

Our Ref: DW/148698/014

Date: 05 June 2024

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c/o Mr Chris Davies,
Planning Department,
Neath Port Talbot Council,
The Quays,
Brunel Way,
Baglan Energy Park,
Neath,
SA11 2GG

e-mailed to: c.j.davies@npt.gov.uk

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 of Rail Excellence Ltd (GCRE) in support of an application for a Non-material Amendment, seeking to alter Planning Conditions relating to 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.

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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 amendments to the wording of certain conditions to reflect revised phasing of the GCRE site and operational requirements of the applicant. 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.

The existing conditions to which this Non-Material Amendment application relate and the proposed wording changes comprise:

Condition Subject	Condition Number	Proposed new wording of condition
Schedule of External Materials	8	Prior to the development of any building within each phase of development as agreed under Condition 7, a schedule of external materials (including samples where requested) shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be carried out in accordance with the details as approved.
Boundary Enclosures/treatments	9	Prior to the commencement of work on each phase of development as agreed under Condition 7, and notwithstanding the submitted details which refer to palisade fencing, full details of any boundary enclosures / treatments within the phase and on the site boundaries including their siting, design and materials, together with an assessment of ecological impacts (including upon wildlife movement and collisions and details of how wildlife corridors and movement will be accommodated) shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments within each phase shall be carried out in accordance with the details as approved before the use of the associated land within that phase is commenced or buildings occupied and thereafter retained as approved.
Written Scheme of Investigation	10	No development outside of the areas delineated as Phase 1 of the Washery Area on the approved phasing plan shall take place (including demolition, ground works, and vegetation clearance) until such time as a programme of archaeological work has been secured and implemented within each of the further phases in accordance with a written scheme of investigation, which has been submitted and approved in writing by the Local Planning Authority. The archaeological programme of work for each phase will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report for each phase should be submitted to the Local Planning Authority and to the Historic Environment Record Officer, Glamorgan Gwent Archaeological Trust for inclusion in the regional Historic Environment Record and the National Monuments Record, RCAHMW. Thereafter, the phased programme of work will be carried out in accordance with the requirements and standards of the written scheme.
Road Safety Audit	32	At commencement (stage 2), completion (stage 3) and 12 months after completion (stage 4), all highway works required off Wembley Avenue onto Onllywn Road to allow for safe access for Pedestrians, cyclists, crossing points and bus stop locations shall be subject to a Road Safety Audit in accordance with Design Manual for Roads and Bridges HD19/03 and shall at each stage of the Audit be submitted to and approved in writing by the Local Planning Authority. All measures arising from the audit shall be implemented on site in accordance with the agreed details and timetable.

Condition Subject	Condition Number	Proposed new wording of condition
Ecological Management and Monitoring Plan (EMMP)	36	No later than six months before the development is first brought into beneficial use, a detailed 25 year Ecological Management and Monitoring Plan (EMMP) shall be submitted to the local planning authority for its approval in writing. The purpose of the plan shall be to set out strategies for the management, maintenance and monitoring measures of the ecological, environmental and landscape features at the site as outlined in the submitted Environmental Statement. The content of the EMMP must include (but not be limited to) the following: • The measures set out in 7.22.2 and 7.25 excluding details provided under condition 14 (wildlife corridors), 9 (fencing), 56 (lighting), 17 (barn owls). • Details of the management and monitoring of enhancements provided in the Bio enhancement scheme under conditions 18 & 19. • Description and evaluation of features to be managed. • Ecological trends and constraints on site that might influence management • Aims and objectives of management to Appropriate management options for achieving aims and objectives • Prescriptions for management actions • Preparation of a work schedule (including an annual work plan capable of being rolled forward over 5 year phases). • Details of the body or organisation (and funding thereof) responsible for implementation of the plan. • Ongoing monitoring and remedial measures. The use hereby approved shall not commence until such Ecological Management and Monitoring Plan (EMMP) has been approved in writing, and thereafter the EMMP shall be implemented in accordance with the approved details. A Report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the EMMP. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Condition Subject	Condition Number	Proposed new wording of condition
Train Details	37	No less than three months prior to the beneficial use of the testing loops, a scheme shall be submitted detailing: 1. The predicted nature and type of trains using the facility, which as a minimum should ensure that unless required for shunting of other trains within the facility, all trains using the test tracks hereby approved shall as a minimum fall within the environmental parameters as set out in Chapter 14 of the Environmental Statement; 2. updated air quality modelling and assessments relating to statutory, non-statutory sites and ancient woodland based upon such identified parameters; and 3. Any necessary mitigation and long-term monitoring measures to be implemented to minimise adverse impacts upon the ecology of these sites. The development shall not be brought into beneficial use until such scheme has been approved, with any mitigation and long-term monitoring identified within the assessments thereafter implemented in accordance with the agreed details and timescales.
Remediation Scheme	38	The approved remediation scheme for each Phase, as approved under condition 23, must be carried out in accordance with its terms prior to the commencement of development within that Phase, other than that required to carry out remediation, site investigations or archaeological works. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be issued to the local planning authority before commencement of other development. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

As this is a cross-boundary planning permission, an application for a Non-Material Amendment will be submitted to Powys County Council to amend appropriately related conditions of Planning Permission Ref: 21/0559/OUT which was approved on 5 August 2021.

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 black ink, appearing to read 'D. Waugh', with a stylized flourish at the end.

Dominic Waugh MRTPI

Principal Director

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