

Ciner Glass Ltd

CiNER – Dragon Glass Bottle Manufacturing Facility

Planning, Design and Access Statement

Reference: DRAGON-ARUP-ENVZ-XX-RP-T-000008

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1. Executive Summary

This Planning, Design and Access Statement has been produced by Arup on behalf of Ciner Glass Ltd in support of an application seeking the variation and removal of planning conditions following the grant of planning permission (ref: C/2021/0278) pursuant to Section 73 of the Town and Country Planning Act.

This application seeks to regularise design changes proposed to the approved parameters relating to height, scale, layout, appearance, access and landscape for the approved purpose-built glass bottle manufacturing facility in Rassau, Ebbw Vale. This application also seeks to remove Condition 33 (Great Crested Newts) by providing sufficient details at this stage.

An Environmental Statement Addendum has been prepared in support of this application. The approach to the Addendum has been agreed in consultation with Blaenau Gwent County Borough Council and involves an update to all technical disciplines assessed under the original Environmental Statement submitted with the full planning application (ref: C/2021/0278). It concludes that the proposed amendments would not result in any new or materially different or likely significant adverse effects.

This Planning, Design and Access Statement concludes that the proposed amendments accord fully with the aims of the development plan, and that no other material considerations, including national policy and guidance, and supplementary planning documents and guidance indicate that this application should be determined otherwise. The proposed development sits within the spirit of the approved full planning permission (ref: C/2021/0278) and it is considered planning permission should be granted accordingly.

2. Introduction

This Planning, Design and Access Statement (PDAS) has been produced by Arup on behalf of Ciner Glass Ltd, to support an application made under Section 73 (s.73) of the Town and Country Planning Act 1990 for the variation of Condition 3 (Approved Plans and Documents) and removal of Condition 33 (Great Crested Newts) of full planning permission reference: C/2021/0278 in relation to Land north and east Rassau Industrial Estate, Rassau, Ebbw Vale (hereafter referred to as ‘the site’).

This s.73 application is made to Blaenau Gwent County Borough Council (BGCBC) as the relevant Local Planning Authority, following a meeting held on 21 April 2023. During that meeting, the proposed amendments were discussed, and it was advised that in order for them to be regularised, the submission of a s.73 application would be appropriate following grant of planning permission reference: C/2021/0278.

This application is made pursuant to full planning permission reference: C/2021/0278 and seeks to amend the plans and documents approved under Condition 3 (Approved Plans and Documents). Details of which plans and documents being updated to capture the proposed amendments as part of this application are set out in the supporting Cover Letter and are referenced in this PDAS where relevant.

This s.73 application seeks to regularise design changes proposed to the approved parameters relating to height, scale, layout, appearance, access and landscape for the proposed purpose-built glass bottle manufacturing facility. It also provides details sufficient to avoid the need for a planning condition (Condition 33) to control the translocation of Great Crested Newts.

2.1 Structure of this Statement

This Statement is structured as follows:

- Section 3: sets out a description of the site and its surrounding context.
- Section 4: outlines the relevant background context and planning history pertaining to this application.
- Section 5: describes and outlines the reasons for the proposed amendments including the details of the proposed design amendments.
- Section 6: sets out the relevant planning policy considerations that are relevant to the application.
- Section 7: provides a planning assessment of how the proposed amendments are compliant with the adopted development plan and other material considerations.
- Section 8: provides a conclusion.

3. The Site and Surroundings

The application site ('the site') is located at the eastern extent of the Rassau Industrial Estate (RIE) within the Ebbw Vale Enterprise Zone (EVEZ) to the north of Rassau, Blaenau Gwent.

The site is situated at the head of the Ebbw Valley, approximately 3.5km north of Ebbw Vale and 35km north of Cardiff. The site is accessed via the A465 Head of the Valleys Road, a strategic route which links to the A470 at Merthyr Tydfil and provides access to Junction 32 of the M4 motorway 25km to the south.

The site is approximately 21.5ha in area and comprises a vacant plot within the RIE, currently within the ownership of Welsh Government and BGCBC.

The surrounding occupiers/landowners predominantly consist of B1, B2 and B8 land uses. The northern boundary is shared with the National Grid 400kV Rassau sub-station and EnviroWales Limited comprising warehousing, transformers and overhead electricity infrastructure to the north west. The western boundary is shared with the existing RIE road network and Sear Seating manufacturing (Use Class B2) with undeveloped land and the Carno Reservoir to the eastern boundary. The southern boundary is shared with TechBoard (Use Class B2) and a wind turbine (77m tip height).

The RIE is situated immediately north of the A465 Head of the Valleys Road and is comprised of purpose-built industrial/manufacturing units, sitting within the EVEZ. Tall structures and buildings are well established features of the RIE, including electricity pylons, wind turbines and industrial units with associated chimney stacks.

Vehicle access to the RIE is provided from the southwest via the A465 Head of the Valleys Road and access to the site provided to the west of the land parcel via a roundabout junction.

The approved development is to be constructed over two discrete land parcels. Firstly, the majority of the development would take place on a cleared plateau within the RIE which is designated as employment land (EMP1.4 and EMP1.5) under the local development plan and safeguarded for B1, B2 and B8 uses. These designations are the final plots of the RIE to be developed. Parts of the land accommodating these allocations have become overgrown with vegetation, whilst the site has been vacant (late 1970s/1980s). The remainder of the approved development is proposed on undeveloped land to the east of the allocation which is required for ecological mitigation and future use by CiNER Glass Ltd.

A tributary of the River Ebbw (Affon Ebwy) bisects the site between the two land parcels which has been previously diverted around the northern extent of the RIE. The River Ebbw is part of the South East Valleys catchment which eventually flows into the Usk Estuary.

The topography of the site is generally sloping, ranging from 390m above ordnance datum (AOD) at the southern extent to 427.5m AOD at the northern boundary.

The site is situated on the slopes of Myndd Llangynidr Site of Special Scientific Interest (SSSI), approximately 400m south of the Brecon Beacons National Park (BBNP). The site is situated 1km south west of the Usk Bat Sites of Special Area of Conservation (SAC).

Figure 3-1 below illustrates the site context providing the geographical location of the application site in comparison to adjacent land uses and settlements.

Figure 3-1: Application Site Context



4. Relevant Background Context

4.1 Pre-Application Engagement

Arup and Ciner Glass Ltd have continued to engage with the Local Planning Authority since full planning permission was granted. This has included meetings held with officers from BGCBC on 21 April 2023 and 2 August 2023 to discuss the preparation and submission of this s.73 application.

During the first meeting, a detailed presentation of the proposed amendments sought as part of this application were presented to BGCBC. In response, it was advised that in order for these amendments to be approved and regularised a variation of conditions application to Condition 3 of the full planning permission would be appropriate.

Upon commencement of the preparation of this s.73 application, Arup engaged further with BGCBC to understand and agree the proposed approach and scope of the supporting Environmental Statement Addendum (ESA) submitted with this application. In response, it was agreed that a qualitative approach providing an updated review of the conclusions set out under the original Environmental Statement for the amendments sought as part of this application would be suitable, given the nature and scale of the proposed amendments to the design. Where relevant, Arup have consulted with internal BGCBC consultees to share information or agree details of technical information that has been submitted within the supporting ESA, in advance of making this application.

4.2 Full Planning Permission

On 22 September 2021, an application for full planning permission was submitted to BGCBC (ref: 07/2021/0278) seeking consent for the construction and operation of a purpose-built glass bottle manufacturing facility, and associated works comprising:

- A total site area of approximately 14.4 ha on a wider land parcel extending to 21.5 ha;
- 2no. furnaces with associated filters and 2no. chimney stacks;
- 2no. cullet buildings and stores for the storage and processing of rejected and recycled glass;
- 1no. batch and 2no. silo buildings for the storage and mixing of raw materials;
- 2no. production lines for hot and cold processing, inspection and packaging of glass bottles including workshops and storage areas within the process building;
- Office space and welfare facilities including canteen, infirmaries and changing facilities (located internally at eastern extent of the facility);
- An automated warehousing facility for the storage and distribution of glass bottles;
- Utilities building which includes plant space and workshops;
- Waste materials store;
- Liquefied Petroleum Gas (LPG) store and Regulating and Metering Station (RMS) building;
- Back up fuel storage facilities;
- Main entrance security lodges and associated weighbridge;
- External hardstanding for the storage of materials, parking and loading; and,
- Landscaping to the eastern side of the facility.

Following revisions related to the information and plans submitted in support of this application on 14 January 2022 and 5 April 2022, planning permission was subsequently granted on 1 March 2023, subject to planning conditions and a Section 106 agreement.

4.3 Environmental Statement Addendum

The full planning permission constituted major development and was accompanied by an Environmental Impact Assessment, including an Environmental Statement (ES) which considered the potential impact on key environmental considerations in relation to the proposed development.

As a result of the changes proposed as part of this application, the conclusions of this ES are required to be reviewed to determine whether the design changes would result in any changes to the environmental impacts identified. An Environmental Statement Addendum (ESA) has been prepared and submitted in support of this application.

Overall, the ESA concludes no new or materially different significant adverse effects have been identified as a result of the proposed amendments to the consented scheme. The proposed amendments have been reviewed against the assessment and conclusions of the original 2022 ES for each of the environmental topics previously considered. For all topics, the changes that are being proposed to the approved planning application are not expected to result in more adverse outcomes or effects than those in the original ES and in some cases indicate an improvement on those previously assessed. For further information, please refer to the supporting ESA.

5. Proposed Amendments

5.1 Introduction

The following section provides information on the details of the changes proposed as part of this application. This s.73 application seeks to amend the plans and documents approved under Condition 3 to regularise design changes relating to height, scale, layout, appearance, access and landscape for the proposed purpose-built glass bottle manufacturing facility. It also provides details sufficient to avoid the need for a planning condition (Condition 33) to control the translocation of Great Crested Newts and therefore seeks to remove this condition.

This s.73 application seeks permission for:

'Application made pursuant to Section 73 of the Town and Country Planning Act 1990 to vary Condition 3 and remove Condition 33 of planning permission reference: C/2021/0278.'

5.2 Application Rationale

Following approval of the full planning application in March 2023, Arup were instructed to undertake a design review seeking to deliver operational efficiencies associated with the approved development. This considered the built-in resilience for future flexibility of the approved scheme which attributed to a large overall footprint and height of the buildings, as well as recent market trends and amplified build costs associated with the facility.

It is considered that the proposed amendments would deliver an enhanced scheme to that currently approved, providing an increased level of quality to the overall proposed development. This s.73 application is made to regularise these proposed changes and ensure the efficient build out of the approved facility.

5.3 Removal of Condition 33 (Great Crested Newts)

Condition 33 of the approved full planning permission (ref: C/2021/0278) states:

'Notwithstanding other regulatory regimes, the approved strategy for the translocation of Great Crested Newts (GCN) shall be implemented in full, incorporating best practise by a qualified ecologist with the necessary experience and licence for such work. The donor site shall be proactively monitored and managed for the benefit of GCN for a minimum period of 25 years and thereafter retained for this purpose purposes.'

In the event that GCN are not present on site, the local planning authority require documentary evidence submitted by a suitably qualified ecologist prior to works commencing on site.'

Reason: To safeguard a protected species and ensure their ongoing habitat and wellbeing.'

As contained within the supporting appendices of the ESA, the relevant Amphibian Survey Report confirms that no great crested newts were found within the site during 2022 and they are considered unlikely to be present. The supporting report provides the relevant documentary evidence required in line with the requirements of Condition 33 in the event GCN are not present and confirms the position Arup have discussed with BGCBC Ecologist previously which indicates this species is absent from the County Borough and Rassau area. As such, given this information is being shared with the LPA for consideration, this application seeks no reason to retain this condition and seeks for its removal as part of this application.

5.4 Proposed Minor Amendments

The proposed amendments sought by this application follow detailed conversations with officers from BGCBC as part of ongoing discussions, as outlined in Section 4 of this PDAS.

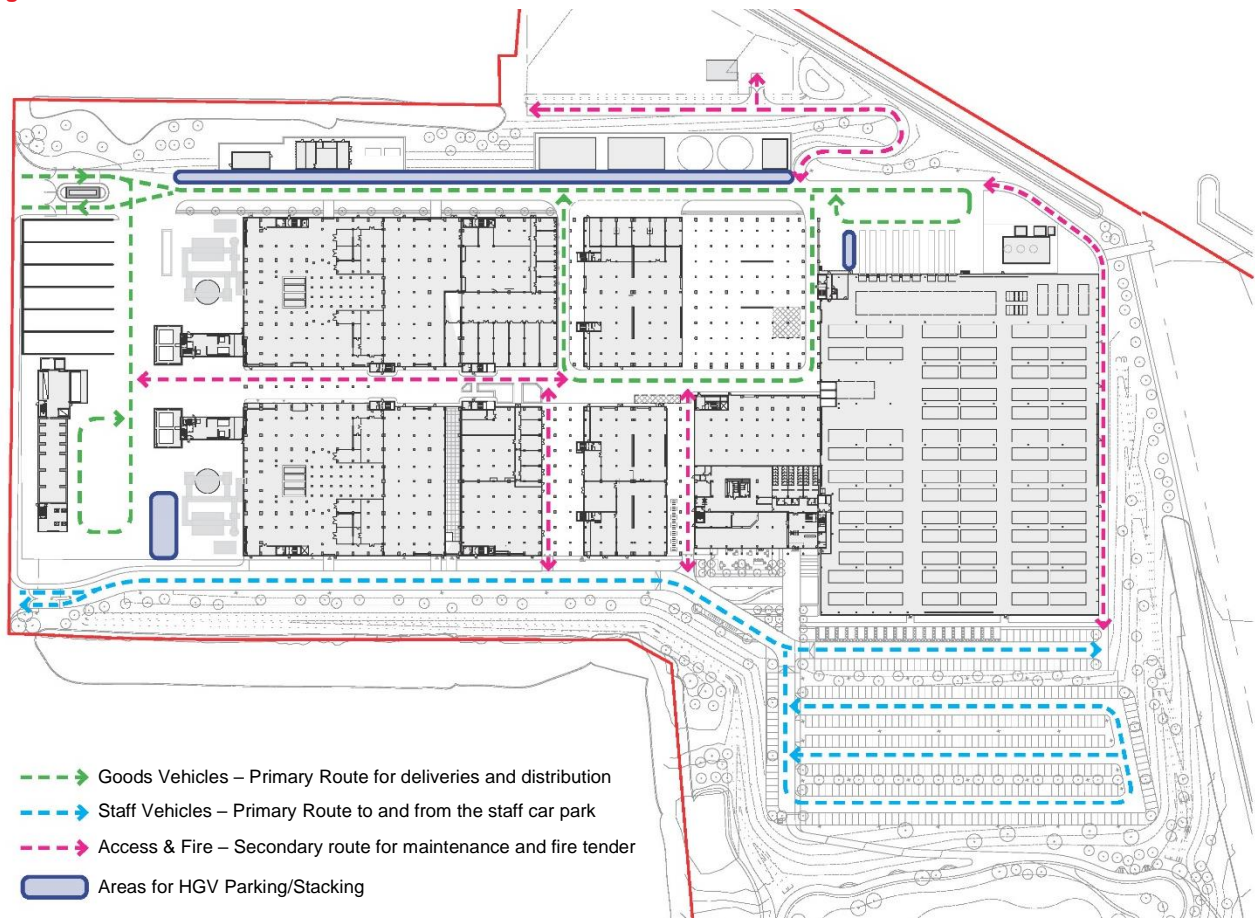
The design changes are relating to amendments to the proposed development height, scale, layout, appearance, access and landscape. A summary of the changes is provided in table 5-1 below. Where relevant, the appropriate plan revision is set out for ease of reference.

Table 5-1: Summary of Proposed Amendments

Proposed Change	Explanation and Details of Amendments	Revised Drawing submitted to capture proposed amendment
Height	<p>The approved scheme had capacity for built in resilience for future flexibility giving an increased overall footprint and height.</p> <p>The proposed combined height reductions sought as part of this application as outlined below, across the site, would help to reduce the massing of the building on site and allow it to sit significantly lower in its context.</p> <p>This application seeks changes to the height of the approved development as follows:</p> <p>The main roof of the process building is proposed to be reduced by approximately 5m (from 28m to 23m).</p> <p>The furnace roof is proposed to be lowered by approximately 12m (from 35m to 23m) to create one consistent parapet height along the perimeter of the building.</p> <p>A 12m furnace ‘pop-up’ building is proposed to be included above the furnace area on the southern elevation. This new element is proposed to be louvred directly above the furnace area and would allow hot air to escape whilst significantly reducing the overall massing of the building.</p> <p>The warehouse building is proposed to be changed from an automated warehouse to a manual warehouse due to an operational change of requirements. As such, the overall height of this feature is proposed to be significantly reduced by 15.5m (from 28m to 12.5m).</p>	<p>DRAGON-ARUP-XXXX-ZZ-DR-A-003111, Rev: P04</p> <p>DRAGON-ARUP-XXXX-ZZ-DR-A-003211, Rev: P03</p> <p>DRAGON-ARUP-XXXX-ZZ-DR-A-003220, Rev: P03</p>
Scale & Layout	<p>As a result of the height reduction, changes to the scale and layout of the approved factory are proposed to be amended through this application as follows:</p> <p>A reduction in the area of the incoming materials yard (from 10,800sqm to 5,800sqm) and the number of cullet bunkers (from 8 no. to 6 no.) is sought. This would free up space on the site and would allow the main process building to shift west by approximately 27m.</p> <p>A reduction in the area and length of the main process building as outlined above, would result in additional vacant space east of the site allowing the warehouse to be re-orientated to sit behind the packaging area. This would create a single linear building with a reduced footprint, allowing opportunity for existing landscaping and ecology to be retained on site.</p> <p>The utilities building is proposed to be incorporated into the main process building. As a result of this, the two process lines are proposed to be pushed closer together. Moving the main process building away from the northern boundary by 20m and away from the southern boundary by 24m. The width of each process line is also proposed to be reduced by approximately 7m (from 64m to 57m).</p> <p>The proposed removal of the utilities building and narrowing of the process lines would create a slimmer building on site, and in doing so, pulls the building further away from the north and south boundaries creating landscape corridors that can be utilised to screen the building.</p> <p>Parking numbers are proposed to remain unaltered as part of this application (total approved provision of 389 no. spaces), however, the car park is proposed to be relocated to the south of the site given the space vacated by the proposed change to the warehouse as explained above. The car park is therefore proposed to be entirely external as opposed to half under the main building as currently approved. The car park is proposed to be ‘greened’ to blend into the surroundings and add visual, landscape and ecological interest.</p> <p>The loading yard has also been reduced and is now located to the north of the warehouse. It is proposed that the area of the loading yard would be reduced from the current consented scheme (from 6,600sqm to 2,300sqm)</p>	<p>DRAGON-ARUP-XXXX-ZZ-DR-A-001201, Rev: P03</p> <p>DRAGON-ARUP-XXXX-B1-DR-A-003010, Rev: P02</p> <p>DRAGON-ARUP-XXXX-GF-DR-A-003011, Rev: P03</p> <p>DRAGON-ARUP-XXXX-01-DR-A-003012, Rev: P02</p> <p>DRAGON-ARUP-XXXX-02-DR-A-003013, Rev: P02</p> <p>DRAGON-ARUP-XXXX-03-DR-A-003014, Rev: P02</p> <p>DRAGON-ARUP-XXXX-RF-DR-A-003015, Rev: P02</p> <p>DRAGON-ARUP-XXXX-XX-DR-L-001501, Rev: P04</p>

Proposed Change	Explanation and Details of Amendments	Revised Drawing submitted to capture proposed amendment
Appearance	<p>Several changes relating to the appearance of the approved scheme are proposed as part of this application as follows:</p> <p>The precast concrete façade at ground floor in the materials yard and to the auxiliary buildings is proposed to be replaced with metal panels.</p> <p>A darker plinth is proposed to be added to the lower levels of the façade system to the main building. This would be a profiled metal sheet and would help break up the massing of the building.</p> <p>The enclosure to the filter building is proposed to be removed which similarly would help to lessen the visual impact and massing of the building on the site.</p> <p>Green roofs are proposed to be added to the Security Building, RMS Building, LPG Building and Pump House.</p>	<p>DRAGON-ARUP-XXXX-ZZ-DR-A-003111, Rev: P04</p> <p>DRAGON-ARUP-XXXX-ZZ-DR-A-003211, Rev: P03</p> <p>DRAGON-ARUP-XXXX-ZZ-DR-A-003219, Rev: P03</p> <p>DRAGON-ARUP-XXXX-ZZ-DR-A-003217, Rev: P03</p>
Access	<p>In line with the amendments sought as part of this application to reduce the overall footprint and height of the approved development, and the general pulling away from the north and south boundaries (by 20m from the north and 24m from the south), a dedicated access route for deliveries and staff vehicles is now proposed. Access for goods vehicles is now proposed to be via the north of the site, with staff access along the southern boundary. The proposed amendment would segregate heavy vehicles from staff vehicles and provide a betterment through limiting potential vehicular conflict.</p> <p>The proposal still has a central access road between the two process lines, this route is connected to the outer perimeter roads by access routes that run under the building. Access to this central road provides a route for maintenance vehicles, fire tender vehicles and also an area for large delivery vehicles to deliver materials to the packaging warehouse.</p> <p>All routes around and through the building have been tracked in order to ensure large vehicles can manoeuvre around the site. This is shown on Figure 5-1 below.</p>	<p>DRAGON-ARUP-XXXX-XX-DR-A-001201, Rev: P03</p> <p>DRAGON-ARUP-XXXX-XX-DR-L-001501, Rev: P04</p> <p>DRAGON-ARUP-HWAY-GF-DR-C-100001, Rev: P03</p> <p>DRAGON-ARUP-HWAY-GF-DR-H-130001, Rev: P03</p> <p>DRAGON-ARUP-HWAY-GF-DR-H-130002, Rev: P03</p>
Landscape	<p>This application seeks to reduce the overall extent of the landscaping on the site, retain more of the existing woodland to the south of the site and around site boundaries where possible as well as retain all of the peatland area to the east of the watercourse. The landscape spaces provide ecological functionality, amenity for staff members and sustainable water management. Landscaping corridors have been created between the perimeter of the building and the north and south boundary in order to create a green buffer, provide pedestrian circulation and integrate rain gardens. A series of amenity areas have been included within these landscape corridors, as well as in front of the main entrance to the building/canteen area, to the south of the car park and within the retained woodland. Car park area has been softened with meadow grassland and tree planting. Four small biodiverse green roofs have been included to small buildings located by the northern access road. Trails and tracks have also been incorporated around the detention basin and into the existing woodland which could be used for running, exercise or walking at break-times or outside of work hours. Sustainable water management features provided as part of the proposal include detention basin, rain gardens, swale and attenuation tank.</p>	<p>DRAGON-ARUP-XXXX-XX-DR-A-001201, Rev: P03</p> <p>DRAGON-ARUP-XXXX-XX-DR-L-001501, Rev: P04</p>

Figure 5-1: Site Access and Movement



5.5 Visuals

The visuals provided below offer a comparison of the approved scheme against the amendments sought. These visuals help illustrate the nature of the proposed amendments described in 5-1.

Figure 5-2: View from the North West Corner of the site – Consented Scheme



Figure 5-3: View from the North West Corner of the site – Proposed Scheme



Figure 5-4: View from the North East Corner of the site – Consented Scheme

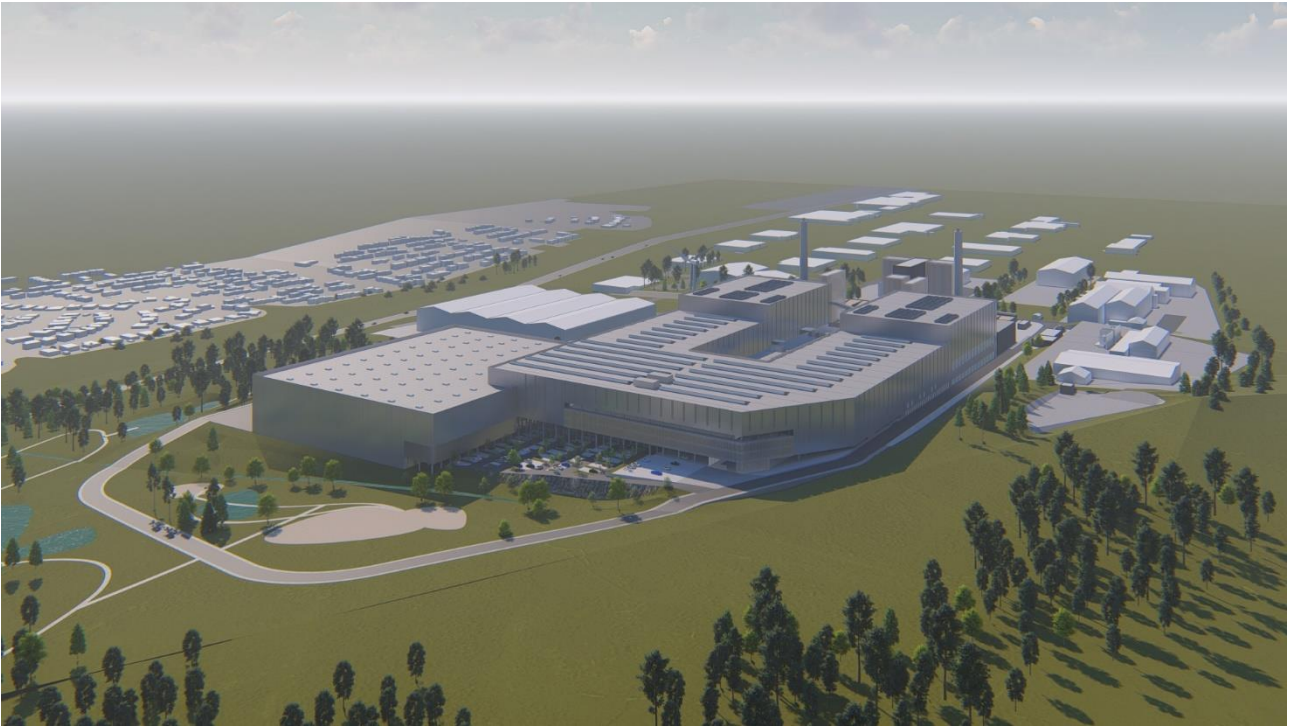


Figure 5-5: View from the North East Corner of the site – Proposed Scheme



Figure 5-6: View from the South West Corner of the site – Consented Scheme



Figure 5-7: View from the South West Corner of the site – Proposed Scheme



Figure 5-8: View from the South East Corner of the site – Consented Scheme



Figure 5-9: View from the South East Corner of the site – Proposed Scheme



Figure 5-10: View from Bannau Brycheiniog – Consented Scheme



Figure 5-11: View from Bannau Brycheiniog – Proposed Scheme



Figure 5-12: View from Beaufort Hill – Consented Scheme



Figure 5-13: View from Beaufort Hill – Proposed Scheme



6. Planning Policy Context

6.1 Introduction

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

In assessing and determining development proposals, the Future Wales: The National Plan 2040 (Future Wales), Planning Policy Wales: Edition 11 (PPW11), Technical Advice Notes (TANs), the Well-being of Future Generations (Wales) Act 2015, supplementary planning guidance are material considerations in this instance. Where appropriate, further details of these documents are cross referenced in this Statement.

6.2 Future Wales: The National Plan 2040

Future Wales – the National Plan 2040 constitutes the national development framework which sets out the direction for development in Wales to 2040. The development plan sets out the strategy for addressing key national priorities including developing a vibrant economy and improving the health and well-being of Welsh communities.

Future Wales establishes and Economic Action Plan which supports the delivery of ‘Prosperity for All – the national strategy for Wales’. The Economic Action Plan advocates development which builds resilience and contributes a futureproof economy. Development should support high value manufacturing sectors and should seek to import and export goods and services. Future Wales supports the sustainable location of economic land uses and economic development through the LDPs.

The proposed amendments are considered to sit within the principles of Future Wales and would facilitate the delivery of a sustainable high value manufacturing facility.

6.3 Local Planning Policy

The development plan is defined by Section 38(3) of the Planning and Compulsory Purchase Act 2004 (in Wales) as:

- “a) the National Development Framework for Wales,
b) the strategic development plan for any strategic planning area that includes all or part of that area, and
c) the local development plan for that area.”*

The adopted statutory development plan consists of:

- Blaenau Gwent County Borough Council – Written Statement (Adopted 22 November 2012)
- Blaenau Gwent County Borough Council – Proposals Map (Adopted 22 November 2012)
- Blaenau Gwent County Borough Council – Constraints Map (Adopted 22 November 2012)

The Blaenau Gwent County Borough development plan is the key strategic document in Blaenau Gwent’s development plan and the basis of which this s.73 application should be determined. It sets out the vision for how the county will grow and develop to become a more desirable place to live, work and visit, and for inward investment. It also contains policies for guiding planning decisions.

The following policies are considered to be of relevance to this s.73 application:

- **SP1 Northern Strategy Area:** outlines that proposals in the Northern Strategy Area will be required to deliver sustainable growth and regeneration that benefits the whole of Blaenau Gwent. Specifically, development should support Blaenau Gwent through the attraction of both people and the provision of employment.
- **SP7 Climate Change:** states that the Council will seek to address climate change and reduce energy demands to improve the sustainability of the valley communities, through by: encouraging more of the

County Borough's electricity and heat requirements to be generated through renewable means and low/zero carbon technologies; incorporation of decentralised heating/cooling; and, promoting the efficient use of land by giving preference to brownfield development.

- **SP8 Sustainable Economic Growth:** advocates the improvement and diversification of the local economy to maximise the economic potential of Blaenau Gwent. Policy SP8 outlines that 50ha of land for employment and businesses has been allocated under the adopted LDP to meet employment needs and support the sustainable development of manufacturing.
- **DM1 New Development:** outlines the sustainable design, amenity and accessibility requirements of development proposals. In regard to sustainable design, development proposals should achieve an energy efficient design, make efficient use of land and resources, reduce waste and associated pollution, reduce surface water runoff and reduce the net-loss of biodiversity.

Development proposals should also seek to respect the amenity of the local area through sympathetic design, minimise amenity issues on neighbouring occupiers, reduce water and air pollution, minimise high levels of noise, vibration, light and odour and consider land stability and contamination.

Development proposals should consider the safe, effective and efficient use of the existing transport network and prioritise non-motorised users as well as providing sufficient parking and operational space. A Transport Assessment should be submitted in support of this application evidencing no adverse impacts on trip generation from the RIE.

- **DM2 Design and Placemaking:** outlines that development proposals should be appropriate in terms of form and scale to the local context, a design which positively contributes to the local character and should include landscaping and planting to achieve a suitable visual setting.
- **DM10 Use Class Restrictions – Employment:** outlines restrictions in accordance with Policies EMP1 and EMP2. On sites allocated as 'Primary Sites' (including Rassau Platform B) development will be permitted if it is within Use Classes B1, B2 or B8; an appropriate Sui Generis use; or, if it provides an ancillary facility or service to the existing and proposed employment use.
- **DM15 Protection and Enhancement of the Green Infrastructure:** outlines that development proposals will be supported where there is no loss in connectivity within the green infrastructure network (river corridors or special landscape areas), where connections are facilitated or enhancements are achieved.
- **DM16 Trees, Woodlands and Hedgerow Protection:** requires that development proposals demonstrate that there would be no unacceptable harm to trees, woodlands and hedgerows that have natural or heritage value and contribute toward the character and amenity of the locality.
- **EMP1 Employment Allocations:** states that 50ha of developable land has been allocated under the LDP, including Primary Sites EMP1.4 (Rassau Platform A) EMP1.5 (Rassau Platform B) in the Ebbw Vale Hub which comprises a developable area of approximately 3.7ha. In conjunction with policy DM10, B1, B2 and B8 land uses in this location would be permissible.

7. Planning Assessment

7.1 Introduction

This section provides an assessment of the proposed amendments against the relevant planning context; Table 7-1 outlines the amendments sought as part of this application with an assessment of the relevant policy considerations.

Section 13 (Amendments to Permissions), paragraph 13.3.4 of the Welsh Government's Development Management Manual (May 2017), explains that *'a minor material amendment is one whose scale and nature results in a development which is not substantially different from that which has been approved. A section 73 application achieves this through the amendment of the plans condition imposed on a planning permission by section 71ZA of the 1990 Act.'*

The guidance proceeds to explain that Sections 73(2) and (4) of the 1990 Act restrict the LPA in their determination of s.73 applications to considering the question of whether the conditions identified in the s.73 application should apply as originally stated, would be acceptable if modified or it would be acceptable to remove them. The LPA cannot revisit the original permission and reconsider whether it should have been granted in the first place. However, as a section 73 application is a planning application in its own right, it is necessary to assess what material changes there may have been in terms of policy since the original permission was granted in order to ensure that all relevant material considerations have been assessed.

To this end, there have been no material changes in terms of planning policy since the grant of full planning permission in March 2023. As a result, the planning assessment provided in the Planning Statement submitted with the original application remains valid and unchanged.

Table 7-1 below provides an assessment of the relevant policy considerations against the amendments sought as part of this s.73 application in order to demonstrate that all relevant material considerations have been assessed, and to demonstrate that the scale and nature of the amendments are not substantially different from that which has been approved.

As the original full planning permission included an Environmental Statement in support of the application, an addendum has been prepared and submitted in support of this application, to consider any potential impacts upon the environment.

In summary, the proposed amendments sit within the aims of Policy EMP1 and DM10 which allocates the site and would not prejudice the delivery of Rassau Platform A and B (Land north and east of Rassau Industrial Estate). The proposed amendments are in accordance with policy and would facilitate the delivery of the approved purpose-built glass bottle manufacturing facility under planning permission (reference: C/2021/0278). Overall, it is concluded that there are no new or materially different significant adverse environmental effects as a result of the proposed amendments. Details are provided in the supporting ESA.

7.2 Assessment of Amendments

Table 7-1: Planning Assessment of s.73 Application

Proposed Amendment	Planning Assessment
<p>Height</p> <ul style="list-style-type: none"> - Reduction in height of process building by 5m (from 28m to 23m); - Reduction in height of furnace building by 12m (from 35m to 23m); - Reduction in height of warehouse building by 15.5m (from 28m to 12.5m); - Addition of 12m furnace pop up building 	<p>The precedent for vertically tall structures within the Rassau Industrial Estate (RIE) is well-established and considered to be acceptable. Two wind turbines which measure approximately 70-80m in height have been constructed to the south and west of the site. Likewise, details relating to height parameters for the proposed development have already been approved in line with the full planning permission (ref: C/2021/0278).</p> <p>Given the well-established precedent for structures of a tall vertical nature, it is considered that the proposed amendments seeking the reduction in height of the overall approved development are acceptable and would represent a positive impact upon the surrounding landscape. The height reductions are considered to have reduced visual effects in comparison to the approved scheme. The supporting ES concludes that whilst the amendments will detract from views in terms of a new structure being provided in the landscape, the amendments would result in a less prominent and reduced magnitude of impact upon views.</p> <p>The proposed amendments relating to height are therefore considered to be appropriate to the local context of the RIE and is in accordance with Policy DM1 (Part 2 a, b, c) and DM2 (part a, b) and TAN12.</p>
<p>Scale & Layout</p> <ul style="list-style-type: none"> - Reduction in area of incoming materials yard from 10,800 sqm to 5,800 sqm and number of cullet bunkers from 8no. to 6no. with main process building shifting west approximately 27m; - Reorientation of warehouse building to sit behind packaging area; - Utilities building to be incorporated into main process building with process lines pulled closer together and reduction in width of 7m (from 64m to 57m); - Moving away of main process building from north and south boundaries (20m away from north and 24m away from south); - Relocation of car parking to the south of the site in space vacated by warehouse; - Relocation of loading yard to the north of the warehouse and reduction in area from 6,600 sqm to 2,300 sqm. 	<p>In line with the assessment above, the precedent for development of this scale and nature are already well-established within the RIE. The proposed amendments would result in a significantly reduced scheme in terms of scale and would provide a more streamlined and efficient layout to that approved. The implications of these amendments to the site scale and layout are all considered to be positive due to the opportunity to retain and provide landscaping, and facilitate the easy access, legibility and navigation of the site for future users.</p> <p>The proposed amendments relating to scale and layout are therefore considered to be acceptable and in accordance with Policy DM1, DM2 and TAN12.</p>
<p>Appearance</p> <ul style="list-style-type: none"> - Minor changes to the proposed materials and colours to the external facades of various buildings 	<p>The minor changes relating to appearance are considered to provide an improved proposal which would reduce the visual impact and massing of the approved scheme. In addition, the proposed amendments would respond positively to the site and its wider context achieving a compatible, appropriate and sympathetic design in the context of the RIE, Mynydd Llangynidr SSSI and Brecon Beacons National Park.</p> <p>It is therefore considered that the proposed amendments relating to appearance directly accords with part 2a and 2b of Policy DM1, DM2 and SP10 and responds to the ‘character’ requirements set out in TAN12.</p>

Proposed Amendment	Planning Assessment
<p>Access</p> <ul style="list-style-type: none"> - New dedicated access route proposed for deliveries via the north of the site and staff via the south of the site. 	<p>The proposed amendments relating to access would bring about an increased efficiency and ease of movement around the application site. Chapter 11 of the supporting ESA concludes that the revised access design would segregate heavy vehicles from staff vehicles and provides a betterment through limiting vehicular conflict. The same number of car and cycle spaces are also retained in line with policy requirements as approved through the full planning consent (ref: C/2021/0278). The supporting assessment of vehicle stacking capacity demonstrates that the new proposed layout can accommodate over and above what was outlined for the approved design, ensuring there is sufficient capacity within the site for goods vehicles load, unload and wait before departing.</p> <p>It is therefore considered that the changes in design are safe and appropriate from a transport perspective and do not hold any adverse impacts on the proposed development or surrounding area.</p> <p>The proposed amendments relating to transport are therefore considered to be acceptable in accordance Policy 12 of Future Wales, Chapter 4.1 of PPW11, TAN18 and Policy DM1 (part 3).</p>
<p>Landscape</p> <ul style="list-style-type: none"> - Retention of more of the existing woodland to the south of the site and around site boundaries where possible as well as retain all of the peatland area to the east of the watercourse. - Creation of landscaping corridors between the perimeter of the building and the north and south boundary in order to create a green buffer, provide pedestrian circulation and integrate rain gardens. - Creation of a series of amenity areas have been included within these landscape corridors, as well as in front of the main entrance to the building/canteen area, to the south of the car park and within the retained woodland. - Softening of car park area with meadow grassland and tree planting. - Addition of four small biodiverse green roofs to small buildings located by the northern access road. - Addition of trails and tracks around the detention basin and into the existing woodland which could be used for running, exercise or walking at break-times or outside of work hours. - Sustainable water management features provided including detention basin, rain gardens, swale and attenuation tank. 	<p>The proposed landscape amendments are considered to be positive in that they seek to retain as much as possible, the existing natural landscape and ecological features present on site. The amendments would also include improvements to the approved scheme by providing additional features as summarised left which would provide further environmental, sustainability and social benefits.</p> <p>The proposed amendments relating to landscape are therefore considered to be in accordance with Chapter 6 of PPW11, TAN12 and Policy SP10, DM1 and DM2.</p>

8. Conclusion

This s.73 application seeks to vary Condition 3 (Approved Plans and Documents) and remove Condition 33 (Great Crested Newts) of full planning permission reference: C/2021/0278 in relation to the construction and operation of a purpose-built glass manufacturing facility at Land north and east Rassau Industrial Estate, Rassau, Ebbw Vale. This application seeks to regularise design changes relating to the approved height, scale, layout, appearance, access and landscape parameters. It also provides details sufficient to avoid the need for a planning condition to control the translation of Great Crested Newts.

This planning statement demonstrates that this s.73 application is in conformity with national and local planning policy and sits within the spirit of the main objectives of the design principles approved through the full planning permission (reference: C/2021/0278). The proposed amendments are necessary in ensuring the delivery of a purpose-built glass bottle manufacturing facility which is of strategic national importance in terms of glass bottle production within the UK, reducing carbon footprint associated with transportation and job creation.

The amendments are considered to provide an enhanced scheme in light of significant height and scale reductions as well as the incorporation of appropriate appearance, access and landscape amendments. This s.73 is supported with an ESA which provides a qualitative assessment of the relevant environmental impacts which concludes that the proposed development would not lead to any new or materially different environmental effects when compared against the original assessment and parameters. Accordingly, this application should be granted.