

By email
7 November 2024

Neath Port Talbot County Borough Council,
Development Control Section,
The Quays,
Brunel Way,
Neath,
SA11 2HZ

Dear Rhodri,

Non-Material Amendment to Planning Condition 8

Full Planning Permission P2024/0060- Land To The South West Of Trebanos Wastewater Treatment Works, Trebanos, Neath Port Talbot

I write in reference to full planning permission granted under P2024/0060 for the 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 at Land to the South West of Trebanos Wastewater Treatment Works, Trebanos, Neath Port Talbot (Easting: 270961, Northing: 202127).

We are instructed by our client Welsh Water to submit a non-material amendment (NMA) application to Condition 8 for full planning permission granted under P2024/0060.

Summary of Proposed Non-Material Amendment

This application seeks to amend the wording of condition 8 to alter the stage at which ecological surveys are provided to the local planning authority (LPA) for approval.

Condition 8 currently states:

“Pre-commencement Ecological surveys shall be carried out in accordance with the recommendations set within approved document 'Morgan Sindall - Trebanos WwTW Outfall, Preliminary Ecological Appraisal' and an Ecological Clerk of Works must also be present on site during works in accordance with the requirements of this document. Details of the findings of the pre-commencement ecological surveys, together with any required ecological mitigation required as a result of the surveys and a timeframe for its implementation, shall be submitted to and agreed in writing with the local planning authority prior to commencement of any works. The development shall be carried in accordance with the agreed details.

Reason: In the interests of ecology and biodiversity and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.”

It is proposed that condition 8 wording is amended to:

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“Ecological surveys shall be carried out in accordance with the recommendations set within approved document 'Morgan Sindall - Trebanos WwTW Outfall, Preliminary Ecological Appraisal' and an Ecological Clerk of Works must also be present on site during works in accordance with the requirements of this document. Details of the findings of the ecological surveys, together with any required ecological mitigation required as a result of the surveys and a timeframe for its implementation, to be submitted to and agreed in writing with the local planning authority prior to first use of the approved development.

Reason: In the interests of ecology and biodiversity and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.”

Application Rationale

Wording to be amended to align with the developments programme of works.

There would not be a detrimental impact to ecology and biodiversity on site as a result of the ecological surveys being provided prior to first use of the approved development, and the surveys undertaken are considered to be acceptable.

Materiality

Welsh Government's 'Planning Guidance: Approving Non-Material Amendments' published in July 2014 states that there is no statutory definition of what constitutes an NMA. However, the published guidance sets out three tests as outlined below 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? With reference to these tests, it is considered that the proposed amendments subject to this application are non-material, for the reasons set out in the following sections.*

Amendments to the planning permission

- (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;*

The amendment does not alter the development and therefore does not cause any impact which is different to that caused by the originally approved development.

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

The amendment does not alter the development and therefore does not cause any impact which is different to that caused by the original approved development scheme.

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

The amendment would not alter the interests of any third party or body to disadvantage them in planning terms. Neath Port Talbot's Ecologist raises no objection to the ecological surveys.

(c) Would the proposed change conflict with national or development plan policies? With reference to these tests, it is considered that the proposed amendments subject to this application are non-material, for the reasons set out in the following sections.

This NMA application is submitted in accordance with the Welsh Government and Neath Port Talbot Council's current adopted planning policy position which has remained unaltered since the approval of the original full planning permission. Both Neath Port Talbot's Planning Officer and Ecologist have confirmed that the details of the ecological surveys are acceptable. As result of the proposed amendment, there would not be a detrimental impact to the ecology and biodiversity in accordance with Policy SP15 of the adopted Neath Port Talbot Local Development Plan. Overall, the proposals accord with the requirements of the relevant tests and should be considered as non-material amendments.

Conclusion

This letter supports an application for a NMA to Trebanos WwTW approved under full planning permission P2024/0060. The proposed amendments would not materially change the scale or nature of the approved development. As such, it is appropriate in these circumstances to consider them as non-material amendments to the approved planning consent under Section 96A of the Act.

In accordance with the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015, payment of the £115.00 application fee will be made separately to Neath Port Talbot County Borough Council planning department.

I trust you will find the application to be in order. Should you require any further information or clarification, please do not hesitate to contact me.

Yours Sincerely,

Harrison Moore
Senior Planner

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