

Date: 29th May 2024

Our Ref: S24.118

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Dear Sir/Madam,

Town and Country Planning Act 1990 (As Amended)

Proposed Non-Material Amendment Application to Planning Permission P2023/0369 for the demolition of existing structures and construction of 43 no. residential dwellings with associated infrastructure works at Land at Heol Crwys, Cwmafan, Port Talbot SA12 9NT

The proposed NMA seeks to insert a condition on phasing and amended the wording of the Condition 4, 5, 6 and 18.

Planning Portal Reference : PP-13088673

Asbri Planning is appointed as planning agent to CJ Construction Wales Ltd in respect of the above Non-Material Amendment (NMA) submission to Planning Permission reference P2023/0369 at Land at Heol Crwys, Cwmafan, Port Talbot SA12 9NT

The application is submitted via the Planning Portal and comprises the following documents:

- Covering Letter;
- Completed Application Form;
- Site Location Plan;
- Application fee of £115.

The full planning permission was granted on 24 February 2024 and the applicant is currently seeking to discharge the pre-commencement conditions to proceed with the development work. However, it is noted that demolition of the existing structures is required prior to undertake intrusive site survey works as required by conditions 5 (Contamination), and the survey result will inform the materials to fulfil the requirements of Condition 4 (Sewer Diversion), 6 (Remediation Scheme) and 18 (Mine Gas Risk Assessment). It is therefore required to amend the wording of the said conditions to allow demolition work on site.

In addition, it is also noted that part of the application site is still occupied, and it is the intention of the applicant to introduce a phasing scheme to the development to allow early commencement of development on site. An additional condition regarding the phasing scheme is therefore required to be inserted into the decision notice.

The amendments proposed were discussed with the case officer of the original planning application, Ms Jessica King, and we were advised to submit a non-material amendment to insert a condition on phasing and amend the wording of the aforementioned conditions.

In light of the above, the wording of the phasing condition are proposed as follows:

New Condition on phasing:

'Prior to the start of development on site, full details of a development phasing plan sub-dividing the overall site area into phased development areas shall be submitted to and approved in writing by the Local Planning Authority. This phasing plan shall include details of any temporary access arrangements and/or other

temporary works required in connection with site investigation, together with details of the timings of delivery of the development. The development shall be carried out in accordance with these approved details.

Reason:

To allow the sub division of the overall site into coherent areas of land area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.'

In addition, the wording of Condition 4, 5, 6 and 18 are proposed to be amended as follows:

Condition 4 (Sewer Diversion)

*No development **of any respective phase, excluding demolition works**, shall take place until details of a scheme to divert the public sewer crossing the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the public sewer. No development **of any respective phase, excluding demolition works**, pursuant to this permission shall be carried out until the approved diversion scheme has been implemented and completed. The protection measures shall be retained as such thereafter.*

Reason: To protect the integrity of the public sewer and avoid damage thereto.

Condition 5 (Contamination):

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

- (i) A desktop study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;*
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination and coal mining activity which may be present, if identified as required by the desk top study;*
- (iii) an assessment of the potential risks to:*
 - human health,*
 - groundwater and surface waters*
 - adjoining land.*
 - property (existing or proposed) including buildings and crops, livestock, pets, woodland and service lines and pipes, - ecological systems,*
 - archaeological sites and ancient monuments; and*
 - any other receptors identified at (i)*
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s)*

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

Condition 6 (Remediation Scheme):

*No development **of any respective phase, excluding demolition works**, shall commence on site until a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to address land instability arising from coal mining legacy, human health, buildings, other property and the natural and historic environment shall be prepared and submitted to and approved in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures **of any respective phase**. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.*

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

Condition 18 (Mine Gas Risk Assessment):

Excluding demolition works, prior to the commencement of development **of any respective phase** on site, a Detailed Mine Gas Risk Assessment, shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail the outcome of the suitable site investigation and lines of evidence risk assessment in accordance with CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions, October 2021' and having regard to current guidance - 'Land Contamination: Risk Management LCRM; 2020 . If the Detailed Mine Gas Risk Assessment concludes remediation is required to mitigate the risk, the report shall also include a Remediation Scheme with full details of the design of gas protection measures and a Verification Plan as described in CIRIA C735 - 'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases'. The development shall be constructed in strict accordance with the scheme as approved. (See Notes to developer)

Reason: In the interests of human health and to accord with Policy EN8 of the Local Development Plan.

Since the proposed amendments are minor in nature and only seek to insert a condition on phasing and amend the wording of Condition 4, 5, 6 & 18, this NMA is therefore not considered to raise any material concerns to the proposal going forward. In the interest of completeness, Section 96A of the Act sets out the following criteria to confirm whether amendments to a scheme can be considered non-material. An assessment against the criteria is outlined below:

a) (i) is the proposed change significant in terms of its scale in relation to the original approved development scheme?

The proposed amendments merely seek to insert a condition on phasing and amend the wording of Condition 4, 5, 6 & 18. As such, the proposed change will therefore not be significant in terms of the scale of the development.

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

This application does not involve amendments on the approved plans. It is therefore considered that the proposed change will not lead to a detrimental impact either visually or in term of local amenity.

b) Would the interests of any third party or body who participated in or were informed of the original decision be disadvantaged in any way?

No third parties who participated in or were informed of the original decision will be disadvantaged in any way of the application.

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

This application does not involve amendments on the approved plans. It is therefore considered that this application will not result in collects with national and local planning policy.

In this respect, it is considered that the proposed amendments comply with the relevant criteria outlined above and therefore can be considered as a Non-Material Amendment to Full Planning Permission P2023/0369.

I trust the above information is sufficient and is of assistance. I look forward to receiving confirmation in relation to the details submitted in due course. Should you have any queries or need further assistance, please do not hesitate to contact me.

Yours sincerely,

Glenn Lee

Graduate Planner