

Appendix 2

Decision Notice – planning application reference no: P2012/1061

**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 Name and address of the agent

**Andrew Hyndman
Peakgen Power
Gables Lodge
62 Kenilworth Road
Leamington Spa
CV32 6JX**

Whereas on the Wednesday, 21 November 2012 you submitted an application for the following development:-

PROPOSAL Emergency backup STOR (Short Term Operating Reserve) compound to support the National Grid with associated switchgear and boundary treatments.
LOCATION Land rear of Unit 6A D'Arcy Business Park
Llandarcy Neath

THE NEATH PORT TALBOT COUNTY BOROUGH COUNCIL AS THE LOCAL PLANNING AUTHORITY IN PURSUANCE OF ITS POWER UNDER THE ABOVE MENTIONED ACT AND ORDER HEREBY PERMITS THE DEVELOPMENT TO BE CARRIED OUT IN ACCORDANCE WITH THE APPLICATION AND THE PLANS SUBMITTED THEREWITH, SUBJECT TO COMPLIANCE WITH THE CONDITIONS SPECIFIED HEREUNDER:

Conditions:-

(1)The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

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

(2) Prior to commencement of works on site a signed construction method statement shall be submitted to and approved by the Local Planning Authority. The statement shall provide for the following:

- (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 holding including decorative displays and facilities for public viewing, where appropriate.
- (e) Prevention of material discharge onto the Public Highway.
- (f) Measures to control the emission of dust and dirt during construction.
- (g) Wheel washing facilities to be implemented.
- (h) A scheme for recycling/disposing of waste resulting from the construction works.
- (i) The number and frequency of Lorries entering and leaving the site per day, vehicle routes and frequency of road sweeping.

The approved statement is adhered to throughout the construction period.

Reason

In the interests of highway and pedestrian safety.

(3) The access and turning facility for delivery and maintenance with drawing number 5041216-UTL-DWG-1332 and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of Highway and Pedestrian safety.

(4) The access road off the existing highways leading to the entrance of the energy backup STOR shall be surfaced with bitumen for the first 40 metres prior to the first operational use of the development hereby approved, and maintained as such thereafter.

Reason

In the interests of Highway and Pedestrian safety.

(5) Information signs shall be implemented at the entrance of the access road which advise vehicle users of where the access road leads to and that there shall be "no unauthorised vehicles beyond this point". These advisory signs

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shall be implemented and visual from the existing highway to inform vehicle users of this restricted access.

Reason

In the interests of Highway and Pedestrian safety.

(6) No building or construction of the access hereby permitted shall be occupied or accessed until a full surface water strategy has been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water:-

Drainage incorporating any suds proposals to ensure that the existing green-field levels of surface water run-off are not increased and an indication of emergency overland flow routes. Such scheme shall ensure that proper drainage of any adjoining land is not interrupted or otherwise adversely affected.

Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving groundwater and surface waters;

Include a timetable for its implementation; and

Provide a management and maintenance plan for the lifetime of the development. The approved drainage scheme shall be managed and maintained thereafter in accordance with agreed management and maintenance plan.

Reason

In the interests of amenity.

(7) There must be no interference, alteration or diversion of any ditch, watercourse, Alterations to Ditches stream or culvert crossing or bordering the site unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of amenity.

(8) Prior to commencement of any works a scheme providing a strategy of how the surface water within the development is controlled and discharged

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safely during the course of construction period. This strategy shall be submitted to and approved in writing by the Local Planning authority.

Reason

In the interests of amenity, and pollution control.

(9) Prior to any development taking place, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. This scheme, shall accord with the wider site landscape strategy and use native species, and shall provide for the screening of the development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within the first planting season following construction of the development and any trees or plants which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the Local planning authority gives written consent to any variation.

Reason

In the interest of visual amenity of the area.

(10) The generators hereby approved shall only be operated between the hours of 07.00 and 23.00 hours.

Reason

In the interests of amenity of adjoining properties.

(11) This permission benefits for a maximum generating capacity of 20MW, and the specification of generator and number of generators as set out within the application documentation. Any alteration to the generating capacity, specification of generator or the number of generators proposed shall require the prior written approval of the Local Planning Authority, and provided with noise and air quality data to assess the impacts of these amended details.

Reason

in the interest of amenity, and to assess any alterations on the air quality and noise impacts of the proposals.

(12) The noise rating level emitted from the generators shall not be greater than the existing background noise level. The noise levels shall be determined at the nearest noise-sensitive premises or at another location that is deemed suitable by the Authority. Measurements and assessments shall be made in accordance with BS 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas.

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Reason

In the interests of amenity.

(13) All engines and alternators shall be permanently housed within acoustically lined ISO containers. Ventilation apertures and engine exhausts shall be silenced at all times.

Reason

In the interests of amenity.

(14) An acoustic barrier totalling 3.5m in height shall be constructed around the entire perimeter of the compound. The barrier shall be constructed prior to the first operational use of the development hereby approved and retained as such thereafter, and maintained in such a manner that there are no gaps in the structure and the barrier is of effective mass to achieve the required sound insulation and levels as set out within condition 12 of this permission.

Reason

In the interests of amenity.

(15) In the event of a justified noise complaint, the Local Authority will require the applicant to employ an independent acoustic consultant to undertake a noise impact assessment. A copy of the report must be provided to the Local Authority. If the report identifies the need for further mitigation measures, the applicant shall immediately cease operation of the site, and implement the recommended actions. A noise impact assessment shall then be retaken and if the noise levels are reduced to levels compliant with Condition 12 of this permission, operations may recommence. If noise levels are not compliant with Condition 12, operation of the site shall remain in abeyance until additional mitigation measures have been introduced and until compliance with condition 12 is achieved.

Reason

In the interests of amenity.

(16) Within one month of the first operation of the development hereby approved a noise survey shall be submitted detailing the actual noise levels from the development to ensure that the required noise levels are being achieved or bettered, and if required details of any further mitigation measures proposed including timescales for the implementation of these works, and subsequent reassessment.

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Reason

In the interests of amenity, and to ensure that the impacts of noise from the development as built are adequately monitored.

(17) Prior to the commencement of work on site a scheme to assess the nature and extent of any contamination on the site, and confirmation of whether or not it originates on the site shall be submitted to and agreed in writing with the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006) and shall be submitted as a written report which 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) identifying all plausible pollutant linkages to be assessed.

(ii) a survey of the extent, scale and nature of contamination;

(iii) an assessment of the potential risks to:

- human health,
- ground waters 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;

(iv) an appraisal of remedial options, and proposal of 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.

(18) Prior to the commencement of work on site 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 historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works

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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.

(19) Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition (Please insert the condition number requiring remediation to be carried out) 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 offsite receptors.

(20) 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.

(21)All facilities for the storage of oils, fuels or chemicals shall be on impervious bases and surrounded by impervious bund walls. The volume of

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the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipes should be detailed to discharge downwards into the bund.

Reason

To prevent pollution of watercourses

NOTES TO DEVELOPER

(1) In order to mitigate the risks detailed below, the Developer should contact Network Rail's Asset Protection Wales Team prior to mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. Network Rail will provide Engineering support subject to a Basic Asset Protection Agreement.

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.

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.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone 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.

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, that in the event of failure, it will not fall on to Network Rail land.

DRAINAGE

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 30 metres of Network Rail's boundary.

FENCING

The applicant should refer to their conveyance for any particular fencing specification however due to the change of use the minimum specification should be 1.8 metre high steel palisade. No encroachment must take place on Network Rail's land without prior agreement from Network Rail's Property Department.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to the company's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

GROUND LEVELS

Should the works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that 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.

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.

SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

ACCESS POINTS

Where Network Rail have defined access points, these must be maintained to Network Rail's satisfaction.

Signed : 
Geoff White – Head Of Planning

Date: 21/01/2013