

By email
12 June 2024

Rhodri Griffiths
Neath Port Talbot County Borough Council,
Planning Department,
Civic Centre,
Port Talbot,
SA13 1PJ

Your ref PP-12691160
Our ref 4.50

Dear Sir/Madam

Trebanos Wastewater Treatment Works

Non-Material Amendment submitted under Section 96a of the Town and Country Planning Act 1990 for headwall amendments relating to the Trebanos Wastewater Treatment Works (P2024/0060).

We are instructed by our client, Welsh Water to make an application under Section 96A of the Town and Country Planning Act 1990 pursuant to planning permission P2024/0060. The application seeks permission for a Non-Material Amendment (NMA) to the proposed headwall associated with the Wastewater Treatment Works, approved under full planning application P2024/0060.

Introduction

Neath Port Talbot Council, as the Local Planning Authority granted full planning permission on 29th May 2024 for the following:

"Proposed outfall pipe, flap valve, safety grill, headwall and associated development including steps, re-positioning of boulders, ground works including excavation of bank and re-profiling of slopes, handrails and gate all in connection with Trebanos Wastewater Treatment Work."

This application seeks to establish whether changes to the proposed headwall can be considered as a NMA to the consented scheme. The proposed changes to the headwall and the need for this amendment are described below.

Need for a Non-Material Amendment

In parallel to the planning application, Welsh Water have applied for Flood Risk Activity Permit (FRAP) to Natural Resources Wales (NRW).

As part of the FRAP application, NRW raised concerns about the alignment of the headwall being perpendicular to the watercourse and recommended altering it to a 45-degree angle. NRW were concerned about the interaction of the outfall discharge and the river flows at high water levels and suggested rotating the headwall which would have less impact on the flow dynamics of the river

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Tawe. As a result, NRW requested the re-submission of a FRAP application to address potential riverbed erosion.

The FRAP application was approved in May 2024, based on the new 45-degree proposal.

The current approved planning application therefore requires updating to align with the FRAP design.

Summary of Proposed Non-Material Amendment

The new outfall design follows similar design principles to that of the original planning application submitted – its location, level and pipework size remain unchanged. The alignment and access provision, however, have been altered.

The new headwall design features a geometry that allows for a smaller footprint and reduced impact on the existing embankment. The key changes from the original design include:

- A new 45-degree configuration of the headwall resulting in a smaller, more compact footprint.
- Removal of a fence with access gate alongside the footpath, and stairs to the headwall. A ladder is now proposed for access to the outfall concrete apron.
- Addition of a davit socket behind the proposed headwall between the ladder and the pipe centreline to allow both man access and maintenance of equipment.
- New working platform at the footpath level with a handrail to protect public and DCWW Operators from falls.
- Introduction of additional boulders for erosion control and headwall protection.

Further details can be found on the plans and drawings submitted as part of this NMA application as presented below:

- Site Location Plan
- B16241-102503-01-ZZ-DR-CA-CI5062 Headwall Outfall Plan & Details
- B16241-102503-01-ZZ-DR-CA-CI5063 Headwall Outfall Section 1-1
- B16241-102503-01-ZZ-DR-CA-CI5064 Headwall Outfall Section 2-2
- B16241-102503-01-ZZ-DR-CA-CI5065 Headwall Outfall Section 3-3 & 4-4

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Materiality

The Welsh Government's 'Planning Guidance: Approving Non-Material Amendments' published in July 2014¹ states that there is no statutory definition of what constitutes an NMA. The published guidance sets out three tests for LPAs to consider in the determination of NMA applications:

- (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 following section assesses the materiality of the proposed headwall works against the Welsh Government tests outlined above.

Amendments to the planning permission

- (a)(i) *Is the scale of the proposed change great enough to cause an impact indifferent to that caused by the original development scheme?*

As set out in the summary of the proposed non-material amendment, the new headwall design features a geometry that allows for a smaller footprint and reduced impact on the existing embankment. By virtue that the amendment is recommended by FRAP, in order to have less impact on the flow dynamics of the River Tawe, it is considered that the amendment would not give rise to an impact indifferent to that of the initial planning permission and would in fact result in a betterment. As such, the proposals accord with the requirements of Welsh Government Guidance test (a)(i) and are acceptable.

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

As outlined in the original full planning application, the existing headwall is not accessible to the public and is located in an area which are not visually prominent. The new outfall design follows similar design principles to that of the original planning application. The amendments include the removal of a fence with access gate alongside the footpath, and stairs to the headwall, a ladder is now proposed for access to the outfall concrete apron. Thereby further reducing the visual prominence of the proposed development. Alterations to the initially approved scheme would constitute an improvement to the initial design and would therefore constitute a non-material amendment in accordance with Welsh Government Guidance test (a) (ii) and is acceptable.

- (b) *Would the interests of any third party or body be disadvantaged in planning terms?*

¹ <https://gov.wales/sites/default/files/publications/2018-09/approving-non-material-amendments.pdf>

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The proposed amendment to the headwall outfall design follows similar design principles to that of the original planning application submitted. The location, level and pipework size remain unchanged. In the absence of any restrictive planning permissions within the immediate site context and given the works would safeguard the existing structural stability, amendments would not serve to disadvantage any third party in planning terms. As such, it is considered that the development accords with Welsh Government Guidance test (b) and is acceptable.

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

The proposed land uses and impacts of the proposed development would remain unaltered through this NMA and therefore the proposed change would result in no change or conflict with planning policy. As such, it is considered that the proposed amendments accord with test (c).

Conclusion

As set out above, it is considered that the proposed design changes are non-material in nature and that the information submitted under this application is sufficient to reach a positive determination. Should you require any further information to determine this application, please do not hesitate to contact me directly.

Yours sincerely,

Matt

Matthew Kimmins

e matthew.kimmins@arup.com