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Date: 13th May 2025

Dear Geraint

RE: TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) S96A APPLICATION – VARIATION OF CONDITION 02 (FOUL PUMPING STATION) OF APPLICATION 21/0184 VARRIED BY NMA 22/0290 TO ALLOW FOR MINOR CHANGE TO WORDING OF CONDITION 02. Cot Hill, Llanwern, Newport, South Wales (Planning Portal Ref: PP-13883872)

Please find enclosed a Non-Material Amendment (NMA) application on behalf of Redrow South Wales in respect of planning permission 21/0184 and NMA 22/0290, which proposes a minor amendment to the wording of a condition.

This application seeks to vary the wording of condition 02.

The current wording of condition 02 is as follows:

Notwithstanding the submitted details of the foul pumping station and its access no work shall commence on any surface element of the station and its access until details of surfacing, fencing and equipment housings have been submitted to the Council and agreed in writing. Thereafter the foul pumping station and its access shall be completed in accordance with the agreed details prior to its first operation and maintained as such thereafter.

Reason: to ensure the foul pumping station and its access are of a high-quality appearance in a visually prominent location. Policies GP2 and GP6

The suggested change is as follows:

Notwithstanding the submitted details of the foul pumping station and its access, no work shall commence on any surface element of the station and its access until further details of the surfacing and landscaping have been submitted to the Council and agreed in writing. Thereafter the foul pumping station and its access shall be completed in accordance with the agreed details in the first available planting season.

Reason: to ensure the foul pumping station and its access are of a high-quality appearance in a visually prominent location. Policies GP2 and GP6. Pre –occupation conditions

Justification for Determination Under S96a of The Town and Country Planning Act 1990

With regard to section 96A of the Town & Country Planning Act 1990, which allows non-material amendments to be made to an existing planning permission, the Welsh Government has produced a guidance note entitled 'Approving Non-Material Amendments to an Existing Planning Permission' (July 2024). This sets out a series of tests to be considered in determining whether or not an application qualifies as a non-material amendment.

Paragraph 2.4 of this guidance states the following:

“There is no statutory definition of a ‘non-material amendment’. This is because it depends on a number of factors such as the context of the overall scheme, the amendments being sought to the original planning permission, the specific circumstances of the site and surrounding areas, which will vary from one application to another. What may be non-material in one context may be material in another.”

Paragraph 2.6 further states:

"In deciding whether or not a proposed change is non-material consideration should be given to the effect of the change, together with any previous changes made to the original planning permission."

When assessing and determining whether or not a proposed change would qualify as a non-material amendment the tests set out below apply. For clarity, I have outlined against each of the tests in the guidance note why the proposed amendments to planning permission 21/0184 as well NMA 22/0290 can be deemed non-material.

Tests 1 & 2 – (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

There will not be a change that will cause a different impact due to the landscaping already being approved in this location.

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

There are no major alterations proposed to be made to the development as approved. Therefore, it does not result in a scheme that is materially different from that approved because landscaping has already been approved under the discharge of application 17/0887 on the 13th September 2018 in this area of the site.

Test 3 – (b) would the interests of any third party or body be disadvantaged in planning terms?

The changes proposed will not significantly impact upon the development as delivered. Therefore, the proposal will not have a detrimental impact on the interests of any third party or body in planning terms, over those matters previously considered.

Test 4 – (c) would the proposed change conflict with national or development plan policies?

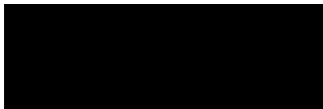
No, the proposed amendment to the wording of the condition does not materially change the proposed development, therefore it still compiles with national and local policies.

On this basis it is clear that the proposed changes are non-material and thus the application can be determined under S96a of the Town and County Planning Act.

This updated covering letter has therefore been submitted today.

I trust that the documentation submitted enables you to register the application and I look forward to receiving confirmation of the validation of the application. In the meantime, should you require any further information or clarification, please do not hesitate to contact me.

Yours sincerely,



Sam Thomas
Land and Planning Graduate