

**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
REVISION 1**

Name and address of the applicant	Name and address of the agent
Mr Mat Nicholson FCC Waste Services (UK) Limited 3 Sidings Court White Rose Way Doncaster DN4 5NU	Mr James Cook Sirius Planning 4245 Park Approach Thorpe Park Leeds LS15 8GB

DATE REGISTERED:	2 February 2022
APPLICATION NO:	P2021/1277
LOCATION:	Pwllfawatkin Refuse Tip , Pontardawe Link Road To Baran Road, Pontardawe SA8 4RX
PROPOSAL:	Revised restoration profile of Tip 890 including continuation of waste importation to 31st October 2023 with restoration completed by 31st October 2025.

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 deposit of waste at the site (Tip 890) shall cease by no later than 31st October 2023. Restoration shall be completed no later than the 31st October 2025.

Reason

To provide a period which takes into account of the needs of the operator as well as other planning considerations.

List of Approved Plans

- 2 Unless modified by other conditions of this permission, the working, phasing, landscaping, restoration, and aftercare of the site shall be carried out substantially in accordance with the following plans and documents:
- a) WR7816/12/01 Site Location Plan 1:50,000
 - b) WR7816/12/02 Planning Application Boundary and Ownership Plan 1:2,500
 - c) WR7816/12/03 Proposed Phasing Plan 1:2,500
 - d) WR7816/12/04 Pre-Settlement Waste Contours 1:2,500
 - e) WR7816/12/05 Post-Settlement Waste Contours 1:2,500
 - f) WR7816/12/06 Site Sections Location Plan 1:2,500
 - g) WR7816/12/07 Site Sections Through Proposed Landform 1:1,250
 - h) WR7816/12/08 Proposed Restoration Plan 1:2,000
 - i) WR7470/01/01 RG Surface Water Management Scheme 1:1,000
 - j) Planning support statement, report ref WR7816/PS
 - k) Dust Management Plan dated October 2021

Reason

To enable the Local Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area.

Action Conditions

- 3 A survey shall be carried out on the final achievement of the restoration levels (as detailed in WR7816/12/04) at Tip 890. This survey shall be completed within 1 month of the date the restoration levels are achieved, and a copy of the survey shall be submitted to the Local Planning Authority within 28 days of the survey being undertaken.

Reason

To ensure the proper restoration of the site in accordance with submitted plans and to accord with Policies EN8 and W2 of the Local Development Plan.

- 4 The Scheme for the periodic monitoring and review of the biodegradable fraction of waste deposited at the site, approved under planning reference P2005/0607, shall be implemented, as approved, at all times throughout the lifetime of the site.

Reason

To ensure that restoration levels pay regard to changes in settlement rates that might be achieved over the period of landfill and to accord with Policies W2 and EN8 of the Local Development Plan

5 The developer shall notify the Local Planning Authority in writing within 7 days of the date of the following.

- The completion of each landfill phase.
- The completion of restoration of each landfill phase.
- The completion of final restoration under this planning permission.

Reason

To enable the Local Planning Authority to control the development and to accord with Policy SP19 of the Local Development Plan

6 The local planning authority shall be given a minimum of 48 hours prior notice in writing of any soil stripping operations.

Reason

In the interest of soil conservation and to accord with Policies W2, BE1 and EN8 of the Local Development Plan

7 Within 6 months of the date of this permission or prior to the cessation of landfilling operations on site, whichever is the sooner, the applicant shall submit a drainage scheme (covering the landfill site north of Barran Road) for the approval of the Local Planning Authority, this scheme shall include, inter alia:

- Details for the disposal of water from the site using gravity connections
- Detailed plans showing contours and flow routes
- Engineering plans showing drainage pipes, manholes, hydro brakes (if applicable)
- Discharge rates and storage attenuation
- Storage capacity for any lagoons and discharge rates
- Measures to prevent or mitigate any potential exceedance of water

The scheme shall be implemented as approved

Reason

To ensure effective drainage at the site following the cessation of operations at the site and in order to minimise potential for the contamination of nearby watercourses and to accord with Policies W2 and EN8 of the Local Development Plan

Details in respect of the above condition were approved by planning permission ref. P2023/0896 on 16/4/2024 With reference to the the following documents

WR7470 02 02 'revision 1 proposed landfill surface water Drainage general arrangement'

WR7470 02 01 'revision 1 proposed landfill surface water Drainage general arrangement'

Operations shall be carried out in accordance with the approved documents

- 8 The crossroads on Barran Road, between Tip 871 and the current landfill site shall be monitored weekly, from the date of this permission, (to include a weekly photographic record) for a 6 month period, to ensure surface water drainage is not leaving the landfill site and flowing onto the public highway. The results of this monitoring shall be submitted to the Local Authority on a monthly basis.

Should surface water run off leave the site and flow onto the public highway then the applicant shall submit details, for the approval of the Local Authority (within 1 month of any incident being identified) to include remedial measures to be put in place to clear the highway of any deleterious material and any additional drainage measures to ensure on site drainage does not continue to flow onto the public highway. The additional works shall be carried out as agreed for the duration of operations at the site

Reason

For the safety of users of the public highway and to prevent potential contamination of nearby watercourses and to accord with Policies W2, EN8 and TR2 of the Local Development Plan

- 9 No development with the potential to impact on otter and great crested newts, shall commence until a pre-construction species survey has been carried out for the development. If the survey confirms the presence of otter or great crested newts the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

Reason

To ensure the potential presence of otter and great crested newt is confirmed prior to construction and where necessary remedial measures are implemented for their protection and to accord with Policies W2, EN6 and EN7 of the Local Development Plan.

- 10 Within 6 months of the date of this permission, or prior to the commencement of any restoration planting works, whichever is the sooner, an Ecological Management and Monitoring Plan will be submitted to and agreed with NPTCBC. This will include:

- details of the creation of the new habitats to include a species rich grassland; a revised plant schedule to reflect the long term aim of a biodiverse rich site; details of maintenance and contingency for failures.
- details of the long term management.
- a monitoring schedule.
- a mechanism for the monitoring to feed into future actions.

Reason

To comply with the proposals set out in the Ecological Appraisal section 6 and to ensure compliance with the Environment Wales Act 2016 and to accord with Policies W2, EN6 and EN7 of the Local Development Plan

Details in respect of the above condition were approved by planning permission ref. P2023/0896 on 16/4/2024 With reference to the following documents

WR7816 12 09 planting plan sheet 1

WR7816 12 09 'planting plan sheet 2'

WR7816 12 09 'planting details and schedules sheet 3'

WR7816 07 02 'pwllfawatkin landfill : landscape and ecology management plan (LEMP)'

WR7816 – 'pwllfawatkin landfill site phase 3 & 4 – planting specifications'

Operations shall be carried out in accordance with the approved documents

- 11 Where it is necessary to undertake any works to any waterbodies that are to be retained details of restoration works and planting shall be submitted to the Local Planning Authority for approval. The works shall be implemented as approved.

Reason

To comply with the proposals set out in the Ecological Appraisal section 6.32 to conserve S7 habitats and to ensure compliance with the Environment Wales Act 2016 and to accord with Policies W2, EN6 and EN7 of the Local Development Plan

- 12 Where it is necessary to remove a waterbody, works will be undertaken outside of the breeding season for amphibians. Works will be limited to between September and January.

Reason

To comply with the proposals set out in the Ecological Appraisal section 6.30 to protect Common Toad (S7 species) and to ensure compliance with the Environment Wales Act 2016 and to accord with Policies W2, EN6 and EN7 of the Local Development Plan

- 13 Prior to commencement of any works within 7m of a watercourse or waterbody, the area shall be subject to a precautionary check for otter and water voles by an Ecologist. If any such species are discovered, appropriate mitigation will be agreed in writing with the local planning authority and where necessary a licence from NRW obtained prior to any works being implemented. Works will

be undertaken strictly in line with the agreed mitigation and licence conditions (where relevant).

Reason

To comply with the proposals set out in the Ecological Appraisal section 6.40 and to ensure compliance with the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended) and to accord with Policies W2 and EN6 and EN7 of the Local Development Plan

- 14 Prior to any restoration works being undertaken in furtherance of this permission all areas of Section 7 habitats as identified in the Ecological Appraisal submitted with this application, will be appropriately demarcated to prevent encroachment, and retained as existing.

Reason

To ensure appropriate protection of S7 habitats and compliance with the Environment Wales Act 2016 and to accord with Policies W2 and EN6 and EN7 of the Local Development Plan

- 15 Within 6 months of the date of this permission, or prior to the completion of the final restoration levels, as shown on WR7816/12/04 Pre-Settlement Waste Contours 1:2,500, whichever is the sooner, the applicant shall submit a detailed restoration and aftercare scheme for phases 3 - 4 (inclusive of the sidewall extension detailed in this application) and any areas requiring restoration and aftercare works not included within previous planning approvals. Works shall be carried out in accordance with the approved scheme, the scheme shall include, inter alia;

1. Restoration

- the removal of any buildings, plant and machinery and the reinstatement of the site and access roads by clearing plant, buildings, machinery, road base, concrete or brickwork.
- details of respreading of overburden, subsoil and topsoil previously stripped from the site, specifying depth and placement.
- the ripping of any compacted layers of final cover to ensure adequate drainage and aeration.
- the machines to be used in soil respreading operations.
- the final levels of the reclaimed land and the gradient of the slopes which shall be graded to prevent ponding or erosion of surface water.
- the drainage of the reclaimed land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage where necessary, and the position of main outflow ditches and watercourses.
- the position and erection of fencing, hedge on bank constructions and gates as necessary.
- the creation of any ponds or water features.
- The final contours proposed under the above scheme shall not exceed the post settlement contours as indicated on Approved Drawing No. WR7816/12/05 Post-Settlement Waste Contours 1:2,500

2. Aftercare

The aftercare scheme shall set out in detail the requirements as may be necessary to bring the land to the required standard for the use for amenity i.e. when it is reasonably fit for those uses, and the scheme shall include, inter alia, details of the following.

- the timing and pattern of vegetation establishment including species to be planted, grass seeding mixture, stock type and size, spacing, method and position of planting.
- cultivation practices for the preparation of the soils, subsoils, colliery shale etc. secondary treatments such as moling, subsoiling, discing, stone picking as necessary. drainage including timing of installation work, maintenance works or temporary drainage measures.
- fertilizer and weed control to improve soil fertility and control of weed to be based on soil/shale sampling and analysis.
- a detailed Annual Programme for the first and subsequent years for the Aftercare of the site which shall include, inter-alia, the following information:
 - Identify the person(s) responsible for the succeeding year's programme.
 - Vegetation establishment and layout.
 - Secondary treatments such as further moling, subsoiling or fertilizing requirements.
 - Field drainage requirements and maintenance.
- Tree and hedge establishment for the years including maintenance such as beating up, weed control, fertilizer application, cutting or pruning.

The scheme shall be implemented as approved.

Reason

In the interest of the satisfactory phasing of restoration and aftercare and to accord with Policies W2 and EN8 of the Local Development Plan

Details in respect of the above condition were approved by planning permission ref. P2023/0896 on 16/4/2024 With reference to the following documents

WR7816 12 09 planting plan sheet 1

WR7816 12 09 'planting plan sheet 2'

WR7816 12 09 'planting details and schedules sheet 3'

WR7816 07 02 'pwllfawatkin landfill : landscape and ecology management plan (LEMP)'

WR7816 – 'pwllfawatkin landfill site phase 3 & 4 – planting specifications'

WR7470 02 02 'revision 1 proposed landfill surface water general arrangement'

Drainage

WR7470 02 01 'revision 1 proposed landfill surface water general arrangement'

Drainage

Operations shall be carried out in accordance with the approved documents

- 16 Any additional settlement lagoons or drainage works to be carried out within the extension site (tip 890) shall be carried out in accordance with the details within the Ecological Management Plan, approved under planning reference P/2005/0609

Reason

To ensure appropriate mitigation and enhancement of areas of ecological interest and the provision of additional nature conservation habitat and wildlife in areas not affected by the proposed development and to accord with Policies W2 and EN8 of the Local Development Plan

- 17 Drainage ditches, settling ponds and lagoons shall be regularly desilted and maintained in such condition that they are able to perform effectively and efficiently the purpose for which they have been provided.

Reason

To ensure that these facilities continue to function effectively and efficiently throughout the operational, restoration and after-care period and to accord with Policies W2 and EN8 of the Local Development Plan

- 18 Any facilities for the storage of oils, fuels or chemicals shall be on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located

within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipes should be detailed to discharge downwards into the bund.

Reason

To prevent pollution of watercourses and to accord with Policies W2 and EN8 of the Local Development Plan

- 19 Within one week of the Local Planning Authority making a request in writing following receipt of a justified complaint, the operator shall conduct a full

investigation into the causes of the odour and report in writing to the Local Planning Authority the results of its investigation along with an Action Plan to address any identified issues. The report should contain as a minimum;

- a) Evidence of the examination of all potential odorous activities detailed in the current approved Odour Management Plan and the conclusions of those investigations
- b) Details of any pre-notified or refused odorous materials identified at the weighbridge
- c) Details of landfill odour monitoring including calibration certificates for monitoring equipment
- d) Copies of all Daily Odour Inspection Forms for the relevant period
- e) Copies of the Site Diary as detailed in the Odour Management Plan for the relevant period
- f) Copies of Olfactory Odour Assessments for the relevant period
- g) Copies of Odour Diaries received from local residents for the relevant period
- h) Copies of Sniff Test Report forms for the relevant period
- i) Copies of Odour Complaint Report Forms for the relevant period
- j) Details of proactive gas and leachate infrastructure checks for the relevant period

In the event that the operator fails to undertake and submit the required investigation within the above timescales, (without having first agreed, in writing, an extension of time with the LPA to provide this information) or the Local Planning Authority notifies the operator in writing that they have failed to accord with the agreed Action Plan, all operations at the site shall cease until such time as the Local Planning Authority has confirmed in writing their agreement of the implementation of the action plan and a revised Odour Management Plan.

Reason

To ensure that robust procedures are in place to swiftly address any odour issues arising from justified complaints in the interests of residential and local amenity, and to comply with Policy EN8 of the Local Development Plan.

- 20 No later than twelve months after the date of this consent (and every twelve months thereafter), the operator shall undertake a review of the Odour Management Plan. Such review shall consider the effectiveness of measures within the OMP, include details of all complaints received and actions taken, and make recommendations for any necessary improvements. The review and any necessary amendments to the Odour Management Plan shall be submitted for the written approval of the LPA no later than one month after the review date. In the event that the operator fails to undertake and submit the required review within the above timescales, or the Local Planning Authority refuses to accept the recommendations within the review, all operations at the site shall cease until such time as the Local Planning Authority has confirmed in writing their agreement of a revised Odour Management Plan.

Reason

To ensure that an up-to-date Odour Management Plan is in place which provides the necessary degree of control over activities at the site in order to minimise odour impacts in the interests of residential and local amenity, and to comply with Policy EN8 of the Local Development Plan.

- 21 Dust monitoring and suppression, shall be carried out in accordance with the dust management plan (dated Oct 2021) or any subsequent revisions to the plan that have been agreed in writing with the Local Planning Authority. The measures outlined within the relevant dust management plan shall be carried out at the site until landfilling and restoration have been completed.

Reason

To protect the amenities of the locality from the effects of any dust arising from the development and to accord with Policies W2 and EN8 of the Local Development Plan.

- 22 All vehicles, plant and machinery operated at the site shall be maintained in accordance with the manufacturers specification at all times and shall be fitted with and use effective silencers.

Reason

To ensure minimum disturbance from operations and avoidance of nuisance to the local community and to accord with Policies W2 and EN8 of the Local Development Plan.

- 23 Before entering onto the public highway, the wheels, undersides, and bodies of all vehicles travelling from the site shall be cleaned and in such a condition as to avoid the deposit of slurry, mud, or other material upon the public highway.

Reason

To ensure that such reasonable precautions are taken, and provisions made as is necessary to prevent the exit of vehicles onto the public highway which would be likely to deposit material on the public highway to the detrimental highway safety and to accord with Policies W2 and EN8 of the Local Development Plan.

- 24 Any plant and machinery that may be retained on site for landfill gas control or treatment following restoration of the site, shall be removed from the site within 6 months of its effective decommissioning. The area occupied by such plant and equipment shall be restored in accordance with details to be submitted to and approved by Local Planning Authority.

Reason

To secure the eventual satisfactory restoration of the site and to accord with Policies W2 and EN8 of the Local Development Plan.

- 25 Within six months of any leachate treatment facility ceasing to be operated for any 12-month period, the facility shall be decommissioned and demolished and the site restored in accordance with details to be submitted to and approved by the Local Planning Authority

Reason

To secure the eventual satisfactory restoration of the site and to accord with Policies W2 and EN8 of the Local Development Plan

- 26 On the completion of landfilling the last layer of waste in each phase, the surface levels shall be ascertained by a competent surveyor and any discrepancy between actual levels and those approved shall be immediately made known to the Local Planning Authority. Markers shall be placed to indicate the approved pre settlement reclamation levels, and these shall be retained until completion of final restoration.

Reason

To ensure the proper reclamation of the site in accordance with the submitted plans and to accord with Policies W2 and EN8 of the Local Development Plan

- 27 Any leachate treatment facility constructed at the site shall be used solely for the processing and treatment of landfill leachate which has been generated by the Pwllfawatkin Landfill site. At no time shall any other leachate, effluent, or liquor, be imported to the facility for processing or treatment.

Reason

In the interest of highway safety and in the interest of the amenity of the area and in order to secure the eventual restoration of the site and to accord with Policies W2 and EN8 of the Local Development Plan

- 28 In the event of a cessation of operations, for a period exceeding 6 months, at any time before the development is completed, a reinstatement and restoration scheme shall be submitted to the Local Planning Authority for approval within 1 month of the end of the 6 month period. The scheme shall provide revised details of final levels, restoration, capping, landscaping, and a timescale for the implementation of the scheme and each element within it. The approved scheme shall be carried out in accordance with the approved timescale.

Reason

To secure the proper restoration of the site within a reasonable and acceptable timescale and to accord with Policies SP19, SP16 of the Local Development Plan

Regulatory Conditions

- 29 Every 3 months until the completion of waste importation into the site, a record of the origin and total tonnage of waste imported into the site for each 3 month interval and the aggregated total of all waste imported into the site shall be provided in writing to the local planning authority.

Reason

In order that the planning authority can monitor the compliance of planning controls and other planning considerations and to accord with Policies W2 and EN8 of the Local Development Plan

- 30 The highways improvement works, carried out in compliance with planning permission P2005/0715 shall be retained in a condition fit for their purpose for the duration of operations at the site

Reason

In the interest of highway safety and to accord with Policies W2 and TR2 of the Local Development Plan

- 31 The ground levels at Tip 890 shall not exceed the pre-settlement contours as shown on plan WR7816/12/04 Pre-Settlement Waste Contours 1:2,500

Reason

In the interest of clarity and to establish an early indication of the contours to be achieved to accord with restoration proposals and to accord with Policies W2 and EN8 of the Local Development Plan

- 32 Soil stripping shall only be carried out when the soil is in a dry and friable condition and between the months of April and September inclusive.

Reason

In the interest of soil conservation and to accord with Policies W2 and EN8 of the Local Development Plan

- 33 In order to minimise compaction of soils, only those vehicles involved in loading soils shall be permitted on unstripped areas and then only restricted to the minimum necessary to recover the soils. Vehicles used in transporting soils shall only travel over areas of ground that have previously been stripped of topsoil, subsoil, and shallow soil-forming material.

Reason

In the interest of soil conservation and to accord with Policies W2, EN6 and EN7 of the Local Development Plan

- 34 No highly malodorous waste shall be imported into Tip 890 without the prior approval of the Local Planning Authority, as detailed in the scheme approved under planning permission P2005/0601

Reason

To control the level of highly malodorous wastes in the interest of amenity and to accord with Policies W2 and EN8 of the Local Development Plan

- 35 Lighting at the site shall be maintained in accordance with the details, approved under planning permission P2005/0604, for the lifetime of operations at the site

Reason

In the interest of amenity and to accord with Policies W2 and EN8 of the Local Development Plan

- 36 Technical Working Party meetings shall continue to be held, in accordance with the scheme approved under planning permission P2005/0606, for the lifetime of operations at the site (to include the restoration and aftercare phases).

Reason

To assist in the control and monitoring of the environmental effects of the development and to accord with Policies W2 of the Local Development Plan

- 37 Site Liaison Committee meetings shall continue to be held, in accordance with the scheme approved under planning permission P2006/0173, for the lifetime of operations at the site (to include the restoration and aftercare phases).

Reason

To assist in the control of and assessment of monitoring of the environmental effects of the development and to accord with Policies W2 of the Local Development Plan

- 38 A copy of this Permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission shall be permanently maintained and available for inspection at the site office.

Reason

To ensure that the operators of the site and any appropriate officer of the local planning authority has access to such approvals on site and to accord with Policies W2 and EN8 of the Local Development Plan

- 39 The signage improvement works carried out in accordance with the approved scheme (planning permission ref P/2005/0713) shall be maintained for the lifetime of operations at the site

Reason

In the interest of highway safety and to accord with Policies W2 and TR2 of the Local Development Plan

- 40 The road improvement works carried out in accordance with the approved scheme (planning permission ref P/2005/0707) shall be maintained for the lifetime of operations at the site.

Reason

In the interest of highway safety and to accord with Policies W2 and TR2 of the Local Development Plan

- 41 The signage, road markings and drainage works approved under planning permission P/2005/0706 shall be maintained for the lifetime of operations at the site

Reason

In the interest of highway safety and to accord with Policies W2 and TR2 of the Local Development Plan

- 42 Operations at the site shall be carried out in accordance with the details provided within the scheme for noise monitoring and suppression approved under planning permission P2005/0610) at all times for the lifetime of operations at the site

Reason

To ensure adequate arrangements are in place for the monitoring of noise associated with the site and to accord with Policies W2 and EN8 of the Local Development Plan

- 43 Operations at the site shall be carried out in accordance with the recommendations outlined in Chapter 8 (ecology) of 'Environmental Statement Vol 1- Amended Restoration Profile, Pwllfawatkin Landfill dated Nov 21 by Sirius Planning' at all times for the lifetime of operations at the site (inclusive of restoration and aftercare phases).

Reason

To comply with the proposals set out in the Ecological Appraisal section 6 and to ensure compliance with the Environment Wales Act 2016 and to accord with Policies W2, EN6 and EN7 of the Local Development Plan

- 44 No lighting will be installed on site that is additional to the existing approved lighting scheme for the site.

Reason

To ensure nocturnal wildlife are not adversely affected or disturbed by the lighting of the site and to ensure compliance with the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 (as amended) and to comply with the proposals set out in the Ecological Appraisal section 6.21 and to accord with Policies W2 and EN6, EN7 of the Local Development Plan

- 45 All mature native trees within and bounding the site shall be retained.

Reason

To conserve habitats that support species such as birds and bats; and to ensure compliance with the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). To comply with the proposals set out in the Ecological Appraisal section 6.22. and to accord with Policies W2, EN6 and EN7 of the Local Development Plan

- 46 The aftercare of Phase 1 and 2 shall be carried out in accordance with the details approved under planning permission P2012/0072

Reason

In the interest of the satisfactory phasing of restoration and aftercare and to accord with Policies W2 and EN8 of the Local Development Plan

- 47 With the exception of the construction of water treatment facilities and associated drainage, the leachate and landfill gas compound, and the erection of fencing, no other engineering works or landfilling shall occur within 40 metres of the Upper Clydach River within the Landfill Extension site (Tip 890)

Reason

In the interest of nature conservation and to accord with Policies W2 and EN8 of the Local Development Plan

- 48 All surface water drainage from parking areas and hardstanding's shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained prior to discharge into any watercourse. Roof water shall not pass through the interceptor.

Reason

To prevent pollution of watercourses and to accord with Policies W2 and EN8 of the Local Development Plan

- 49 The Landscaping Scheme approved under planning reference P2005/0609, shall be implemented and maintained throughout the remaining lifetime of the site (to include the restoration and aftercare periods), as approved.

Reason

To minimise the visual impact of the development by ensuring that areas disturbed, including faces of excavations and slopes of fill, in the initial development of the site but which are then no longer required for continuing operational purposes are landscaped at the earliest opportunity and to accord with Policies W2, EN6 and EN8 of the Local Development Plan.

- 50 All operations at the site shall be carried out in full accordance with the approved Odour Management Plan dated June 2022 (as approved dated June 2022 or following review under the condition 22 below) until landfilling and restoration have been completed.

Reason

To ensure that an up-to-date Odour Management Plan is in place which provides the necessary degree of control over activities at the site in order to minimise odour impacts in the interests of residential and local amenity, and to comply with Policy EN8 of the Local Development Plan.

- 51 The free field noise levels attributable to the construction and removal of water treatment areas, as measured at the boundary of the curtilage of any residential or noise sensitive property shall not exceed 60dB(A) Leq (1hr).

Reason

In the interest of amenity of the area and to accord with Policies W2, BE1 and EN8 of the Local Development Plan

- 52 Noise levels arising from the development shall not exceed 52 dB (L_{aeq}) (1 hour) free field at any of the noise sensitive properties (identified on Plan A appended to planning permission P2002/1016) following the completion of the deposit of the engineering cap on cell 1 of the proposed landfill extension.

Reason

To protect the amenity of local residents and to accord with Policies W2, BE1 and EN8 of the Local Development Plan

- 53 Notwithstanding provisions of condition 54 below, operations for the construction and removal of surface water treatment lagoons shall not occur except between the hours of 08.00 and 16.00 Monday to Friday and 08.00 to 14.00 hours Saturdays.

Reason

To control the time of operations at the site in the interest of the amenities of the area and to accord with Policies W2, BE1 and EN8 of the Local Development Plan

- 54 Except as may be modified under other terms or conditions of this permission, operations for the deposit of waste into the site for landfill disposal shall be restricted to the following periods.

07.00 to 17.00 hours Mondays to Fridays.

07.00 to 13.00 hours Saturdays.

No such operations shall occur on Sundays, Bank or Public Holidays

Operations for the covering of waste or for ancillary operations and restoration works shall be restricted to the following periods

07.00 to 19.00 hours Monday to Friday.

07.00 to 15.00 hours Saturdays.

No such operations shall occur on Sundays, Bank or Public Holidays

Reason:

To control the time of operations at the site in the interest of the amenities of the area and to accord with Policies W2, BE1 and EN8 of the Local Development Plan

- 55 No more than 125 heavy goods vehicles shall enter the site on any day Mondays to Fridays and no more than 60 such vehicles should enter the site on Saturdays. No such movements shall occur on Sundays, Bank or Public Holidays other than in accordance with the function of the Civic Amenity facility.

Reason

In the interest of highway safety and residential amenity and to accord with Policies W2, BE1 and TR2 of the Local Development Plan

- 56 Notwithstanding the provision of condition 57 below, the transportation of material between the landfill site and Tip 871 shall be via the access points as marked Y on the previously approved Drg. No. JODA/PW/890/001E (Fig 2.2). No other access point shall be used for such operations.

Reason

To prevent alternative accesses for the transportation of engineering materials or unsuitable spoil that may be inappropriate in highway or amenity terms and to accord with Policies W2 and TR2 of the Local Development Plan

- 57 In respect to the importation of waste for disposal at the landfill and ancillary operations, the permission hereby granted relates only to the use of the access road and access point marked X on approved Drawing No. WR7816/12/01 (Fig. 22) by vehicles gaining access to or from the site and no other access or access point shall be used

Reason

To provide that any proposed use of alternative access routes and access points can be considered by the local planning authority and to accord with Policies W2 and TR2 of the Local Development Plan

- 58 No sub or topsoil's originating from on-site soil stripping operations shall be sold or otherwise leave the site

Reason

In the interest of soil conservation and to accord with Policies W2, EN6 and EN7 of the Local Development Plan

- 59 No more than 180,000 tonnes of waste of any kind shall be imported into the site over any 12-month period.

Reason

To control the scale of development and transportation to a level that is acceptable and in the interest of general amenity and to accord with Policies W2, BE1, TR2 and EN8 of the Local Development Plan

- 60 No hazardous waste so defined by Article 1(4) of Directive 91/689/EEC(7) (hazardous waste) or any subsequent amendment to this Directive or Landfill (England and Wales) Regulations 2002 redefining that definition shall be deposited into the site.

Reason

To retain adequate control of the development in the interest of amenity and prevent development of a nature not considered within the application and to accord with Policies W2 and EN8 of the Local Development Plan

Informatives:

1 Notes to developer Failure to comply with the approved OMP would amount to a breach of planning for which a Breach of Condition Notice (BCN) could be served. In addition, in the case of a serious odour issue arising from such a breach, the option is also available to issue a Temporary Stop Notice alongside such a BCN. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details. The responsibility of complying with the environmental permit conditions and relevant legislation lies with the landfill operator, and they are ultimately in control and responsible for what happens on site. By applying for an EPR permit, they have made a commitment to operate lawfully and in line with the conditions within it. There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site, without prior consultation and agreement with the Authority. Adequate provision shall be made for the drainage of the site, to ensure that the drainage of any adjoining land is not interrupted or otherwise adversely effected by the development during the lifetime of construction.

Reason for Approval

The proposed development is in accordance with Policies SP 19 Waste Management, Policy SP 16 (Environmental Protection), Policy SP 20 (Transport Network), Policy SC1 (Settlement Limits), Policy EN 2 (Special Landscape Areas), Policy EN 7 (Important Natural Features), Policy EN 8 (Pollution and Land Stability) and Policy TR 2 (Design and Access of New Development) of the Neath Port Talbot Local Development Plan, as well as Planning Policy Wales (PPW10) 10th Edition and guidance in Towards Zero Waste - One Wales: One Planet (2010).

Signed:

Ceri Morris – Head of Planning & Public Protection

Date: 24 May 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 recommended 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.

- 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).
- 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.
- 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).
- 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):-

• Planning Permission (with the exception of Minor Commercial and Householder applications – see below)	Within 6 Months
• Householder Appeal ^{see endnote}	Within 12 weeks
• Minor Commercial Appeal ^{see endnote i}	Within 12 weeks
• Listed Building or Conservation Area Consent appeals	Within 6 months
• Tree Preservation Order (TPO) Consent	Within 28 days
• Advertisement Consent	Within 8 weeks
• Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development	Within 6 months
• Hazardous Substances Consent	Within 6 months

- 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 .
- 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.
- 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.

- 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

- 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.
- In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- 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”.
- 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