

Our Ref: s73/17C500121/03092025

Your Ref: P2024/0339 – PP-14133510

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3rd September 2025

Neath Port Talbot County Borough Council
Development Management
The Quays
Brunel Way
Neath
SA11 2HZ
For the attention of: Ms Chantalle Lamnea

Dear Chantalle,

ALDI STORES LIMITED, BURROWS YARD, AFAN WAY, ABERAVON, PORT TALBOT, SA12 6LL
APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO VARY CONDITION NO.28 OF PLANNING PERMISSION P2024/0339 TO EXTEND DELIVERY HOURS.

We are pleased to submit an application (under Section 73 of the 1990 Act) on behalf of our client, Aldi Stores Ltd, seeking the variation of Condition No. 28 of planning permission P2024/0339 to extend delivery hours at the recently approved Aldi Store at Burrows Yard, Afan Way, Aberavon, Port Talbot, SA12 6LL.

The application has been submitted electronically via the Planning Portal and has been given the Planning Portal Reference: PP-14133510.

In line with national and local validation requirements, the following documentation has been enclosed in order to assist the Authority in determining this s73 application.

- Completed application form and certificates;
- Copy of the original certificate of planning permission P2024/0339;
- Site Location Plan (Drawing No. 170466-1100 Rev P01);
- Quiet Delivery Scheme (Document Reference: Aldi Port Talbot QDS, July 2025) prepared by Sharps Redmore Acoustic Consultants, and
- Environmental Noise Assessment (Document Reference: R1(final)-27.6.25-Aldi Port Talbot deliveries 2523253-KJM), prepared by Sharps Redmore Acoustic Consultants.

The statutory application fee of £230.00 associated with a s73 application for the variation of condition has been paid to Neath Port Talbot County Borough Council via the Planning Portal.

Planning History and Background

Full planning permission (LPA Reference P2024/0339) was granted on 11th June 2025 for a mixed-use development comprising of a food store (Use Class A1) and a separate coffee shop with drive-

thru (Use Class A3), together with associated access onto Afan Way and Water Street, car parking and servicing, external lighting, landscaping, drainage, and other associated site works.

The application (LPA Reference P2024/0339) was accompanied by an Environmental Noise Assessment report (document reference: R1(final)-25.4.24-Aldi Port Talbot-2321696-AJM-KJM) which considered predicted noise levels from activity associated with the then-proposed Aldi store, including that from delivery activity. This Assessment Report identified that impacts associated with predicted delivery activity would be far below the significant adverse impact threshold on residential amenity which would trigger the necessity for deliveries to be restricted to between the hours of 07:00 and 19:00, and that deliveries until 23:00 would be acceptable from a noise impact perspective.

As part of the statutory consultation process in determining LPA Reference P2024/0339, the Council's Environmental Health Officer (EHO) noted the acceptability of deliveries to the then-proposed Aldi store between the hours of 07:00 to 23:00, stating *"In section 6.11 the report makes assumptions about the typical delivery times for the purposes of assessing noise which are between the hours of 0700 to 2300. We recommend that you include a condition to restrict the deliveries from HGVs to within these times."*

Notwithstanding the above, the approved decision notice for planning permission P2024/0339, published on the 11th June 2025, enforces HGV delivery restrictions on the approved Aldi store to between the hours of 07:00 and 19:00, by virtue of Condition No. 28 of the permission.

Application Proposals

The planning permission (LPA Reference P2024/0339) includes a delivery hour restriction. Condition No. 28 (Delivery Times for HGVs) states:

"No deliveries by Heavy Goods Vehicles (vehicles over 3500kg maximum gross weight) shall be made to the approved Class A1 and A3 Uses outside of the hours 07:00-19:00. All deliveries outside of these hours should be arranged in accordance with Department for Transport document "Quiet Deliveries Good Practice Guidance – Key Principles and Processes for Retailers."

Reason: To protect the residential amenity of the locality, especially for people living and/or working nearby, in accordance with Policy EN8 and BE1 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016."

The reason for seeking a variation to the wording of the existing condition is in response to demand for greater operational flexibility in the delivery hours at the approved Aldi store to meet the needs of customers and thus restocking shelves in a safe and efficient manner, and the flexibility to deliver to the store outside of peak hours to avoid traffic and congestion.

It is worth highlighting that this proposal would not result in an increase in the number of proposed deliveries to the store; the proposed deliveries would be spread out over a longer period.

This application seeks permission (under section 73) to vary Condition No. 28 to extend the permitted deliver hours by amending the wording of the existing condition to state:

"No deliveries by Heavy Goods Vehicles (vehicles over 3500kg maximum gross weight) shall be made to the approved Class A1 Use outside of the hours 07:00-23:00 and approved A3 Use outside of the hours 07:00-19:00. All deliveries outside of these hours should be arranged in accordance with Department for Transport document "Quiet Deliveries Good Practice Guidance – Key Principles and Processes for Retailers."

Reason: To protect the residential amenity of the locality, especially for people living and/or working nearby, in accordance with Policy EN8 and BE1 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016."

Planning Policy Context

We set out below the relevant national and local planning policy that we consider relevant to the application.

Section 6.7.14 of Planning Policy Wales (PPW Revision 12, revised February 2024) states:

"Proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum to limit or constrain any effects that do occur. In circumstances where impacts are unacceptable, for example where adequate mitigation is unlikely to be sufficient to safeguard local amenity in terms of air quality and the acoustic environment it will be appropriate to refuse permission."

General guidance on noise for planning applications is still contained in Technical Advice (TAN 11), "Noise", issued in October 1997. TAN 11 contains advice in Annex A on the suitable noise limits for residential development near to different types of noise sources such as road traffic, rail traffic, air traffic, or mixed sources. The current TAN 11 guidance document is soon to be replaced by *"Technical Advice Note 11: Air Quality, Noise and Soundscape (TAN 11)"*; albeit the document has only been released as a consultation draft at this time, and as such does not reflect current guidance.

The key policies of the adopted Neath Port Talbot County Borough Council Local Development Plan 2011-2026 (Adopted January 2026) have been identified as follows:

Policy SP2 (Health) sets out the measures to be taken by the Council in order to address high levels of poor long term health and sickness within the County Borough. This Includes reducing exposure had, where possible, to elements which can have an impact on health, such as noise pollution.

Policy SP16 (Environmental Protection) of the Local Development Plan advises that the air, water, ground quality, and the environment will be protected and where achievable, improved, through measures including (inter alia) ensuring that proposals have no significant adverse impacts on pollution levels, and through ensuring that development proposals do not increase the number of people exposed to significant levels of pollution.

Policy EN8 (Environment and Land Stability) states that proposals which are deemed to have a likely unacceptable adverse effect on health, biodiversity, and local amenity, or would expose people to unacceptable risk due to noise pollution will not be permitted.

Policy BE1 (Design) requires all new developments to deliver high-quality, sustainable design that respects the surrounding environment, heritage, and community. Proposals must create safe,

attractive, and accessible places, use land resources efficiently, and support sustainable drainage principles.

In terms of relevant supplementary planning guidance (SPG), Neath Port Talbot County Borough Council's 'Pollution' SPG (Adopted October 2016) is considered to be of relevance for this application. Chapter four of the SPG relates to noise pollution, and identifies the typical social, economic, and ecological impacts generated by noise.

Aldi Delivery Operation

Aldi stores receive only one or two deliveries a day from its HGVs, with additional smaller vehicles being used to bring in locally sourced goods, such as dairy produce. It is important for Aldi that deliveries are able to arrive in time for the fresh produce to be on the shelves before the store opens, and while the store and roads are at their quietest (i.e., before and after the store is open). This has benefits for customers and the local road network.

All deliveries to the store are carried out by vehicles controlled by the Aldi logistics team, with the exception of milk deliveries, which are carried out by a contractor.

Aldi's store model adopts a number of techniques to ensure noise can be effectively mitigated during times of delivery. When HGVs arrive at the store, the rear of the lorry docks onto the side of the building to create a seal, meaning no noise should escape from the vehicle or building. Once the lorry is docked, all elements of the delivery take place internally, with no noisy cages being pushed around outside of the building or the car park.

In addition, delivery unloading on average take only 45-60 minutes and refuse collections take around 15 minutes. Vehicles seek to travel directly from the main road to the service yard, and no vehicles should wait within close proximity to the site if they arrive outside of the delivery hour restrictions, although this issue should not occur if this proposal is permitted.

Further specific measures to ensure that the above stated Aldi store deliveries will be carried out in a quiet manner, and do not result in any detriment to public amenity, with particular regard to neighbouring properties, are in place. These include drivers arriving on site without excessive engine breaking noise, with the throttle and break only being used when necessary.

Aldi also utilise the latest delivery vehicles that minimise engine noise and gear change noise when vehicles are in use, and Aldi vehicles are not fitted with a tail lift, therefore no goods can be moved outside of the noise containing dock system. When departing drivers will avoid over revving and seek to accelerate gently until the vehicle is a reasonable distance from the store, minimising excessive air brake noise.

Planning Consideration

The main planning consideration is the effect that the proposed extension of delivery hours would have on the amenity of nearby residential properties and whether any effect would be that adverse so as to outweigh the benefits of the proposal.

In order to assess the impact of the proposals on nearby residential receptors, an updated Environmental Noise Assessment (Document Reference: R1(final)-27.6.25-Aldi Port Talbot deliveries 2523253-KJM) has been undertaken by Sharps Redmore Acoustic Consultants. This

assessment is considered to provide an updated position on the previous Environmental Noise Assessment undertaken at the site, providing site-specific measurements and detailed modelling to re-assert that no adverse noise impacts are to be generated as a result of the variation of Condition No. 28 of P2024/0339.

This assessment details the results of a noise assessment undertaken at two measurement locations found at the west and north-east of the approved site. The report identifies the closest residential properties to the approved loading bay of the Aldi Store are at 2 Ysguthan Road, 188 Water Street, and 40 Enfield Street, located at distances of approximately 45m, 75m, and 20m away. The assessment objectively demonstrates that in the context of nationally recognised standards and planning guidance, that noise levels from delivery activity occurring between the hours of 07:00 and 23:00 at the approved Aldi store would not give rise to significant adverse impacts on residential amenity. In addition, the assessment demonstrates that noise impacts generated by deliveries between 07:00 and 23:00 would be indicative of low impact, compliant with the requirements set out within PPW to avoid a significant low impact. As such, it is considered that there is no objective, technical basis for delivery hours to remain restricted to between the hours of 07:00 – 19:00.

There are also other positive impacts of the proposal, including sustainability and highways benefits by lowering day-time traffic levels. The proposal would not see an increase in the number of deliveries to the store, rather existing deliveries would continue to be spread out over a longer period.

A Quiet Delivery Scheme has been prepared for the store, and is submitted in support of this application, which sets out the specific measures to ensure that the Aldi store deliveries will be carried out in a quiet manner, and do not result in any detriment to public amenity, with particular regard to neighbouring properties.

The proposals are therefore not considered to generate a significant adverse impact on the amenity of surrounding residential receptors. This is in accordance with Planning Policy Wales (12th Edition), as well as Policies SP2 (Health), SP16 (Environmental Protection), EN8 (Environment and Land Stability), and BE1 (Design) of the Neath Port Talbot Local Development Plan (2011-2026).

Conclusion

The application seeks permission (under section 73 of the 1990 Act) to vary Condition No.28 of planning permission P2024/0339 to extend delivery hours for the approved Aldi store.

The proposals are considered to be compatible with the nearby residential properties and will not have a significant adverse impact on residential amenity with regard to noise impacts. This is in accordance with national and local planning policies, in the form of Planning Policy Wales (PPW) (12th Edition) and Policies SP2 (Health), SP16 (Environmental Protection), and EN8 (Environment and Land Stability) of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026).

We look forward to receiving confirmation of the registered application shortly. In the meantime, should you require any further information and/or clarification with respect to the application please do not hesitate to contact me on 07948 64823 or by email at George.milburn@avisonyoung.com.

Yours sincerely,



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For and on behalf of Avison Young (UK) Limited