

Our Ref: DW/148698/012

Date: 17 April 2024

c/o Mr Chris Davies,
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Dear Chris,

**SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION FOR A NON-MATERIAL AMENDMENT PURSUANT OF PLANNING
PERMISSION REF:P2021/0327 - LAND AT AND SURROUNDING THE NANT HELEN
SURFACE MINE SITE, POWYS AND ONLLWYN DISTRIBUTION CENTRE, NEATH PORT
TALBOT**

Introduction

Fairhurst are writing on behalf of Global Centre for Rail Excellence Ltd in support of an application for a Non-material Amendment, pursuant of planning permission Ref: P2021/0327, seeking to alter Planning Conditions 2, and 3 of planning permission reference P2021/0327 for the following development:

'Development of a Global Centre of Rail Excellence, comprising of two test tracks of loop configuration including an electrified high speed rolling stock test track of 6.9km in length and an electrified low speed infrastructure test track of 4.5km, with overhead line equipment (OLE) and dual platform station test environment; together with operations and control offices (including staff accommodation and welfare), shunter cabins (2 no), research and development, education and training, rolling stock storage sidings and maintenance / cleaning / decommissioning facilities; and associated drainage, internal vehicle accesses, branch line rail connection, staff and visitor car parking, lighting, electrical infrastructure (including substations and lineside shore supplies and transformers), fencing (perimeter security, acoustic and stock proof), land reformation and hard and soft landscaping, together with demolition of existing buildings / structures (cross-boundary application – see Powys CC Application ref: 21/0559/OUT). (Additional Environmental Info: Revised ES Chapters, Figures, Appendices – Air Quality / Biodiversity).'

Planning permission was granted on 27 July 2021.

The existing conditions to which this Non-Material Amendment application relate are:

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

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3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

The requested amendments are to revise the wording of the conditions to read:

2. An application for approval of the first reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

3. The development shall begin before the expiration of five years from the date of this permission

As this is a cross-boundary planning permission, an identical application for a Non-Material Amendment will be submitted to Powys County Council to amend Conditions 2 and 3 of Planning Permission Ref: 21/0559/OUT which was approved on 5 August 2021. The description of development and wording of conditions are identical on both planning permissions.

Planning Guidance

Section 96A of the Town and Country Planning Act 1990 (TCPA 1990) includes a provision, which provides a mechanism to approve non-material amendments to an existing planning permission.

‘Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission’ (July 2014) advises that “*Pre-application discussions will be important to establish whether or not the proposed amendments are non-material in nature and can be determined as an application under Section 96A of the TCPA 1990*”.

The Guidance Note (2014) sets out some tests to assist the LPA in deciding whether or not a proposed change is non-material, considering the potential effects that the change could yield. It states that:

“In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission. When assessing and determining whether or not a proposed change would qualify as a non-material amendment, local planning authorities may wish to consider the following tests:

(a)(i) Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,

(a)(ii) Would the proposed change result in a detrimental impact either visually or in terms of local amenity?

(b) Would the interests of any third party or body be disadvantaged in planning terms; or,

(c) Would the proposed change conflict with national or development plan policies?

The principal aim of this Non-material Amendment application is to allow the applicant additional time to submit all Reserved Matters whilst still ensuring that the first Reserved Matter is submitted within 3 years of the date of planning permission (i.e. before 26 July 2024) (controlled via condition 2), whilst not increasing the overall time limit of implementing the consent (as controlled via

condition 3). This request is therefore considered non-material in its nature in line with the above listed tests.

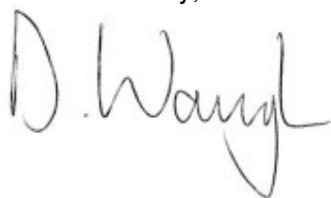
The application is considered to constitute a Non-Material Amendment because:

- The requested change does not alter the development at all and therefore does not cause any impact which is different to that caused by the original approved development scheme;
- The requested change does not result in any change to the visual environment or local amenity;
- The requested change would not alter the interests of any third party or body to disadvantage them in planning terms;
- The proposed change would not conflict with national or development plan policies.

Submission

The application includes the submission of the completed application form for a non-material amendment. The application has been submitted via Planning Applications Wales and the appropriate fee has also been paid. I look forward to receiving confirmation of the validation and registration of the application in due course. I trust the above is self-explanatory but should you have any further queries, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'D. Waugh', with a stylized flourish at the end.

Dominic Waugh MRTPI
Principal Director

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