

**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

Name and address of the applicant

MR COLIN DEERE
SRC- NPTCBC
THE QUAYS
BRUNEL WAY
NEATH
SA11 2GG

Name and address of the agent

MR BEN SULLIVAN
JBA CONSULTING
OFFICE 1, KINGS CHAMBER
8 HIGH STREET
NEWPORT
NP20 1FQ

DATE REGISTERED: Thursday, 29 November 2018

APPLICATION NO: P2018/0987

LOCATION: ABERAVON PROMENADE PORT TALBOT

PROPOSAL: New rock armour structure providing toe protection along 1100m of the existing coastal defence and additional rock armour toe protection to the existing length of wall, together with concrete repairs and void-filling works, construction of additional steps through the new rock armour at the 6 existing access points and formation of a new slipway at the north-western edge of the seawall and associated temporary works.

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 development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

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To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Approved Plans

(2) The development shall be carried out in accordance with the following approved plans and documents:

Documents.

- Aberavon Seafront Design – Landscape and Visual Appraisal – Final 28/09/18 by JBA Consulting.
- Aberavon Promenade Outline Construction Environmental Management Plan – Final September 2018 by JBA Consulting.
- Aberavon Promenade Water Framework Directive (WFD) Assessment – Draft Report September 2018 by JBA Consulting.
- Ecological Walkover Notes Vo-1.
- Aberavon Coastal Defences Pre-application Consultation Report – Final Report – November 2018 by JBA Consulting.
- Covering letter dated 28 September 2018.
- Aberavon Coastal Defences – Factual Report on Ground Investigation dated July 2018 by Ian Farm Associates.
- Aberavon Promenade – Traffic Impact Assessment – 11 October 2018 by Atkins and SNC-Lavalin.
- Aberavon Conceptual Understanding – January 2017 by Ove Arup and Partners Ltd.
- Aberavon Promenade – Preliminary Ecological Appraisal Report dated 11 January 2017 by ARUP.
- Aberavon Coastal Defences – Preliminary Environmental Information Report (PEIR) dated 15 July 2017 by ARUP.
- Preliminary Environmental Impact Report Appendices A to D1.
- Preliminary Environmental Impact Report Appendices D2 to I4.
- Aberavon Promenade Coastal Defences – Preliminary Habitat Regulations Assessment (HRA) Stage 1: Screening dated 28 April 2017 – ARUP.
- Preliminary HRA Screening Appendices.
- Aberavon Promenade – Design and Access Statement – Final September 2018 by JBA Consulting.

Plans.

- Site Setup - AJQ-JBA-00-00-DR-C-0002 rev P02.
- Reach A Plan - AJQ-JBA-00-00-DR-C-1001 rev P03.
- Reach B Plan - AJQ-JBA-00-00-DR-C-1002 rev P03.
- Reach C Plan - AJQ-JBA-00-00-DR-C-1003 rev P03.
- Reach D Plan - AJQ-JBA-00-00-DR-C-1004 rev P02.
- Reach E Plan - AJQ-JBA-00-00-DR-C-1005 rev P02.
- Reach F Plan - AJQ-JBA-00-00-DR-C-1006 rev P03.
- Reach G Plan - AJQ-JBA-00-00-DR-C-1007 rev P03.
- Typical Rock Armour Section - AJQ-JBA-00-00-DR-C-2001 rev P03.
- Typical Rock Armour Section - AJQ-JBA-00-00-DR-C-2002 rev P03.
- Typical Plan and Stair Section Profile 1 for Low Beach Levels - AJQ-JBA-00-00-DR-C-3001 rev P03.
- Typical Plan and Stair Section Profile 2 for High Beach Levels - AJQ-JBA-00-00-DR-C-3002 rev P03.

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- Precast Concrete Details and Sections - AJQ-JBA-00-00-DR-C-3003 rev P03.
- Ramp Plan and Sections - AJQ-JBA-00-00-DR-C-4001 rev P03.
- Precast Concrete Details and Sections - AJQ-JBA-00-00-DR-C-4002 rev P03.
- Precast Concrete Details and Sections - AJQ-JBA-00-00-DR-C-4003 rev P03.
- Slipway Plan and Sections - AJQ-JBA-00-00-DR-C-5001 rev P05.
- Slipway Plan and Sections - AJQ-JBA-00-00-DR-C-5002 rev P03.
- Precast Plan and Sections - AJQ-JBA-00-00-DR-C-5003 rev P03.
- Precast Plan and Sections - AJQ-JBA-00-00-DR-C-5004 rev P02.
- Environmental Constraints Plan - AJQ-JBA-00-00-DR-EN-0001-S8-P01-Environmental_Constraints.
- General Arrangement - AJQ-JBA-00-00-DR-C-0001 rev P04.
- Site Red Line Boundary - AJQ-JBA-00-00-DR-EN-0001-S8-P01-Site_Red_Boundary.

Reason

In the interests of clarity.

(3) Before beginning any development at the site, you must do the following: -

a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

NOTE: Templates of the required Notice and Site Notice are available to download at www.npt.gov.uk/planning

Pre-Commencement Conditions

(4) Prior to the start of construction works a finalised Construction Environment Management Plan detailing all necessary pollution prevention measures for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The Finalised Construction Environmental Management Plan shall be based upon the submitted Outline Construction Environmental Management Plan dated September 2018 and shall also include as a minimum:

- Loading and unloading of plant and materials;

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- Construction compounds, car parking of site operatives vehicles, offices etc. together with details if the reinstatement of the site to its former condition following completion of the development;
- Storage of plant and materials used in the construction of the development, including any fuel and oil or other liquids;
- The location and proposed materials and method of securing any proposed security fencing or hoarding to be located around the construction works;
- Measures for the control of emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Details of wheel washing measures;
- A method statement for the protection of reptiles on site;
- A survey of the application site, working area and beach within 100m of the application site (but not including the area in a north easterly direction towards Scarlets Avenue), to ascertain the use of the area and beach fronting the site by wading birds, together with a methodology based on the survey results to mitigate potential detrimental impacts or preventative measures to ensure that wading birds are not adversely impacted by the development;
- Details of the provision of artificial intertidal habitat for Sabellaria

The approved finalised Construction Environment Management Plan shall be fully implemented on site throughout the construction works.

Reason:

To prevent pollution and in the interests of residential amenity and highway safety, together with ensuring that the development's potential environment impacts are appropriately monitored and managed.

(5) No development shall take place until details of a Construction Design Method Statement and Risk Assessment for the protection of the structural condition of the strategic rising sewer main crossing the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented on site for the duration of the construction operation.

Reason

To protect the integrity of the public sewer and avoid damage.

(6) No excavation works shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason

In identify and record any features of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource.

(7) Prior to the start of construction works on site a Construction Transport Management Plan (CTEMP) shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall detail the requirements of item 7.3.10 of the submitted Transport Impact Assessment. The approved scheme shall be implemented on site for the duration of the construction operations on site.

Reason

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In the interests of highway and pedestrian safety throughout the construction operation.

Action Conditions

(8) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

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 off site receptors.

(9) Prior to the first beneficial use of the hereby approved slipway a 1.8m high weldmesh access gate and associated fencing shall be implemented on site in accordance with drawing No. AJQ-JBA-00-00-DR-C-5001 revision P05 and shall be retained as such thereafter.

Reason

In the interests of pedestrian safety and the biodiversity of the sand dunes..

(10) Prior to the completion of construction of the hereby approved vehicle access ramp located adjacent to the Scarlet Avenue Car Park, an Access Ramp Monitoring and Management Plan shall be submitted to and approved in writing the Local Planning Authority. The submitted plan shall detail a monitoring programme for a minimum period of 5 years following completion of the access ramp to assess its impact upon the adjacent area within 100m of ramp from changes due to coastal processes attributed to the approved ramp. The approved Monitoring and Management Plan shall be fully implemented in accordance with the approved details.

Reason.

To deliver the measures as set out in the planning application submission and to ensure measures to manage and mitigate effects on S7 and SINC habitat in line with the Environment (Wales) Act 2016 and LDP Policy EN6.

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

The proposed development would not have a detrimental impact upon amenity of adjacent properties or upon the character and appearance of the surrounding area, and there would be no adverse impact upon highway and pedestrian safety, flood risk, biodiversity

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or the existing drainage environment. Hence, the proposed development would be in accordance with Policies SP1, SP5, SP10, SP13, SP14, SP15, SC1, OS2, TO1, TO2, TO4, EN1, EN6, EN7, EN8, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

NOTES TO DEVELOPER

(1) The archaeological works must be undertaken to the appropriate standard and guidance set by the Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/cifa) and it is Glamorgan Gwent Archaeological Trust's policy to recommend that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/civcrm-contact-distance-search) or a MCIfA level accredited Member.

(2) It is recommended that vegetation clearance should be avoid the bird breeding season 1 March to 31 July inclusive in accordance with the Wildlife and Countryside Act 1981 (as amended).

Signed : 
Nicola Pearce – Head of Planning & Public Protection

Date: 09/05/2019

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: developer.services@dwrcymru.com .

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

1. 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).
2. 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.
3. 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).
4. 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 i} 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
5. 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 .
6. 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.
7. 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.
8. 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

9. 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.
10. In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
11. 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”.
12. 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 686949 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

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.