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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
Fresenius Medical Care Renal Services
Ltd
C/O Agent

Name and address of the agent
Mr Oliver Hanney
Asbri Planning
Suite D 1st Floor
220 High Street
Swansea
SA1 1NW

DATE REGISTERED: 19 September 2024

APPLICATION NO: P2024/0597

LOCATION: Stationery House , Acacia Avenue, Sandfields, Port Talbot,
Neath Port Talbot, SA12 7DP

PROPOSAL: Proposed substantial demolition of existing factory building and
construction of satellite dialysis unit (use class D1), including
associated car parking, landscaping, refuse storage and
engineering 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:

This is Decision Notice Revision 3 dated 22/10/2025

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

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

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List of Approved Plans

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

1223.01 Rev A - Soft Landscape Proposals
2407 AL10A - Site Location and Block Plan
2407 AL11A - Site Layout Plan as Existing
2407 AL12D - Site Layout Plan as Proposed
2407 AL13A - Building Layout as Existing
2407 AL14A - Building Roof Plan as Existing
2407 AL15A - Building Elevations as Existing
2407 AL16A - Building Layout as Proposed
2407 AL17A - Building Roof Plan as Proposed
2407 AL18A - Building Elevations as Proposed
2407 AL19A - Building Section as Existing and as Proposed
2407 AL20B - Bin Store as existing and as proposed
2407 AL21A - Cycle Store Details
2407 AL22B - Entrance Gate Details
2407 AL23A - Site Sections as proposed
2407 AL24A - General Arrangement Plan as proposed
1223 R01A - Green Infrastructure Statement
8687 OMREV00 - Energy Statement
10927 FD/ JA - Noise Impact Assessment Rev 3
15942 Drainage strategy 02
ArbTS 1908.1 Tree Report
BGS_338999/55068 Radon Report
Contaminated Land report Phase 1 08/2024
Design and Access Statement V2
Ecology and Bat Survey 022024 issue 1
Construction Phase Environmental Plan Rev B
Highway Condition Survey P113NPT
PAC report
Planning Statement
Structural Appraisal 240387 CXC-XX-XX-RP-S-01A
Transport Statement

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 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

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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

- 4 No development shall commence, including any works of demolition, until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the demolition and construction period. The statement shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during demolition and construction; and
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- h) method of demolition.

Reason:

In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1 and TR2 of the adopted Neath Port Talbot Local Development Plan.

Details of this condition were agreed under application P2025/0129 dated 10/04/2025

- 5 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme detailing measures to protect the trees on site and along the boundaries of the site. The agreed protection measures shall be erected in accordance with the approved details prior to the commencement of development and before any equipment, machinery or materials are brought onto the site for the purposes of the development and retained for the duration of construction.

Reason:

In the interests of maintaining the visual amenity of the area, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

Details of this condition were agreed under application P2025/0129 dated 10/04/2025

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- 6 Notwithstanding the submitted information, no development shall commence on site **(excluding the substantial demolition of the existing building)** 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:
- (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.

Details of this condition were amended under NMA application P2025/0367 dated 23/05/2025

Details of this condition were agreed under planning application P2025/0501 dated 22/10/2025

- 7 No development shall commence on site **(excluding the substantial demolition of the existing building)** 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:

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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.

Details of this condition were amended under NMA application P2025/0367 dated 23/05/2025

Details of this condition were agreed under planning application P2025/0501 dated xx/xx/2025

Action Conditions

- 8 The building hereby approved, shall not be brought into first beneficial use until the Active Travel off-site highway improvement works have been completed in accordance with plan 2407 AL60 (Site Layout- Highways) and the Guidance on the Use of Tactile Paving Surfaces (December 2021 Department for Transport).

Reason:

To improve Active Travel provision in accordance with Policy SP1 and Policy TR2 of the Local Development Plan.

- 9 Prior to beneficial use of the proposed development commencing, if required by condition 7, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 7 shall have been submitted to and approved in writing by 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 offsite receptors and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 10 Within one month of the completion of the development a highway condition survey shall be carried out on the same roads as the submitted Condition Report (SCL Ref P113), the findings of the survey shall be used to identify any damage to the public highway that has been caused as a consequence of the development and a scheme for the rectification of the damage together with a timetable for the completion of the works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of rectification of damage to the public highways shall be completed within one month following the first beneficial use of the development.

Reason:

To ensure highway and pedestrian safety and to accord with Policy BE1 and TR2 of the Local Development Plan.

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- 11 Prior to the first beneficial use of the building, hereby approved, to comply with the noise limits specified in Condition 22 the plant area shall be constructed in accordance with the assumptions of the Acoustic Consultants Limited, Noise Impact Assessment, dated 29th July 2024, Reference: 10927/FD/JA, namely, with solid, closed boarded fencing, to a height of 2.5m with materials comprising a minimum surface mass of 10kg/m². There must be no gaps in the fence construction. The access doors to the plant area must be orientated such that they are shielded from direct line of site to the nearest noise sensitive receptor, and retained as such thereafter.

Reason:

In the interest of neighbouring amenity and to ensure that the development accords with Policy BE1 of the Local Development Plan.

- 12 Notwithstanding the details submitted, prior to the first beneficial use of the development hereby approved, the window within bay 2, the two windows in bay 3 and the window in bay 4 on the south east side elevation shall be fitted with obscured glazing, and any part of the windows that are less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained as such thereafter,

Reason:

In the interest of the amenities of the adjoining property/ies, and to ensure accordance with Policy BE1 of the adopted Neath Port Talbot Local Development Plan.

- 13 Prior to the first beneficial use of the development hereby approved the 4no EV charging spaces, as shown on plan AL12 Rev D, 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.

- 14 Prior to the first beneficial use of the building, hereby permitted, a bird box and a bat box shall be erected onto the building in accordance with Section 8 of the Hawkeswood Ecology Preliminary Ecology Appraisal and Bat Survey August 2024 and retained as such thereafter.

Reason:

In the interest of biodiversity, and to mitigate to loss of bird and bat nesting/ foraging habitats under the Habitats Regulations (amended 2012) and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 15 Prior to the first beneficial use of the building hereby approved, a revised soft landscaping plan, detailing alternative fastigate tree species to the south east of the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved tree, shrub and hedge planting, seeding or turfing shall then be carried out in the first planting and seeding seasons following the first beneficial use of the building hereby approved and any trees 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.

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Reason:

In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 16 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, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 17 Prior to the first beneficial use of the development hereby approved, a scheme detailing the provision of external staff amenity space within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail an area of the external space close to the building that would be maintained for staff. The approved amenity space provision shall be provided prior to the first beneficial use of the building and retained as such thereafter.

Reason:

To ensure appropriate amenity space is provided for staff and to ensure that the development accords with Policy OS1 of the Local Development Plan.

- 18 Prior to the first beneficial use of the building hereby approved, the facilities for the secure storage of cycles shall be provided in accordance with plan AL21 Rev A (Cycle Store Details) and shall be retained as such thereafter.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 19 Prior to the start of any piling works on site, full details of a Piling Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail all piling options available and identify the reasons for the selection of the proposed piling method, together with any necessary mitigation

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measures. The approved scheme shall be fully implemented on site in accordance with the approved details for the duration of any piling works that are to take place.

Reason:

In the interests of the residential amenity of the occupiers of the adjacent dwellings and to accord with policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.

Details of this condition were agreed under planning application P2025/0501 dated xx/xx/2025

- 20 The external heating and ventilation plant located to the north of the application site shall not be operated outside of the hours 06.30 and 20.30 Monday to Saturday, with no use on Sundays and Bank Holidays, unless an updated Noise Impact Assessment is submitted to and approved in writing by the Local Planning Authority, with any necessary mitigation measures and identified hours of operation which have been assessed within the Noise Impact Assessment. The development shall then be undertaken in accordance with the approved Noise Impact Assessment.

Reason:

In the interest of residential amenity and to ensure the development complies with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 21 The use shall not be carried out outside the hours of 06.00 to 23.00 Monday to Saturdays and with no use on Sundays and bank holidays. In addition, patients and members of the public are not permitted on the premises outside the hours of 06.30 to 19.00 Monday to Saturday and no patients or members of the public on Sundays and bank holidays.

Reason:

In the interest of residential amenity and to ensure the development complies with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 22 The noise from the hereby permitted external plant to the nearest noise sensitive receptor must be below the background level as measured in the Acoustic Consultants Limited, Noise Impact Assessment, dated 29th July 2024, Reference: 10927/FD/JA.

Reason:

In the interest of neighbouring amenity and to ensure that the development accords with Policy BE1 of the Local Development Plan.

- 23 Demolition and construction works shall not take place outside the hours of 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 on Saturdays and no works on Sundays or Bank Holidays.

Reason:

In the interest of residential amenity and to ensure the development complies with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.

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- 24 Notwithstanding the submitted plans, the bollards located to the front of the application building and around the drop off parking space shall be a minimum of 1.5m apart. and retained as such thereafter.

Reason:

To ensure compliance with Active Travel guidance and Policy TR2 of the Local Development Plan.

Informatives:

1 Developers' attention is drawn to the provisions of Section 278 of the Highways Act, 1980 in cases where a development would require access or other works to be carried out within the existing highway. Where highway works to benefit a development require land adjacent to an existing highway to be constructed upon together with works on the existing public maintained highway, a hybrid S38/278 shall be used. Works that are to be undertaken within the existing public maintained highway only will require a S278 agreement. No Work shall be undertaken on the existing public maintained highway until the appropriate legal agreement has been entered into. Any works undertaken on the public highway without the appropriate legal agreement with the Highway Authority, the Highway Authority has the right to request the developer to remove and/or reinstate that part of the highway back to its original condition to the satisfaction of the Highway Authority. A plan detailing the differences between the existing and proposed highway shall be submitted to form part of the legal agreement, this should be made up of two colours, green for the proposed area to be adopted and brown for the existing highway. Developers are reminded that consent under the Town and Country Planning Act, 1990/91, conveys no approval for works to be undertaken affecting any part of the public highway, including verges and footways. The Developer must:-

- (i) Obtain the approval of Neath Port Talbot County Borough Council as Highway Authority for the details of any works to be undertaken in the Public Highway.
- (ii) Indemnify the Authority against all claims arising from such works, including claims under the Land Compensation Act.
- (iii) Give not less than 1 calendar months' notice in writing of the date of commencement of the works. As part of this process you are advised that only certain contractors are permitted to undertake the works on the public highway, a list of these contractors are available from the Highway Authority's Highway Development Control Section. Therefore to ensure the road works you are required to undertake are carried out to the satisfaction of the Local Planning Authority you are advised prior to commencing any work on these works to contact the Head of Engineering and Transport at The Quays, Brunel Way, Baglan Energy Park, Neath. SA11 2GG (FAO Mr T Davies Telephone No. 01639 686392 or e-mail t.davies2@npt.gov.uk) to agree the specification, enter the necessary agreement and arrange onsite inspection of your works.

2 Please note that SAB approval will be required prior to any work commencing. It is a breach of approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018.

3 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is also available on the Mining Remediation

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Authority website at: <https://www.gov.uk/government/organisations/mining-remediation-authority>

4 The applicant is made aware of the comments received from the Mid and West Wales Fire and Rescue Service.

- o The proposal is required to meet the requirements of Approved Document B(Wales) 2020 B5 Access and facilities for the Fire and Rescue Service

- o Section 16 Fire mains and Hydrants

- o Section 17 Vehicle Access for Fire appliances The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links: <https://www.water.org.uk/guidance/national-guidance-documenton-the-provision-of-water-for-firefighting-3rd-edition-jan-2007>/<https://www.ukfrs.com/index.php/promos/16847>

5 Waste produced during the construction phase of your development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o before it is collected, disposed of or recovered

- o to identify the controls that apply to the movement of the waste

- o to complete waste documents and records

- o to identify suitably authorised waste management options

- o to prevent harm to people and the environment. Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste

producer:<http://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<http://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

The decision to recommend 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 Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on visual amenity, neighbouring amenity, highway and pedestrian safety, biodiversity and contaminated land. Accordingly, the proposed development is in accordance with Policies SC1, SP11, EC4, BE1, TR2, EN8, EN6, EN7, RE2 and OS1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Signed: 

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Ceri Morris – Head of Planning & Public Protection

Date: 6 February 2025

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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.

(6) Welsh Water Dwr Cymru advise that the planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industry Act 1991.

Please note, in accordance with Construction and Design Management (CDM) Regulations, it is the applicant's responsibility to ensure that any proposed works within their curtilage do not conflict with any underground services and is recommended they review their land registry title deeds for any legal covenants. For Sewers or Watermains that may be present and affected by your proposals, you are advised to contact Dwr Cymru Welsh Water who will be able to explain whether your proposed works will be acceptable as well as any consent required. Prior to commencing works, it is also recommend the applicant review the information and guidance on Building Over Sewers

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available on Welsh Water's website at

<https://developers.dwrcymru.com/en/applications/planning/build-over-or-near-to-sewers>

The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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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):-
 - (1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below) Within 6 Months
 - (2) Householder Appeal see endnote i Within 12 weeks
 - (3) Minor Commercial Appeal see endnote i Within 12 weeks
 - (4) Listed Building or Conservation Area Consent appeals Within 6 months
 - (5) Tree Preservation Order (TPO) Consent Within 28 days
 - (6) Advertisement Consent Within 8 weeks
 - (7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development Within 6 months
 - (8) Hazardous Substances Consent Within 6 months
- (5) Appeals must be made on a form which is obtainable from the Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0300 060 4400, or online at <https://planningcasework.service.gov.wales/>.
- (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

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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 686820 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.