



10 April 2026

Neath Port Talbot Council
The Quays
Brunel Way
Baglan Energy Park
Neath
SA11 2GG
For the attention of: Claire Hall

Dear Claire,

Caewern House, Dwr-Y-Felin Road, Neath, SA10 7RH
**APPLICATION FOR NON-MATERIAL AMENDMENTS PURSUANT TO PLANNING PERMISSION
P2024/0301 FOR RESIDENTIAL REDEVELOPMENT – CONDITIONAL CHANGES**

We are pleased to submit an application on behalf of our client, Jones Brothers (Henllan) Limited, seeking Non-Material Amendments (NMA) pursuant to the full planning permission (LPA Reference P2024/0301) for the demolition of Caewern House in Neath and the site's residential redevelopment.

Planning permission was granted on 11 September 2025 for the demolition of Caewern House and the construction of 36 affordable residential apartments across five three-storey blocks. Codi Group has since entered into a contract with Jones Brothers (Henllan) Limited to deliver the approved scheme.

Purpose of the Application

This application seeks non-material amendments to a number of planning conditions to facilitate the timely and efficient demolition of the existing building and enable the development to proceed in a logical and deliverable manner. The proposed changes do not alter the nature, scale, or impacts of the approved development but instead ensure that pre-commencement requirements are appropriately aligned with the construction process.

The amendments relate to the following conditions:

- Condition 04 (Contamination Assessment)
- Condition 05 (Remediation Scheme)
- Condition 06 (Land Instability)
- Condition 07 (Broadband Provision)
- Condition 09 (Road Safety Audit)
- Condition 10 (Refuse/Recycling Collection)
- Condition 15 (Landscape Management Plan)
- Condition 30 (Road Safety Audit Stages)

A full schedule of proposed amendments and supporting justification is provided at Appendix 1.

Supporting Information

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

- Completed and dated NMA application form
- Site Location Plan, indicating the site's location with a red line boundary
- Amendments proposed (as detailed in Appendix 1)

The application has been submitted via the Planning Portal, and the requisite fee has been paid.

Assessment Against Non-Material Amendment Criteria

Section 96A of the Town and Country Planning Act 1990 (as amended) allows non-material amendments to be made to an existing planning permission. Whilst there is no statutory definition of a 'non-material amendment', in July 2024 the Welsh Government published updated planning guidance on approving non-material amendments. This guidance confirms that existing conditions can be removed or altered providing the resultant effect is a non-material change.

In deciding whether or not proposed changes are non-material, consideration should be given to the effect of such changes. When assessing and determining whether or not proposed changes would qualify as non-material amendments, the guidance suggests four tests as a 'starting point' for local planning authorities in their consideration. Each of the tests are addressed below:

- 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,

The proposed amendments are limited to:

- Rewording conditions to allow demolition, site clearance, and ground investigation to take place prior to the submission of technical details;
- Re-timing certain submissions to more appropriate stages of the development process; and
- Removing two conditions that duplicate separate statutory controls.

These are procedural changes only and do not alter the approved development's design, scale, or environmental effects. As such, they will not result in any impacts beyond those already assessed and approved.

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

Since the changes being requested are limited to rewording or omitting conditions, they will not alter the scheme visually or have an impact on local amenity.

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

The amendments primarily relate to the timing of submissions rather than the scope or quality of information required. All necessary details will still be secured and approved by the Local Planning Authority at the appropriate stage.

The only proposed removals (Condition 07 – Broadband Provision and Condition 30 – Road safety Audit Stages) relate to a matter already controlled through Building Regulations and the Highways Act 1980. Therefore, there is no loss of control or disadvantage to third parties.

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

The principle of development and its compliance with national and development plan policies have already been established through the grant of planning permission. The proposed amendments do not conflict with any planning policies and are consistent with established guidance on the use of planning conditions, which seeks to avoid duplication of other regulatory regimes.

Conclusion

The proposed amendments are minor, procedural in nature, and necessary to ensure the efficient delivery of the approved development. They do not give rise to any new or different planning impacts and fully accord with the Welsh Government's guidance on non-material amendments.

We trust the information set out in this letter provides sufficient information to enable the Authority to confirm the proposed changes to the conditions constitute non-material amendments to the planning permission for the site.

Caewern House, Neath – NMA Application Pursuant to P2024/0301
10 April 2026

We look forward to hearing from you in due course. In the meantime, should you require any further information and/or clarification with respect to this matter, please do not hesitate to contact me.

We look forward to receiving confirmation of the registered application shortly.

Kind regards,

Yours sincerely,



Mike Southall MRTPI

Director

07740 338282

mike@amityplanning.co.uk

cc Mr James Player – Jones Brothers (Henllan) Limited

Appendix 1

Schedule of Non-Material Amendments

The proposed amendments are grouped as follows:

1. Rewording of the following conditions to exclude demolition, site clearance and ground investigation.

- **Conditions 04 (Contamination Assessment) & 05 (Remediation Scheme)** – Intrusive site investigation is necessary to properly assess ground conditions and determine any remediation requirements. This cannot reasonably be undertaken until the existing structure has been demolished and the site cleared. The proposed wording ensures that robust assessment and mitigation are still secured, while enabling essential preparatory works to proceed.
- **Condition 06 (Land Instability)** – Implementation of mitigation measures requires access to the underlying ground conditions, which necessitates demolition and site clearance. The amendment allows these enabling works to proceed without compromising safety or compliance.
- **Condition 09 (Road Safety Audit)** – Road Safety Audits (RSA) are undertaken in stages as the design evolves. Requiring full completion prior to any site activity is unnecessary and impractical. The amendment allows early works to proceed while maintaining full control over highway safety at the appropriate design stages. Also, the RSA will be entirely captured through the agreement with the Council under Section 278 of the Highways Act 1980 providing a robust framework for delivering and approving any necessary highway works.
- **Condition 10 (Refuse/Recycling Collection)** – The site layout and access arrangements have already been approved, and waste collection will take place within the site. The amendment simply defers detailed arrangements to a more appropriate stage, with no risk to delivery or operation.
- **Condition 15 (Landscape Management Plan)** – Landscaping is delivered towards the end of the construction process. Requiring a Landscape Management Plan prior to commencement is therefore premature. It is proposed that this condition is amended to pre-construction, ensuring the details remain secured while aligning with delivery.

2. Removing the following conditions.

- **Condition 07 (Broadband Provision)** – Broadband infrastructure in new dwellings in Wales is a requirement of the Building Regulations (Approved Document R: Infrastructure for Electronic Communications). As such, this condition duplicates an existing statutory requirement and is unnecessary. Its removal is consistent with national guidance, which discourages duplication of controls across regulatory regimes.
- **Condition 30 (Road Safety Audit Stages)** – This condition is not considered necessary as RSAs are already required for all highway works delivered under a Section 278 agreement pursuant to the Highways Act 1980. The relevant RSA stages will be submitted to and approved by the Local Highway Authority through that process, and the condition therefore duplicates controls that are secured through a separate legislative mechanism.

The wording of the existing conditions is copied below in italics with our suggested changes in bold and highlighted yellow.

Condition 04 (Contamination Assessment)

No development **(excluding demolition, site clearance and ground investigation)** shall commence on site 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.

Condition 05 (Remediation Scheme)

No development **(excluding demolition, site clearance and ground investigation)** shall commence on site until a remediation scheme **(if required)** 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 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.

Condition 06 (Land Instability)

No development **(excluding demolition, site clearance and ground investigation)** shall commence until the remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as identified within Section 7.2.1 of the Geo-Environmental and Geotechnical Assessment Report (ESP. 7 828b3558, August 2021) have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the assessment of the risk from past coal mining activity is satisfactory, and to ensure compliance with Policies SP16 and EN8 of the Adopted Neath Port Talbot Local Development Plan.

Condition 07 (Broadband Provision)

No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the flats/buildings hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

Condition 09 (Road Safety Audit)

Prior to any works commencing on site **(excluding demolition, site clearance and ground investigation), including demolition and site clearance,** Road Safety Audit Stages 1 and 2 must be undertaken and the results used to inform the following details which must also be submitted to and approved in writing by the Local Planning Authority prior to any works commencing:

- a. full construction details for the construction of the buildouts within the access road which shall include the minimum clear width of 3.8m, the direction of traffic that has priority and the kerb positioning;
 - b. full kerbing layout for the scheme showing any dropped kerbs for vehicle cross overs or pedestrian access;
 - c. additional details for the proposed new footpath link, including gradients not in excess of 1 in 12, and how this will tie in to the existing footpath;
 - d. all the appropriate CAD drawings to be able to check the swept path analysis for the refuse vehicle and the junction;
 - e. full construction details for the off-street highway improvements to the existing access point; and
 - f. full construction details for the new access road into the development which includes the carriageway and footways and including the following:
 1. Longitudinal sections showing a gradient of not more than 1 in 12 or less than 1 in 150;
 2. Cross sections every 20 metres, and/or where any culvert outfalls, headwalls are located;
 3. Highway Drainage (including gullies, gully leaders, manholes, pipe sizes and gradients);
 4. Highway Construction details;
 5. A schematic street lighting design;
 6. Highway Retaining Walls (if any), along with full structural and design calculations; and
 7. A Traffic Regulation Order Scheme for the new access road and Dwr-Y-Felin Road.
- Thereafter the development shall only proceed in accordance with the approved details, which shall be implemented in their entirety prior to the first beneficial occupation of any of the units.

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

Condition 10 (Refuse/Recycling Collection)

Prior to work commencing on site **(excluding demolition, site clearance and ground investigation),** full details of the proposed refuse/recycling collection arrangements for the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include whether the service will be provided by a private contractor or Neath Port Talbot County Borough Council's Kerbside Refuse and Recycling Scheme, together with details of the proposed collection arrangements including bin storage areas, collection arrangements and where requested details of swept path analysis of the contractors' vehicle accessing the site. The approved details shall be fully implemented on site prior to the first beneficial use of the hereby approved development.

Reason: In the interests of highway and pedestrian safety while also ensuring the provision of adequate waste collection services and in accordance with Policy TR2 of the Adopted Neath Port Talbot Local Development Plan.

Condition 15 (Landscape Management Plan)

No development shall commence **(excluding demolition, site clearance and ground investigation)**, until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all open space and landscaped areas has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out and the open space and landscaping maintained in accordance with the approved details.

Reason: In the interests of maintaining a suitable scheme of open space and landscaping to protect the visual and residential 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 Adopted Neath Port Talbot Local Development Plan.

Condition 30 (Road Safety Audit Stages)

~~All works to be constructed on the public highway shall be subject to Road Safety Audits, stages 1 to 4 in accordance with GG-119 of the Design Manual for Roads and Bridges. Each stage of the Road Safety Audit shall be submitted for approval in writing by the Local Planning Authority. All issues highlighted at each stage, being addressed to the written approval of the Local Planning Authority within 3 months of that stage of that Road Safety Audit having been approved.~~

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