

Our Ref: IR/RB/S23.118
Date: 21st May 2025

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Dear Sir or Madam,

Town and Country Planning Act 1990

**Proposed non-material amendment application to vary the wording of conditions 6, 7, 9, 16, 17, 18 and 22
Land at Pontneddfechan and south of Pontneathvaughan Road, Pontneathvaughan Road, Pontneddfechan,
Glynneath, SA11 5NR
Planning Portal Reference: PP-13954982**

Asbri Planning is appointed as planning agent to The Head of Property and Regeneration at Neath Port Talbot County Borough Council (NPTCBC) for the above mentioned application at land at Pontneddfechan and south of Pontneathvaughan Road, Pontneathvaughan Road, Pontneddfechan, Glynneath, SA11 5NR. Planning application P2024/0586 was approved by NPTCBC on 17th December 2024 for proposed development of Waterfall Country Pontneddfechan Visitor Infrastructure Scheme to include retail shop, welfare facilities, tourist accommodation, ancillary plant room, lighting, car parking facilities, demolition of outbuildings adjoining Sgwd Gwladys and existing toilet block, and creation of farm track access, play park/ courtyard, with associated infrastructure works.

The planning application has been submitted via Planning Portal and the submission documents are listed below.

The following drawing has been submitted, prepared by Hiraeth Architecture.

Drawing name	Drawing reference
Site Location Plan	2081-00-HIR-A-DR-00020-S2-P10

In addition, the supporting documents submitted comprise the following:

Document name (reference where appropriate)	Prepared by
Planning application forms (1APP)	Asbri Planning
Covering Letter	Asbri Planning

In addition, the planning application fee of £115 will be paid via internal transfer.

The proposed non-material amendment is required to:

1. Allow construction of the farm access track to be brought forward (Conditions 6, 7, 9, 16, 17 and 18)
2. Allow the Stage 4 Road Safety Audit to be submitted within one year from first beneficial use of the development (Condition 6)
3. Ensure compliance with the approved Hard Landscaping Plan or to allow submission of a revised landscaping scheme (Condition 22)

The proposed amendments to the wording of the seven conditions is set out below, The text that is ~~struckthrough~~ is proposed to be removed and replaced by the text in **bold**.

Condition 6

"Prior to commencement of development (excluding demolition **and the construction of the farm access track**), Road Safety Audits, stages 1 and 2 shall be submitted to and approved in writing by the Local Planning Authority, and prior to the first beneficial use of the development, hereby approved, Road Safety Audits stages 3 ~~and 4~~ shall be submitted to and approved in writing by the Local Planning Authority. **Within one year from the first beneficial use of the development, Road Safety Audit stage 4 shall be submitted to and approved in writing by the Local Planning Authority.** The Road Safety Audit shall be completed in accordance with GG 119 of the Design Manual for Roads and Bridges the Road Safety Audits shall include all works to be constructed on the public highway and the works shall be carried out in accordance with the Audits prior to the first beneficial use of the development.

Reason: In the in interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan".

Condition 7

"No development shall commence on site (**excluding the farm access track**) until a revised assessment of the nature and extent of contamination affecting the application whole site area has been submitted to and approved in writing by the Local Planning Authority, including the northern section of the site that comprises the existing parking and toilet block. 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 desk top 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 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, 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 9

"No development shall commence, excluding demolition **and the construction of the farm access track**, on site until a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to 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. 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 minimized, 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 16

“Prior to the first beneficial use of the development hereby approved, **excluding the farm access track**, the 13no EV charging parking spaces shall be provided on site and retained as such thereafter.

Reason: To ensure that the development complies with the requirements of Planning Policy Wales 12”.

Condition 17

“Prior to the first beneficial use of the development hereby approved, **excluding the farm access track**, details of the markings of the emergency layby shall be submitted to and approved in writing by the Local Planning Authority. The markings shall then be completed on site in accordance with the approved details prior to the use of the layby, and retained as such thereafter.

Reason: In the in interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan”.

Condition 18

“Prior to the first beneficial use of the development hereby approved, **excluding the farm access track**, replacement highway replacement lighting scheme shall be submitted to and approved in writing by the Local Planning Authority, the replacement lighting scheme shall include the proposed siting of the lighting columns and lux levels and shall be constructed on site prior to the first beneficial use of the development.

Reason: In the interest of visual, residential amenity and to prevent any unacceptable light spillage, and in the interest of bio diversity and protected species and to ensure the proposal complies with Policies EN8 and BE1 of the Local Development Plan”.

Condition 22

“The development hereby approved shall be undertaken in accordance with the Landscape Management Plan (DLA2228LMP01), the Soft Landscaping Plan (2228 DLA DRL02P12) **and the Hard Landscaping Plan (2228 DLA DRL01P16) including means of enclosures, or a scheme that shall first be submitted to and approved in writing by the Local Planning Authority.** All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the operation of the buildings or the completion of the development, whichever is the sooner; and any trees, hedgerows or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity, and to ensure the long-term management and maintenance of all landscaped areas that lie within the site and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan”.

It is clear that the proposal can be dealt with by way of a Non-Material Amendment. Notwithstanding, in the interests 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 amendment does not alter the scale of the original approved development scheme as it relates to altering the wording of conditions 6, 7, 9, 16, 17, 18 and 22. No alterations are proposed to the approved plans by way of an NMA. As such, the proposed changes 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?

There would be no detrimental visual impact caused by means of the proposed change to the conditions. The details as required by the condition would still require be submitted and approved by the Local Planning Authority. As such, the proposed amendment would not result in a detrimental impact upon 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?

It is not considered that the amendment to the wording of the conditions will have any adverse impact on the interest of any third parties and as such no parties would be disadvantaged in any way as a result of the proposed change. Overlooking and loss of privacy concerns are not relevant to the amendment requested.

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

The development proposed under the existing planning permission complies with national and development plan policy. It is not considered the changes proposed are of a scale to alter the developments accordance with policy.

As such it is considered that the existing scheme cannot be said to be materially impacted by the proposed amendment.

In light of the above, it is respectfully requested that Neath Port Talbot County Borough Council grant approval of the non-material amendment to vary conditions 6, 7, 9, 16, 17, 18 and 22 of planning permission P2024/0586 at land at Pontneddfechan and south of Pontneathvaughan Road, Pontneathvaughan Road, Pontneddfechan, Glynneath, SA11 5NR.

I trust that the submitted documents allow the application to be validated and look forward to receiving details of the name of the case officer, application reference number and target determination date. If you have any queries in the meantime, please do not hesitate to get in touch.

Yours sincerely,

Iwan Rowlands
Planner
Asbri Planning Ltd

