

Appendix 29: Planning permission, decision notice EIA

Planning Reference No.: **P/20/119/FUL**

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012

PERMISSION FOR DEVELOPMENT

To:

Quorum Consulting Engineers
Office 45, UK Technology Centre
Pencoed Technology Park
Pencoed
CF35 5HZ

Whereas you did on the 6 February 2020 make application in writing for permission to develop, short particulars of the development being as follows:

Applicant Name : **WEPA UK Ltd**

Development : **Expansion of current operation including an extension for a new paper machine and stock preparation area, new converting and warehouse facilities and ancillary buildings**

Location : **Bridgend Paper Mills (WEPA) A4063 Llangynwyd CF34 9RS**

BRIDGEND COUNTY BOROUGH COUNCIL as the Local Planning Authority, hereby PERMIT the proposed development to be carried out in accordance with the plans (if any) submitted with the said application, subject to the development being begun on a date which is not later than five years from the date of this permission and subject also to compliance with the condition(s) specified below:

CONDITIONS

1. The development shall be carried out in accordance with the following approved plans:

- 57100-0161 Location Plan
- 51100-0100 Site Development Plan
- 51100-0102 Site Development Plan Project Phases
- 57100-0153 Proposed South Elevation 1 of 2
- 57100-0154 Proposed South Elevation 2 of 2
- 57100-0155 Proposed West Elevation
- 57100-0156 Proposed East Elevation 1 of 2
- 57100-0157 Proposed East Elevation 2 of 2
- 57100-162 B Proposed SuDS Features
- 57100-0166 Landscaping Plan Including Ecological Mitigation and Enhancement
- 57100-0167 Compensatory Bat House
- 53100-8001 Site Development Plan Illumination Plan
- 53100-8002 Site Mobilisation Plan Illumination Plan
- 51102-1001 A+B Pulp Storage, Bale Handling Ground Views
- 51102-1002 A+B Pulp Storage, Bale Handling Cross Sections
- 51102-1003 A+B Pulp Storage, Bale Handling Elevations
- 51103-1001 C – Paper Machine "Neptune" Basement, Cross Sections
- 51103-1002 C – Paper Machine "Neptune" Ground Views
- 51103-1003 C – Paper Machine "Neptune" Elevations
- 51104-1001 D – Converting Ground Views
- 51104-1002 D – Converting Cross Sections
- 51104-1003 D – Converting Elevations
- 51105-1001 E – Shipping Area Ground Views, Cross Sections
- 51105-1002 E – Shipping Area Elevations
- 51105-1002 E – Shipping Area Elevations
- 51106-1001 F – High Bay Storage Ground Views

51106-1002 F – High Bay Storage Cross Sections
 51106-1003 F – High Bay Storage Elevations
 51106-1005 Acoustic Barrier Floor Plan and Section
 51107-1001 G-Gate House Ground Views, Cross Sections
 51107-1002 G-Gate House Elevations
 51109-1001 J-JRS Ground Views, Cross Sections
 51109-1002 J-JRS Elevations
 51109-1002 J-JRS Elevations
 Recommendations and Mitigation Measures included within:
 Air Quality Impact Assessment
 Arboricultural Report
 Water Environment Impact Assessment
 Noise Impact Assessment Report
 Coal Mining Risk Assessment Report
 Ecological Mitigation and Enhancement Report and Plan
 Habitats Regulation Assessment
 Ecological Appraisal
 Invasive Non Native Species Management Plan and Eradication Specification
 Delivery Management Plan
 Revised Travel Plan (Received 13 May 2020)
 Flood Risk Assessment Report
 Site Investigation Report
 Transport Assessment
 Stage 1 Road Safety Audit
 Outline Construction Environmental Management Plan Report

All received on 6 February 2020 unless otherwise stated.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. Notwithstanding the plans and reports as hereby approved, a revised Native Species Management Plan and Eradication Specification (including the post treatment monitoring period length, the point at which further treatment is no longer required and the proposals for vehicle wash down areas as contaminated material is moved around the site) shall be submitted to the Local Planning Authority within three months of the date of consent. The development shall thereafter be carried out in accordance with the details as approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development.

3. Notwithstanding the submitted details, within 3 months of the date of consent an updated Construction Environmental Management Plan, which refers to the construction hours as agreed with the Shared Regulatory Services Officer, shall be submitted to the Local Planning Authority. All construction and deliveries shall thereafter be undertaken in accordance with the document as approved in writing by the Local Planning Authority.

Reason: To preserve the residential amenities of neighbouring properties.

4. Prior to the beneficial use of the site, details of a lighting scheme shall be submitted to and agreed with the Local Planning Authority. The scheme shall include the following information:

* a plan showing the location, height and orientation of the lights, as well as the form and type of lights to be erected and at which locations

* lighting levels within the development site to demonstrate that the areas within the site are not overly illuminated and do not exceed the levels that are recommended to comply with BSEN12464 2 – Light and Lighting – Lighting of outdoor works places i.e. of 50 average lux for hard standing areas and 20 lux for areas for slow moving traffic,

* predicted levels in lux at the closest residential receptors following final choice of design, location and height of lighting columns to demonstrate that the levels do not exceed the ILP requirements for obtrusive lighting in E2 – Rural areas

* the operational hours and,

* the specific mitigation measures to reduce any identified light spillage beyond the site boundary, to ensure that there will be no upward light spillage and to ensure there is no direct glare from any optics into any residential properties (e.g. baffles and screening and specify which lights are to have baffles)

Upon approval in writing, the details shall be implemented as agreed and thereafter the development shall be operated in accordance with the approved details and retained as such in perpetuity.

Reason: To protect biodiversity and to preserve the amenities of the countryside and adjoining occupiers.

5. Prior to their use on site, a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to protect the visual amenities of the area.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the site or the completion of the development whichever is the sooner 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.

Reason: To preserve the amenities of the countryside and in the interests of biodiversity within and around the site.

7. A Landscape Management Plan including management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial use of the site. The Landscape Management Plan shall be carried out as approved.

Reason: To preserve the amenities of the countryside and in the interests of biodiversity within and around the site.

8. The submitted remediation scheme must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGAWG/NRW guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works within the immediate vicinity of the suspected contamination (and potentially affected by it as determined and confirmed in writing by a suitably qualified competent person with relevant experience of investigating contaminated sites) must stop and no further

development shall take place in that area unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. Any topsoil [natural or manufactured] or subsoil to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

11. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

12. Any site won material including soils, aggregates and recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced.

13. Within 3 months of the date of this consent, an amended Description and Project Process Report shall be submitted to the Local Planning Authority to confirm that there is sufficient capacity within the existing Wastewater Treatment Plant to accept the increased levels of trade effluent and foul water flows. The report shall be approved in writing by the Local Planning Authority, in conjunction with Natural Resources Wales prior to the beneficial use of the development, including any necessary revisions to the Environmental Permit.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

14. Prior to the commencement of development on Phases 2 and 3 of the development, intrusive coal mining resource site investigations shall be carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be

submitted to and approved in writing by the Local Planning Authority. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure a satisfactory form of development.

15. Where the findings of the intrusive coal mining resource site investigations (required by condition 14 above) identify that the coal mining legacy on the site poses a risk to surface stability, no development shall commence in that particular phase until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to and approved in writing by the Local Planning Authority. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason: To ensure a satisfactory form of development.

16. Following implementation and completion of the approved remediation scheme for phases 2 and 3, (required by condition 15 above) and prior to the first beneficial use of that part of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

Reason: To ensure a satisfactory form of development.

17. Prior to the implementation of each Phase of the development above foundation/slab level, a detailed scheme shall be submitted to and agreed with the Local Planning Authority to demonstrate that the sound insulation values used in the noise modelling predictions within section 4.3 of the Noise Environmental Impact Assessment 57100_0219_Noise Assessment for the following enclosures and buildings will be achieved:
- The Department B baler will be fully enclosed. The Department B baler enclosure shall provide a sound insulation value R_w of at least 40dB(A)
 - All elements of the walls and roof of Department C shall provide sound insulation value R_w of at least 50dB(A)
 - The walls and roof of Department F shall provide a sound insulation value R_w of at least 40dB(A)
- The agreed scheme shall be implemented in full and the sound insulation values of the enclosure and buildings referred to above shall be retained for the lifetime of the development.

Reason: To protect the residential amenities of neighbouring properties.

18. All plant, equipment and conveyors shall be operated in accordance with section 4.3 of the Noise Environmental Impact Assessment 57100_0219_Noise Assessment i.e.:

- * 'Bin dragging' as part of the pulp storage/bale handling extension shall only take place during daytime hours between 07.00 and 19.00 hours
- * A maximum of one electric clamp truck, one diesel clamp truck for unloading and one baler shall operate within Department B at any one time during the hours of 07.00 and 23.00 hours
- * A maximum of one electric clamp truck and one baler shall operate within Department B at any one time between the hours of 23.00 and 07.00 hours.
- * A maximum of one forklift shall operate within the Department F warehouse building.
- * A maximum of one forklift shall operate within the Department F shipping building.
- * A maximum of three conveyors shall be located externally within the canopied area of Department B and shall be screened by a 10m high steel sheet (or an alternative agreed barrier) on the northern and southern boundaries of the canopied area.

Reason: To ensure a satisfactory form of development and to preserve the residential amenities of neighbouring properties.

19. Unless otherwise stated, prior to the development being brought into beneficial use, the following mitigation measures shall be implemented in full in accordance with section 5.2 of the Noise Environmental Impact Assessment 57100_0219_Noise Assessment :
- Prior to Phase 3 of the scheme (High Bay Storage Building) being brought into beneficial use, a 6m high acoustic barrier shall be installed to provide screening between the proposed Department F and Brynsiriol Farm (Receptor NSR02 in the noise report) as shown on the 'Acoustic barrier floor plan and

section' Plan No: 51106-1005. The barrier shall be continuous in length, with no gaps and be rot proof. The design details of the barrier shall be submitted to and agreed with the Local Planning Authority prior to its installation to include the type of barrier, its mass and the attenuation that it will provide. The acoustic barrier shall be maintained and retained for the lifetime of the development.

- Only 'Finished Goods' and 'Pallets' HGV movements shall occur between the hours of 23.00 and 07.00 hours. There shall be a reduction of 50% in peak hour HGV movements (as shown within the 'Hourly for Model' column in Table 2-12 of the Noise Environmental Impact Assessment 57100_0219_Noise Assessment) between the hours of 23.00 and 07.00 hours
- Between 23.00 and 07.00 hours, external loading shall comprise of no more than one vehicle at a time, i.e. although more than one vehicle may be parked for loading, external noise sources used for the loading of multiple vehicles must not operate concurrently.

Reason: To preserve the residential amenities of neighbouring properties.

20. All mobile plant and equipment (e.g. forklifts etc.) which operate wholly within the development site which have reversing alarms shall be fitted with white noise reversing alarms as opposed to tonal alarms.

Reason: To preserve the residential amenities of neighbouring properties.

21. The tissue machinery shall be installed and operated in accordance with the control measures specified in Chapter 7, paragraphs 7.5.36 -7.5.39 of the Environmental Statement submitted as part of the application and shall not exceed the vibration levels specified in paragraphs 7.5.36-7.5.39.

Reason: For the avoidance of doubt.

22. The rating noise level arising from the development (including the application of any tonal penalty) when assessed in accordance with BS4142:2014+A1:2019 in free field conditions at any residential premises existing at the time of approval of planning permission for this development shall not exceed the noise levels shown below:

Noise Receptor Location	Noise Rating Level	
	Day time (07.00-23.00hours) LAeq 1hour	Night Time (23.00-07.00hours) LAeq 15mins
NS1- Brynllwarch Farm	33dB	31dB
NS2- Brynsiriol Farm	37dB	27dB
NS3- Cefn Ydfa Farm	36dB	33dB
NS4- Ty Isaf	36dB	31dB

Reason: For the avoidance of doubt and to ensure a satisfactory form of development.

23. Within 3 months of the development becoming fully operational, a noise assessment shall be undertaken in accordance with BS4142 and a noise report shall be submitted to and agreed with the Local Planning Authority demonstrating by means of direct measurement or, where this is not possible, a combination of measurement and calculation, that the rating levels when all plant and machinery is operational does not exceed the noise limits specified in condition 22. Should the report conclude that these limits are being exceeded, it shall include a scheme of mitigation required to reduce the noise levels to comply with condition 22. Any mitigation works must be carried out in full within a timescale to be agreed with the Local Planning Authority.

Reason: To ensure a satisfactory form of development.

24. Within 3 months of the date of consent, a scheme to minimise dust emissions arising from construction activities on site shall be submitted to the Local Planning Authority. The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the scheme as approved in writing by the Local Planning Authority with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.

Reason: To assess air quality and agree any mitigation measures that may be required to safeguard

the amenity of nearby residents in the area.

25. Notwithstanding the submitted plans this consent does not extend to the proposed existing priority junction reconfiguration.

Reason: For the avoidance of doubt as to the extent of permission hereby granted.

26. Within 3 months of the date of this consent a scheme for a Delivery Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan should demonstrate how traffic generated by the proposed development will avoid, where possible, HGV movements during the AM and PM peak network hours and shall be subject to monitoring and periodic review. Traffic movements to/from the site shall be carried out in accordance with the Delivery Management Plan upon commencement of beneficial use of the development and retained as such.

Reason: In the interests of highway safety.

27. Notwithstanding the submitted Travel Plan, the measures outlined in the Transportation Implementation Schedule shall be implemented within 6 months of the beneficial use of the development. The plan shall be subject to periodic review and monitoring, with annual reports prepared by the developer and submitted to the Local Planning Authority.

Reason: In the interests of promoting sustainable modes of transport.

28. The parking area as hereby approved shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained thereafter in perpetuity.

Reason: To ensure a satisfactory form of development and in the interests of highway safety.

29. The cycle parking area and installation of stands shall be completed in accordance with the approved layout prior to the development being brought into beneficial use and retained thereafter in perpetuity.

Reason: To ensure a satisfactory form of development.

30. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

Dwr Cymru Welsh Water have confirmed that the applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry

Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under section 163 of the Highways Act 1980.

The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:

- i. obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
- ii. indemnify the County Borough Council against any and all claims arising from such works;
- iii. give not less than one calendar month's notice in writing of the date that the works are to be

commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend CF31 4WB. Telephone No. (01656) 642541.

The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for:

- i. determining the extent and effects of such constraints;
- ii. ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:-
 - * Unprocessed / unsorted demolition wastes.
 - * Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - * Japanese Knotweed stems, leaves and rhizome infested soils. In addition to Section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed;
- iii. the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it but this does not mean that the land can be considered free from contamination.

No surface water is allowed to discharge to the public highway.

No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

In order to satisfy the drainage condition (17) the following supplementary information is required:

- Provide an agreement in principle from NRW regarding the additional effluent discharge to the River Llynfi;
- Provide NRW registration document for the package treatment plant;
- The applicant shall submit a sustainable drainage application form to the BCBC SAB (SAB@bridgend.gov.uk)

Based on the characteristics of the site, it is considered that a suitable foul and surface water scheme can be provided on the site without detriment to surrounding areas and this will be secured via a suitably worded condition.

Network Rail Advisory Notes:

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

DRAINAGE

All surface water drainage should be directed away from Network Rail's land. Soakaways are not acceptable where the following apply:

- a) Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- b) Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- c) Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction. In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk . The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

FENCING

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing/wall must not be removed or damaged.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land or structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant's land ownership.

Should the applicant require access to Network Rail land then they must seek approval from Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

GROUND LEVELS

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations/earthworks carried out in the vicinity of Network Rail's property/structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway,

consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

NOISE

The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of Planning Policy Wales and Technical Advice Notes which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned such that in the event of failure it will not fall on to Network Rail land.

HEAPING, DUST AND LITTER

It should be noted that because of the nature of the proposals we would not want to see materials piled near the boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary. We also have concerns over the potential for dust clouds and rubbish created from the processing at the site affecting the railway signal sighting. Therefore, adequate measures for preventing dust and rubbish blowing onto Network Rail property are to be in operation.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.

Natural Resources Wales advise that in addition to planning permission, it is the applicant's responsibility to ensure that they secure all other permits/consents/licences relevant to their development. Please refer to the NRW website for further details.

Deep borehole drainage for surface waters is not permitted.

A European protected species (EPS) Licence is required for this development. Planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/protected-specieslicensing/european-protected-species-licensing/information-on-europeanprotected-species-licensing/?lang=en>

Development should not be commenced until a licence has been granted by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing

the specified activity/development to go ahead.

Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to us.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- a. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- b. There is no satisfactory alternative and
- c. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Where appropriate, the new drainage systems should be fitted with pollution control valves/penstocks. This will help the operator manage any pollution incidents during the operational life of the site.

Any surface water discharge from car parks or service areas should be served with an appropriate grade of hydrocarbon interceptor.

Construction plant shall, wherever possible, be fitted with white noise reversing alarms as opposed to tonal alarms.

It is recommended that the applicant retains the services of their ecological consultant in an "ecological clerk of works" capacity as part of their team of environmental specialists identified in Section 4.2.3 of the outline CEMP.

Dated: **23 September 2020**

Signed:



Group Manager Planning & Development Services

YOUR ATTENTION IS DRAWN TO THE FOLLOWING (some of which may not be applicable):-

a. 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.

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 developer's) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

b. The enclosed notes which set out the rights of applicants who are aggrieved by the Council's decision.

c. This planning permission does not convey any approval or consent required by Building Regulations or any other legislation or covenant nor permits you to build on, over or under your neighbour's land (trespass is a civil matter). To determine whether your building work requires Building Regulation approval, or for other services provided by the Council's Building Control Section, you should contact that Section on 01656 643408 or at <http://www.bridgend.gov.uk/buildingcontrol>

- d.** Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development
- e.** Attention is drawn to the provisions of the party wall etc. act 1996
- f.** Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.
- g.** If your proposal requires street naming you need to contact 01656 643622.
- h.** If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)
- i.** Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):- <http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en>
- j.** Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)
- k.** If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or www.coal.gov.uk
- l.** If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m.** The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-
- * re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
 - * increase in the volume of a building;
 - * increase in the height of a building;
 - * changes to the site area;
 - * changes which conflict with a condition;
 - * additional or repositioned windows / doors / openings within 21m of an existing building;
 - * changes which alter the nature or description of the development;
 - * new works or elements not part of the original scheme;
 - * new works or elements not considered by an environmental statement submitted with the application.
- n.** The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).
- o.** The presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection section of the Legal and Regulatory Services directorate. Developers may wish to refer to 'Land Contamination: A Guide for Developers' on the Public Protection Web Page.
- p.** Any builder's debris/rubble must be disposed of in an authorised manner in accordance with the Duty of Care under the Waste Regulations.
- q.** The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for
- (i) determining the extent and effects of such constraints;
 - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled

waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

Appealing a decision to Welsh Government

Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017

Town and Country Planning (Validation Appeals Procedure) (Wales) Regulations 2016

Notice to be sent to the applicant when a Local Planning Authority:

- refuses planning permission or approval required by condition or limitation (including householder and minor commercial development) or its non-determination,
- refuses listed building consent or conservation area consent or its non-determination,
- refuses hazardous substances consent or its non-determination,
- refuses advertisement consent or its non-determination,
- grants permission subject to conditions that are not acceptable to the applicant,
- refuses consent under tree preservation orders,
- refuses an application for a certificate of lawful use or development or its non-determination, or,
- issues a notice which states an application is invalid.

Where a party is aggrieved by a planning decision, non-validation or non-determination, that party may appeal to the Welsh Ministers against that action. Appeals are made to and administered by the Planning Inspectorate (“PINS”).

More information on the appeal procedures are set out in the above legislation and in Section 12 of the Welsh Government’s Development Management Manual which can be found online using this link <http://gov.wales/docs/desh/publications/170505development-management-manual-en.pdf>

For any planning or related appeal, the applicant should first discuss with their LPA whether any changes to their original application would make it more acceptable and likely to gain planning permission before submitting their notice of appeal. There is no ability to make amendments to an application following notice of appeal against a decision made by their LPA, except where the amendment corrects an error in the application and which does not affect the substance of the application. The appellant may not raise any new matters following notice of appeal, except where:

- it can be demonstrated the matter could not have been raised at the time the application was being considered by the LPA and could only have been raised following the notice of appeal; or,
- it can be demonstrated the matter being raised following the notice of appeal was a consequence of exceptional circumstances.

Appeals must be brought within:

1. 6 months of the date of the decision by the LPA for most planning applications,
2. 12 weeks of the date of decision by the LPA for minor appeals i.e.:
 - the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of a dwellinghouse, or a change of use to enlarge the curtilage of a dwellinghouse
 - the enlargement, improvement or other alteration of an existing building of no more than 250 square metres gross external floor space at ground floor level, or any part of that building, currently in use for certain operations,
3. 8 weeks for appeals against the approval subject to conditions of express consent for advertisements,
4. 4 weeks in the case of Tree Preservation Orders). In the case of non-determination, an appeal may be made at any time following the expiration of the statutory time limit within which the LPA must make a decision,
5. 14 days of the date of the invalid notice.

Appeals can be made online at <https://acp.planninginspectorate.gov.uk/>