that A Flood Warning and Evacuation Plan is prepared to ensure persons using the Site can evacuate safely on receipt of a Flood Warning. The developer can access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available from the Gov. website. Guidance on improving flood resistance of properties can be found via the following link: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/451622/LIT_4284.pdf The Association of British Insurers published a paper, 'Climate Adaptation: Guidance on Insurance Issues for New Developments', to help developers ensure any properties are as flood proof as possible and insurable: <https://www.abi.org.uk/globalassets/sitecore/files/documents/publications/public/migrated/flooding/climate-adaption-guidance-on-insurance-issues-for-new-developments.pdf>

7 Consent from Neath Port Talbot Council as landowner is required before the development is commenced. This planning permission does not imply any rights of entry to any adjoining property, nor does it negate the need to comply with the requirements of The Party Wall etc. Act or authorise the development to extend into or project over or under any adjoining land ownership boundary.

8 The Bat Survey Report suggests the roof is likely to be used by nesting birds. Therefore, the site is assumed to contain nesting birds between 1st March and 31st July inclusive and therefore development should avoid these 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.

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.

The proposal represents an appropriate form of development that would have no unacceptable impact on amenity, or the employment use and character of the area and it would have no adverse impact on highway or pedestrian safety. Accordingly, the proposed development is in accordance with Policies EC2 and BE1 of the Neath Port Talbot Local Development Plan.

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: 18 March 2024

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.

(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 recommended that the applicant review the information and guidance on Building Over

Sewers available on Welsh Water's website at
<https://developers.dwrcymru.com/en/applications/planning/build-over-or-near-to-sewers>

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.