

**Date:** 22<sup>nd</sup> August 2025  
**Our Ref:** 24.142

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

Dear Simon,

**Town and Country Planning Permission Act 1990 (as amended)**  
**Non-Material Amendment application for the variation of conditions 4 (Site Investigation) and 5 (Remediation Strategy) of planning consent P2025/0314 granted on 6<sup>th</sup> August 2025**  
**Rhosafan Welsh Primary School , Marine Drive, Sandfields, Neath Port Talbot, SA12 7NN**  
**Planning Portal ref. PP-14276328**

Asbri Planning Ltd have been instructed by Neath Port Talbot County Borough Council to submit an application for a non-material amendment to vary the above conditions of the above consent to change the trigger of the condition.

The following updates are proposed to the conditions referenced above:

| Approved Planning Conditions Wording                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Proposed Planning Conditions Rewording                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <i>Condition 4</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| No development shall commence on site, excluding demolition of the Area for Early Demolition (marked blue on the Demolition Plan 26CC04-ARC-30-ZZ-D-A-100004 Rev P4), 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:<br>(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;<br>(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;<br>(iii) an assessment of the potential risks to:<br>- human health, | <b>Prior to the commencement of works on the implementation of the landscaping, community garden and outdoor play and sports areas on site, (excluding the construction of the new school building)</b> 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:<br>(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;<br>(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;<br>(iii) an assessment of the potential risks to: |

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| <ul style="list-style-type: none"> <li>- groundwater and surface waters</li> <li>- adjoining land,</li> <li>- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,</li> <li>- archaeological sites and ancient monuments; and</li> <li>- any other receptors identified at (i)</li> </ul> <p>(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).</p> <p>A further submission of the above specified information but in relation to the ground area beneath the existing main school building (marked Green on the Demolition Plan 26CC04-ARC-30-ZZ-D-A-100004 Rev P4) shall be submitted to and approved in writing by the Local Planning Authority following the completion of demolition of the existing main school building, and prior to the start of construction works of the hereby approved development that is to be built over this area.</p> <p>Reason:</p> <p>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.</p> | <ul style="list-style-type: none"> <li>- human health,</li> <li>- groundwater and surface waters</li> <li>- adjoining land,</li> <li>- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,</li> <li>- archaeological sites and ancient monuments; and</li> <li>- any other receptors identified at (i)</li> </ul> <p>(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).</p> <p><b>Prior to the demolition of the existing school building, excluding the area marked in blue on the Demolition Plan 26CC04-ARC-30-ZZ-D-A-100004 Rev P4 plan, an asbestos-containing materials (ACMs) survey shall be undertaken.</b></p> <p>Following the demolition of the existing school building, a further submission of the above specified information but in relation to the ground area beneath the existing main school building (marked Green on the Demolition Plan 26CC04-ARC-30-ZZ-D-A-100004 Rev P4) shall be submitted to and approved in writing by the Local Planning Authority following the completion of demolition of the existing main school building, and prior to the start of construction works of the hereby approved development that is to be built over this area.</p> <p>Reason:</p> <p>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.</p> |
| <p align="center"><b>Condition 5</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>No development shall commence on site, excluding demolition of the Area for Early Demolition (marked blue on the Demolition Plan 26CC04-ARC-30-ZZ-D-A-100004 Rev P4), 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.</p> <p>A further submission of a remediation scheme shall take place following demolition of the main original school building (marked green on the Demolition Plan 26CC04-ARC-30-ZZ-D-A-100004 Rev P4), to bring the area beneath the original school building</p>                                                                                                                                                                                                                                                                                                                                  | <p><b>If identified as being required by the approved details of condition 4, prior to the commencement of works on the implementation of the landscaping, community garden, outdoor play and sports areas (excluding the construction of the new school building),</b> 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.</p> <p><b>If required by the approved details of condition 4,</b> a further submission of a remediation scheme shall take place following demolition of the main</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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| <p>to a condition suitable for the intended use and prior to the start of any construction works on the area marked green on the Demolition Plan 26CC04-ARC-30-ZZ-D-A-100004 Rev P4. The measures proposed within the remediation scheme shall be fully implemented on site in accordance with an agreed programme of works.</p> <p>Reason:<br/>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.</p> | <p>original school building (marked green on the Demolition Plan 26CC04-ARC-30-ZZ-D-A-100004 Rev P4), to bring the area beneath the original school building to a condition suitable for the intended use and prior to the start of any construction works on the area marked green on the Demolition Plan 26CC04-ARC-30-ZZ-D-A-100004 Rev P4. The measures proposed within the remediation scheme shall be fully implemented on site in accordance with an agreed programme of works.</p> <p>Reason:<br/>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.</p> |
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### Proposed Amendments

The proposals include a variation to the trigger for the wording of the above conditions. This variation will allow a more suitable programme to be followed for the construction period.

Section 96a of the Town & Country Planning Act 1990 allows non-material amendments to be made to an existing planning permission. This was brought into effect on the 1st September 2014. The Welsh Government has produced a guidance note entitled 'Approving Non-material Amendments to an Existing Planning Permission' which sets out four tests to be considered in determining whether an application qualifies as a non-material amendment.

It is, therefore, necessary to assess the proposed amendments against the four tests in turn:

***(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?***

***(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 scale of the proposed change is not great enough to cause an impact different from that caused by the originally approved development scheme. The proposal only relates to alterations to the wording of the mentioned conditions and will not result in any change to the scale of the development.

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

The proposed changes would not result in a detrimental impact, either visually or in terms of local amenity. The proposal only relates to the alterations to the wording of the mentioned conditions and will not result in any changes to the appearance of the development.

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

The interests of any third party or body would not be disadvantaged in planning terms. The proposed changes only relate to the alterations to the wording of the mentioned conditions and as such there are no differences from the originally approved scheme in terms of the approved details. The proposed triggers for the conditions ensure that the required details are obtained within a suitable timeframe.

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

The proposed changes will not conflict with any national or development plan policies as are minor in nature. The proposals comply with Welsh Government Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission (July 2024).

It is for these reasons that Neath Port Talbot County Borough Local Planning Authority is respectfully requested to grant approval of the non-material amendment to vary the above conditions of planning consent P2025/0314.

The planning fee of £115.00 to support the application will be submitted paid promptly. I trust this, and the enclosed is satisfactory in order to approve the application. If you require any further information, please don't hesitate to contact.

Yours Sincerely,

**Liam Griffiths | Principal Planner**