

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**30 JULY 2013**

**ENVIRONMENT SERVICES**

**REPORT OF THE HEAD OF PLANNING – N. PEARCE**

**INDEX OF REPORT ITEMS**

**PART 1 – Doc.Code: PLANDEV-300713-REP-EN-NP**

**SECTION A – MATTERS FOR DECISION**

**1. PLANNING APPLICATIONS  
RECOMMENDED FOR APPROVAL**

1.1	APP NO: P/2002/931	TYPE: Minerals	Page Nos: 3-45	Wards Affected: Margam
PROPOSAL:		New Planning Conditions Under Section 96 - Schedule 13 of The Environment Act 1995		
LOCATION:		Morfa Waste Management Site, Corus Steelworks, Margam, Port Talbot SA13 2PF		

1.2	APP NO: P/2013/524	TYPE: Outline	Page Nos: 46-57	Wards Affected: Blaengwrach
PROPOSAL:		One dwelling (Outline)		
LOCATION:		Land Adjacent To, 7 Heol Y Graig, Cwmngwrach, Neath SA11 5TW		

1.3	APP NO: P/2013/537	TYPE: Full Plans	Page Nos: 58-67	Wards Affected: Bryn & Cwmavon
PROPOSAL:		Retention and relocation of 4no. holiday pods, extension to amenity building, cycle storage container, cycle wash area, associated car parking and landscaping (amendment to planning permission ref. P2011/1044 granted on 31/1/2012).		
LOCATION:		Land at Tyle'r Fedwen Farm, Bwlch Road, Cwmafan, Port Talbot SA12 9YA		



## **2. APPLICATION DEFERRED TO PLANNING (SITE VISITS) SUB COMMITTEE**

**(NOTE: to be read in conjunction with the minutes of the sub committee meeting)**

2.1	APP NO: P/2012/92	TYPE: Full Plans	Page Nos: 68-119	Wards Affected: Glynneath & Onllwyn
PROPOSAL:		Proposed anaerobic digestion facility (up to 1MW) with associated works (revised application submitted 21/12/12)		
LOCATION:		Former Coal Stocking Ground, Maesgwyn, Glynneath		

## **SECTION B – MATTERS FOR INFORMATION**

<b>3.DELEGATED APPLICATIONS DETERMINED BETWEEN 3<sup>RD</sup> JULY 2013 AND 22<sup>ND</sup> JULY 2013</b>	Page Nos: 120-133	Wards Affected: ALL
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### **Human Rights Act**

The Human Rights Act 1998 came into force on 2<sup>nd</sup> October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. Reports and recommendations to the Sub-Committee have been prepared in the light of the Council's obligations under the Act and with regard to the need for decisions to be informed by the principles of fair balance and non-discrimination.

### **Background Papers**

The relevant background papers for each of the planning applications listed in sections 1 to 3 above are contained in the specific planning applications files and documents listed in Background Information in each individual report. The contact officer for the above applications is Nicola Pearce.



## **SECTION A – MATTERS FOR DECISION**

### **1. PLANNING APPLICATIONS RECOMMENDED FOR APPROVAL**

<b><u>ITEM 1.1</u></b>	
<b><u>APPLICATION NO:</u> P/2002/931</b>	<b><u>DATE:</u> 07/08/2002</b>
<b>PROPOSAL: New Planning Conditions Under Section 96 - Schedule 13 Of The Environment Act 1995</b>	
<b>LOCATION: Morfa Waste Management Site, Corus Steelworks, Margam, Port Talbot SA13 2PF</b>	
<b>APPLICANT: Corus Uk Limited</b>	
<b>TYPE: Minerals</b>	
<b>WARD: Margam</b>	

### **BACKGROUND INFORMATION**

#### **Background:**

This application is reported to Committee as it is considered to be an application which should be determined by Members rather than under delegated powers.

#### **Development Plan Policy**

Policy GC2 General considerations for Engineering Operations including Minerals and Waste

Policy ENV 3 Impacts on Landscape

Policy ENV 4 Proposals affecting international and national sites for nature Conservation

Policy ENV 5 Proposals affecting local habitats and species.

Policy ENV 10 Coastal Protection

Policy ENV 15 Air quality

Policy ENV 23 Archaeological Evaluation

Policy ENV 29 Environmental Quality

Policy M8 Criteria for the assessment of coal and all mineral applications

Policy M11 Review of mineral operations

Policy W1 Proposals for the collection, treatment, transfer and disposal of waste

Policy W2 Provision of landfill and recycling and treatment facilities



## **National Policy and Guidance**

Planning Policy Guidance Wales (November 2012)  
Mineral Planning Guidance Wales (December 2000)  
Mineral Planning Guidance 11 – The Control of Noise at Surface  
Mineral Workings  
Mineral Planning Guidance 14 – Environment Act 1995 – Review of  
Mineral Planning Permissions  
MTAN 1 Aggregates (2004)  
TAN 5 Nature Conservation and Planning  
TAN 21 (Wales) – Waste  
Towards Zero Waste- One Wales: One Planet, June 2010

## **Relevant Planning History**

7133/w.13.049 Proposed slag tipping Approved 1 March 1962.

274/Z/1308 Proposed retention of private haul road for haulage of stone  
Approved 25<sup>th</sup> March 1969

274/22/70 Extraction of sand Approved

274/137/33 Extraction of sand and subsequent tipping Approved

274/270/73 (P1589) Extraction of sand and tipping of industrial waste,  
south of Morfa Lane, Margam Burrows. Approved 29<sup>th</sup> August 1973.

2/4/74 0019 Extraction of dune sand Approved 30 May 1976

2/4/76/1120/ Established Use Certificate for sand extraction Withdrawn

2/4/82/3964/03 Proposed sand extraction to 14 feet AOD and subsequent  
tipping of industrial waste Approved 9 May 1983—(confirmed as not  
implemented)

P2011/1041 – Retrospective consent for the temporary storage until 25<sup>th</sup>  
August 2012 of mixed burnt tyre fluff and demolition waste – Approved  
31/5/2012



## **Background to Review of Old Mineral Permissions (ROMPS)**

The Environment Act 1995 which came into force on 1<sup>st</sup> November 1995 introduced requirements for the review and updating of old mineral planning permissions. Section 96 of the 1995 Act gives effect to Schedules 13 and 14. Schedule 13 provides for the initial review and updating of mineral sites where the predominant permission or permissions relating to the site was granted before 22<sup>nd</sup> February 1982. The Environmental Act 1995 required the submission of a scheme for new modern conditions of the site under these provisions.

The Environment Act requires that applications for the determination of conditions must be accompanied by the applicant's proposed conditions however the Mineral Planning authority may make additions and amendments to those conditions subject to those conditions being ones which can normally be imposed upon the grant of a planning permission and having regard to the guidance set out in 'Mineral Planning Guidance Note 14 Environment Act Review 1995- Review of Mineral Planning Permissions'. The Mineral Planning Authority (MPA) when determining conditions different from those submitted by the applicant, should not restrict working rights and should not prejudice adversely to an unreasonable degree either the economic viability of the operating site or the asset value of the site unless they are willing to pay compensation. An applicant whose interest has been adversely affected by the restrictions imposed may be entitled to claim compensation. An exception to the Working Rights restriction is in relation to conditions relating to restoration and aftercare.

Policy M11 of the Unitary Development Plan states:

*When reviewing mineral planning permissions in the process of its duty under Section 96 (Schedule 13 and Schedule 14) of the Environment Act 1995, the local planning authority will, in the interest of protecting the environment and surrounding amenities, seek to ensure the imposition of:*

- a) modern and updated site operating controls;*
- b) modern conditions to ensure the satisfactory restoration and aftercare of the site; and*



*c) when applicable, statutory powers for the revocation, modification, discontinuance, prohibition or suspension of mineral workings.*

### **Planning Consultation and Publicity Process**

The application for the new conditions was submitted initially by Corus UK Ltd. in August 2002. Following consultations there was a requirement to provide an amended Environmental Statement which was subsequently submitted in July 2004. Subsequent assessment and considerations in relation to the proposed continuation of operational activities and preparation of a restoration and aftercare strategy and hydrogeological report resulted in a further delay in the processing of the application. Substantial monitoring and investigations was required to support the assessment being undertaken. The hydrogeological report and ecological restoration and aftercare strategy were received in October 2006 and duly publicised and consulted upon. Further to this and following consultation responses particularly from The Countryside Council for Wales and the Environment Agency at that time (now NRW) it was necessary to undertake further ground water monitoring in order that an adequate level of information and assessment could be undertaken on the potential impacts on the environment and in particular the Kenfig SAC and the requirements of the Habitats Regulations. This further requirement resulted in a substantial delay and dialogue, discussions and meetings with the planning authority, the applicant and statutory agencies. Further information was subsequently publicised and consulted upon in September 2011. A further submission of detail on the phased sand extraction programme was submitted in August 2012. During all relevant stages of publicity site notices and press notices were initiated.

### **Responses to Consultations**

**Glamorgan Gwent Archaeological Trust** - seek a suitable condition to be imposed for the implementation of archaeological work on areas that have not been the subject of development.

**The Biodiversity Unit** - have commented on the proposed working plan for ecological restoration and the scheme for the recovery of the remaining sand as part of the restoration works. They are satisfied that the overall proposals can be undertaken satisfactorily subject to controls on the depths of excavation, the restriction on encroachment onto the Margam Moors SSSI, the adoption of dust suppression measures, a hydrological monitoring scheme, a scheme for the recharge of water



resources to the Margam Moors SSSI and the establishment of an ecological stakeholder group to monitor restoration and other implications to the surrounding environment and statutory sites.

**Countryside Council for Wales (now Natural Resources Wales)** - are content with the risk assessments undertaken in respect of the Kenfig SAC, the provisions set out for mitigation on the Margam Moors SSSI, the proposed ecological restoration and aftercare scheme and the phased sand extraction proposals. In addition they have also provided advice on the assessments undertaken with due regard to the Habitats Regulation Assessment and have confirmed that the site does not cause a groundwater risk to the Kenfig SAC. In consequence they recommend conditions to monitor and reduce impacts of the development.

**Environment Agency (now Natural Resources Wales)** – identified the nature of the control required within the planning conditions and confirm that existing operations are subject to three separate EPR permits and that these have all been reviewed and updated.

**Bridgend County Borough Council** - have no objections to the proposal subject to the consideration of any impact on the Kenfig SAC, and that the sites conservation objectives are protected with appropriate planning conditions.

**Footpaths Officer** - comment on the impacts that exist on Footpath 93 and the associated use north of the site and across part of the access road by Footpath 92.

**Air Quality** - do not have any adverse comments other than to consider conditions requiring the mitigation and monitoring of dust in the vicinity of the tip and note that the site is 2.7 km away from the AQMA of Port Talbot and Margam.

**Environmental Health (Noise)** - have not made any adverse comments.

**The Coal Authority** - have no adverse comments to make.

**Local Health Board** – No adverse comments received and informed verbally that they were consulted in the applications for the PPC by the Environment Agency and as part of the considerations for the Environmental permits.



**Network Rail** - have no adverse comments subject to the monitoring of landfill gas and leachate is undertaken and that surface water controls are adopted.

**Head of Engineering and Transport (Highways)** - has no objections or adverse comments.

### **Representations**

Ten separate letters have been received following the publicity of the application and are summarised as follows:

The Ramblers Association object to the development because of the interference with Footpath 93 and suggest a suitable and sensible alternative should be provided.

The Open Spaces Society object to the application and contest that the statement that a diversion for Footpath 93 has been agreed in principle and that the development creates a blot on the landscape and a black spot on the Wales Coastal Path forcing walkers inland and affecting their enjoyment of the right of way and thereby urge the council to ensure restoration of the public right of way and public access to the land.

Other representations can be summarised as follows:

- The application states that the applicant is Corus. This cannot be a valid application as the current interest is held by Tata.
- No valid grounds have been put forward for any variation in existing planning conditions.
- The proposal would cause loss of visual and environmental amenity.
- The proposal would cause an over-intensive use of the site.
- The proposal is not consistent with the conservation of the SSSI.
- The proposal would interfere with Footpath 93 and would prejudice the forthcoming public inquiry.



- The proposal is not consistent with the Welsh Government's constitutional duty towards sustainable development.
- Potential for coastal erosion being caused.
- The sand loss to the beach area would be environmentally dangerous considering the close proximity to the harbour foundations.
- The sand loss to the beach area would be environmentally dangerous considering the close proximity to the Tata coast road.
- The time for the area to recover the lost sand is unnaturally long and not guaranteed.
- The sand is part of a unique natural ecosystem that needs protecting and that the removal of sand should not be allowed for Tata's profiteering.
- The discharge of polluting waste out of the dump and into the sea.
- The affect on the enjoyment and recreational facilities of the footpaths and beach for walking and fishing, and a threat to public safety from machinery and toxins.
- An objection to the retention of the tyre fluff waste at the site and the fact that it should be returned to the Swansea area and should have not been allowed to be transported to the site.

### **General Background**

The Morfa Sand, Gravel and landfill site has been the subject of a planning consent granted by the former Glamorgan County Council under planning permission reference 274/270/73 dated 29 August 1973 , (the 73 permission). The application was for a mineral application for sand extraction with subsequent backfilling with industrial waste which gave rise to the planning consent and was subject to 13 conditions. This is considered to be the only extant and implemented planning permission that relates to the site. These conditions are set out in Appendix 1 of this report. Whilst the predominant use of the site is now for waste disposal the site constitutes a mineral sand extraction site where some sand is still recoverable within the limits set out in the 73 permission. Historical



correspondence and records suggest that the mineral planning authority “agreed” Conditions 2, 3, 4, 6, 7 and 10. Conditions 11 and 13 controlled certain activities. Condition 2 provided a barrier of sand dunes of 75 yards wide. It also appears that the Afan/Port Talbot Borough Council in its capacity as Waste Disposal Authority allowed an encroachment of 80 yards as opposed to 100 yards to the River Kenfig. Condition 8 was agreed which restricted the maximum height of the landfill to 70 feet above ordnance datum (AOD) (approximately 21.5 metres AOD) with an agreement to add further profiles to create dune like features up to 20 feet above this level. This agreement did not specify if this was a pre or post restoration layer or if they were pre-settlement contours. Condition 5 relating to the diversion of public rights of way was the subject of some correspondence up to the early 80’s but no formal diversion routes were ever applied for. Condition 9, the control of the extraction above 25 feet AOD in the form of agreed schemes does not appear to have been fully discharged although a confirmation that extraction could go lower to 20 feet AOD. Some of this information is unclear and has been very difficult to verify.

The importation of waste was regulated up until 1996 by the Local Borough Council. Some historical records show that variations to the types of waste imported into the site were agreed by the granting of waste disposal licences in the late 1970s and early 80’s by the Local Borough Council at the time without considering the restrictions of the planning permission under condition 1. This in particular related to the content and type of wastes being disposed. The function of regulating the waste activities was passed on to the Environment Agency in 1996. This is a matter that will be dealt with later in this report.

The current operations at the site consist of intermittent sand extraction within the specified limits of the site and the disposal of industrial waste which is regulated by an Environmental Permit (EP) granted by the Environment Agency now Natural Resources Wales (NRW). The current EP allows for the importation of 500,000 tonnes per annum of non-hazardous waste and up to 75,000 tonnes of hazardous waste. However, the average input has fallen considerably in the last few years where Tata have improved reduction, recovery, re-use and recycling initiatives of their waste streams. As a consequence the life expectancy of the site on current importation rates of waste is likely to be in the order of at least 40 to 45 years as opposed to an original timescale of approximately 20 to 25 years anticipated in 2004.



Tata are operators of the steel manufacturing and rolling plant at Port Talbot. During the process of steel manufacture a slag is produced and has a limited amount of market demand in the aggregate industry. Since 1979 all but a tiny percentage of the plant's total waste production has been disposed at the Morfa landfill. Even with improved recovery and recycling initiatives, there is always a requirement for landfill space in the process of steel production. Whilst some of the steel slag is sold as aggregate, there is a requirement for a disposal facility for this and other waste which is classed as non-hazardous produced at the site. In addition, there is a certain amount of biodegradable material and hazardous waste produced at the plant. These elements have been controlled since 2004 in specifically engineered cells approved by the Environment Agency. In 2004 there was an urgent need at the time to provide appropriate management and disposal arrangements to comply with the Landfill Directive. All such disposal is now governed by strict design and quality controls under the EP regulated by NRW. There is also progressive restoration being undertaken with the extraction of sand being undertaken in a phased and restricted manner which retains a 75 metre buffer zone from the edge of the dunes on the beach side and any sand extraction.

### **The site and its surroundings**

The site is located some 2.5km southwest of the residential area of Margam in Port Talbot and the main steel making buildings and structures of the Tata Steel plant at Port Talbot. The site has a boundary to the west up to mean high water mark and the Morfa beach and immediately to the east and northeast lies the Margam Moors SSSI. Some 400 metres to the east lies a configuration of railway sidings. The main Swansea to Paddington railway line lies some 600 metres to the east of the boundary. The M4 corridor and Junction 38 lies approximately 1.8 km to the northeast of the site, and the Kenfig industrial estate approximately 500 metres to the south east of the southern extremity of the site boundary. The River Kenfig and the Kenfig Nature Reserve and SAC lies some 50 metres to the south of the site boundary.

The site covers an area of approximately 65 hectares of which 35 hectares is composed of a completed and closed landfill to the southern extremity of the site which was developed up to around 2006. This part of the site has been capped and initial restoration procedures are underway. The current non-hazardous landfill area and remaining resource areas of sand extraction has an area of approximately 26 hectares further to the north and north west, some of which has been developed in the last 10 years or



so, and a hazardous landfill area of approximately 3.7 hectares which lies on the north western extremity of the site but some 200 metres from the site boundary to the east.

Access is derived along two routes. A route for light vehicles and personnel emerge from the Port Talbot plant complex and along a track locally named Heol Cae'r Bont. All waste vehicles and HGV's utilise a route through and within the main steel plant complex and along a coastal route and into the main entrance that lies on the north western part of the site. The route known as Heol Cae'r Bont is mentioned in records as the proposed access to the site when the application was made in 1973.

### **Current and Proposed Operations**

There are four operations that can be identified;

- the disposal of non-hazardous waste undertaken in the area identified as the Morfa Non Hazardous Landfill (MNHL)
- the disposal of hazardous waste in the Morfa Hazardous Landfill (MHL).
- the continued restoration of the Morfa Closed Landfill (MCL).
- periodic extraction of sand in selected and restricted areas of the site solely for the purposes for the restoration of the site.

The Operational Statement within the Environmental Statement (ES) (2004) submitted to accompany the application for new conditions, sets out in detail the structure of waste control that is the subject of the terms of the EP however this information has been updated particularly in 2011 and 2012.

The general strategy for waste disposal at both the MNHL and MHL consists of individual cells constructed to a strict and specified design that must be approved by NRW and in accordance with the EP. Currently, there are 11 cells proposed for the MNHL and two bio cells. The MHL would consist of 3 cells. Whilst the exact construction detail may vary with improvements in design and technology, generally these cells are constructed with a geological barrier subject to the ground conditions encountered in this sand based area, the formation of embankments, a liner normally formed of a HDPE film, the provision of a leachate collection blanket, drainage and sump arrangement, the control of surface



water and the provision of a capping layer. Given the nature of the waste stream, the provision of gas wells are not required for the majority of the waste i.e. slag and associated wastes, although the two single bio cells which should serve for the disposal of some biodegradable waste for the longer term would include some gas wells and infrastructure for the control of the generation of gas.

The MHL has Cell 2 in operation at the present time. There is also sand extraction being undertaken on the “agreed” western limits of the site to provide restoration sand for the creation of a dune like system on the restored landform of the MCL.

The strategy includes the progressive construction of cell construction along the eastern periphery of the site to bring forward a completed and landscaped barrier to views from the east at the earliest possible opportunity although this would only occur over a number of years particularly in the light of the reduced tonnage of waste imported into the site. The completion of the eastern limits of the site to proposed contours would on current importation rates take approximately 12 to 15 years to complete and landscape. Sand extraction would take place on the western limits of the agreed sand extraction areas on an intermittent basis when required for the restoration of the landfill areas.

In 2012 further information on the phased removal of sand was submitted to identify the initial sequence and sand resources required for the completion of the final restoration phases of the Morfa Closed Landfill (MCL) phases 5 and 6 (this is now complete) and cells 1 and 2, part of the biocells in the Morfa Non Hazardous Landfill (MNHL) and Cell 1 in the Morfa Hazardous landfill (MHL). This has been an ongoing operation at the site. The current detail sets out the projected requirements up until 2017 and requires the provision of sand from part of the remaining sand resources on the western side of the site.

The “1973” permission had a limit to the area of sand extraction on the western limits of the site. This required a barrier of dunes to be left between the beach and the toe of the proposed tip. This barrier defined under condition 3 was required to be “a minimum width of 75 yards measured from the edge of the pebbled area at the foot of the dunes and steps”. Condition 4 also required any sand extraction and tipping to be no closer than 100 yards to the “banks of the River Kenfig” These were somewhat unclear and vague restrictions that could be difficult to interpret on the land and indeed could change over time.



In parts, it emerges that the original stages of the development probably in the 1970's and 80's appear to have encroached marginally closer to the banks of the Afon Kenfig (to within 80 metres or so) than these limits allowed and this is now restored landfill.

Similarly the main construction/access road was developed at the north western corner of the site and this now forms a major physical barrier between the remaining sand resources in the central and northern part of the site and the hazardous landfill area.

Drawings submitted now define the areas to be protected as “set aside land” which can be managed for the purposes of nature conservation management and/ or the provision for protection facilities. The plan identifies a protection zone around the southern limits of the site and the Afon Kenfig, the areas adjacent to the Margam Moors SSSI which in part when designated in 1984, included an area *inside* the site boundary of the mineral and landfill site and the 73 permission. This plan also indicates the retention and increase of the buffer zone of sand dunes to be protected between the development area for sand extraction and the Morfa Beach to a minimum of 75 metres. It should be noted some existing developed areas such as the main coastal haul road inside the site is within this distance but does not account for any sand resources.

During the course of the last few years given the need to comply with Landfill Regulations it has been necessary to carry out operations to complete the capping of the closed landfill in accordance with the principles set out in the restoration scheme provided for this application in 2006 and the details set out in the EP. Regular consultation between the regulatory bodies, the Environment Agency, the Countryside Council for Wales (now NRW) and the operator has been undertaken. The level of filling have been substantially within the terms of the relevant conditions of the 73 permission and “agreed” levels.

The proposal identifies that some waste has been imported hitherto from other sites although the relevant quantities have been small. However the proposal seeks a condition to allow a limited amount of waste from associated plants at Llanwern and Trostre to be deposited at the site amounting to a maximum of 1500 tonnes per annum. However the quantities have been much less in recent years.

A separate planning permission was granted in May 2012 for retrospective consent for the deposit of approximately 14000 tonnes of



tyre fluff waste and associated demolition waste from a recycling factory fire at the Fforestfach Industrial site in Swansea in June 2011. Emergency procedures were undertaken and it was agreed that this material would be deposited at the Morfa Site for a temporary basis within its own defined containment cell. At the time, the Environment Agency required the relocation of the waste to a permanent approved hazardous landfill area. However since that time, extensive discussions have taken place and all parties including NRW have agreed that the best environmental and sustainable solution is to retain the waste within the existing site albeit within a different cell, ie within the hazardous waste cell. The relocation of the material from the existing cell to the hazardous waste cell within a limited period would be the most appropriate approach.

A substantial reduction has been achieved in the importation of waste into the Morfa site in the last few years, with significant reduction, recovery reuse and recycling being undertaken within the waste stream process of the steel plant. Some 6 years ago importation rates were around 150,000 tonnes per annum. Average importation rates in the last 3 years have been as follows:

NHML- 30,331 tonnes per annum

MHL – 1346 tonnes per annum

These figures account for a large proportion of slag being imported as cover materials although this is also considered as a waste material.

This therefore presents a very significant reduction in landfill disposal in accordance with national policy objectives and targets.

### **Assessment**

The procedures for determination of this application for a scheme of conditions are set out in MPG 14. The principle of the development has also been preserved by successive planning legislation and therefore the general principle of the development and scheme cannot be refused. The site did not have a time limit condition although under the provisions of The Town and Country (Minerals) Act 1981, the winning and working of minerals must cease no later than the 21<sup>st</sup> February 2042 unless the development is completed before that date. The guidance set out in MPG 14 advises that new time limit conditions (other than this restriction) should only be imposed with the agreement of the applicant, otherwise



the condition would constitute a restriction on working rights that could give rise to a liability for compensation claim.

The need for any revised conditions of planning permission needs to be assessed against relevant development plan policies in order that modern controls are adopted for the protection of the environment and surrounding amenities. An Environmental Statement and additional information has provided a basis to consider the scheme for new conditions on various criteria and these are as follows:

### **Access Traffic and the protection of the Public Highway**

There are two access routes identified for the site.

Waste from the Port Talbot Steel Plant and any other agreed source is proposed to be transported along internal access roads within the complex and the coastal road that leads from the industrial site towards the landfill site to the south. This eliminates virtually all the waste transported to the site off the public highway network other than that identified above as a proposal from the Llanwern and Trostre Steelworks which would amount to no more than 1,500 per annum.

Sand extraction that remains to be undertaken involves site movements only and in the event of further resources required in the longer term for restoration purposes some additional movements may be required along public highways and would need to be considered on its own merits at a future date.

Personnel, and some light vehicles and LGV movements are proposed through the south eastern end of the plant complex and along an access route called Heol Cae'r Bont. Footpath 92 follows part of this route and whilst there is a dual use with potential recreation users, conflict with light vehicles is not considered to be significantly detrimental to the use of this route for recreational purposes. Nevertheless the matter is to be considered in a separate Public Inquiry in November 2013.

The Head of Engineering and Transport (Highways) has no adverse comments to make on access arrangements for the development.

The existing access provisions for waste deliveries and plant movements do not require any adjustments or review and do not constitute any significant impacts on amenity or highway safety. A condition restricting all HGV use to the coastal road route would however be reasonable.



There are other controls within the Steel plant complex which prevent deposits on the highway and the transportation of waste is controlled by other permits.

### **Dust and Air Quality**

There are no current planning conditions controlling the potential for dust generated from the site. Controls in recent years have been through the requirements of the waste management licences and Environmental Permits. These will remain. However these controls would only apply to the areas that relate to the Environmental Permits and additional controls are required for associated activities and sand extraction.

The environmental information and subsequent monitoring under the EP permits has not identified significant effects of dust deposits off site.

The Margam Air Quality Management Area is some 2.7 kilometres to the north of the site boundary however the Air Quality Action Plan area comes within a portion of the site and it is necessary to see appropriate action being undertaken to reduce emissions to accord with the objectives of this strategy. A Dust Action Plan will be sought in the form of a condition to complement the current controls of the EP and the air quality officer is satisfied with that approach and therefore is not in conflict with Policy ENV15 and ENV 29.

### **Noise**

A noise assessment has been undertaken in the ES which took account of residential, sensitive and recreational areas that could be impacted upon by site operations. Operations have not been known to be a source of noise complaints. Its setting is, however close to Public Rights of Way to the south, north and east and the public accessible areas of the Kenfig Nature Reserve.

MTAN 1- indicates that noise impacts should be minimised to acceptable levels on areas that are sensitive to noise particularly residential areas. TAN 21 Waste states that the aim should be to control noise limits particularly at places where people live and work.

The noise survey and monitoring undertaken do not predict any raised noise levels at the nearest residential properties which lie some 1.6 km away and calculations show that the combined Leaq of 43 dBA at the Kenfig Industrial Estate from site activities would not result in an



increase in the existing background of 47 dBA. There are no justifiable concerns with regard to noise impacts at these locations. During operations on the southern fringe of the site it was anticipated that an increase of 13dBA above the background level of 36dBA was possible at Kenfig Burrows. Operations have progressed since the noise assessment has been undertaken and all capping operations have now been completed. The creation of sand dunes and ecological management along with moderate restoration and aftercare management works are unlikely to cause any significant disturbances at these locations.

Given the very remote location of the site any potential noise impact of sand extraction and landfill operations on residential or sensitive properties is highly unlikely with such areas being a minimum of 1.6km from the site boundary and other sources of noise such as the M4 corridor and other industrial activity between the site and these areas. Noise impacts would also be limited to the wider network of recreational areas to the south and the Public Rights of Way.

The existing and proposed hours of operation at the site are 0600 to 1800 hours on each day of the year for sand extraction and waste deposition. Night time security is provided outside these hours to prevent the disposal of waste. However, in the event of an emergency waste disposal requirement, such activity would be reported within 24 hours to both NRW and the Planning Authority. These provisions have not been a requirement as far as records show. Additional hours up to 22.00 hrs are required for capping and lining, when necessary, however these are likely to be infrequent. Such operations can reasonably be limited up to 22:00 hours on weekdays and to the normal hours of operation for weekends and bank and public holidays.

It is considered that an adequate and reasonable control in respect of noise can be achieved to protect the amenity of the immediate locality by controlling hours of working and the submission of a Noise Action Plan which would incorporate detailed elements for mitigation measures and monitoring in the event of any complaints. These would then need to be compatible with Environmental Permit Controls that currently exist and noise impacts are not considered to be in conflict with Policy ENV29.

### **Odour Management and Control**

Some 93% of the waste to be deposited at the non-hazardous landfill will comprise of non hazardous slags and fines from the steel manufacturing process. Only some 7% of the importation is likely to be biodegradable



and potentially odorous. The site is relatively remote and the non-hazardous landfill site will be some 1.6km from the nearest residential properties. It should be noted that the site does not import malodorous wastes. The proximity of the Kenfig SAC, Margam Moors SSSI and associated public Rights of Way to the south and east are the closest potential receptors of any odour. There is only one recorded complaint of odour when sludge was excavated. That practice is not to be undertaken in the future.

Odour mitigation procedures are set out in the ES which include waste management acceptance procedures, placement and re-excavation procedures, daily covering of biodegradable waste, lateral covering, gas collection and control, gas treatment if trigger levels exceeded and effective leachate management which are all mechanisms that have become modern and effective under the EP. It is considered that the EP requires a significant level of control on odour management and specific planning conditions should not be necessary and would be a duplication of regulatory control and is not in conflict with Policies GC2 and M8 of the UDP.

### **Litter**

Approximately 5% of the waste to be disposed of at the site could constitute light material that could result in litter being generated from the site. Historically there is little evidence of litter waste having been a source of a problem in the vicinity of the site and general good practice should reduce and eliminate this to an absolute minimum. Management systems on the site include selective disposal of general waste in sheltered areas of the cells, specific placement techniques, the covering of general waste on disposal, the sheeting of delivery vehicles, and the closure of the tip in high wind conditions. The provision of litter fencing etc. is not considered necessary and appropriate at this location and incidences of litter from the site are not recorded.

### **Birds/Vermin/Flies**

Given the nature of the waste deposited at the site, the potential for vermin and flies is very low and to date there are no recorded problems in respect of such issues. Such controls would be covered by the EP.

Bird nuisance, particularly gulls, is normally associated with sites with a reasonable level of putrescible waste. Again, the nature of waste to be disposed of at the site predominantly relates to industrial slag and



associated wastes although a biodegradable fraction is controlled in the bio cells. There is also no evidence of birds being a nuisance at this site and it is unlikely the site would experience bird infestation and as such specific planning conditions are not considered necessary.

### **Cultural Heritage**

It is recognised that the vast majority of the site has been the subject of some disturbance in the past. However given the nature of some of the site which is composed of windblown sand deposits, it is reasonable for an archaeological scheme of investigation to be undertaken during future excavations and as such this is adopted as a condition and will thereby accord with the objectives of Policy ENV 23.

### **Water Environment**

The assessment and requirements as they relate to the potential need for new conditions to protect the water environment have been significant. Groundwater Regulations 1998 forbids the discharge of certain substances into the groundwater, and as such there is a need to ensure that robust controls are in place to safeguard the groundwater environment.

During the course of the major and significant changes in landfill disposal practices at the site in the last ten years, it is reasonable to take account that these practices and controls have reduced to a low level the potential for impacts from future operations and landfill to the groundwater environment.

Furthermore, up to date and modern cell construction has virtually eliminated impacts on the groundwater environment from the designated areas of the MNHL and MHL landfills.

The Morfa Closed landfill (MCL) covers some 35 hectares broadly approximately 50% of the site at the southern half of the site and is composed of disposed landfill materials that were not managed within modern containment techniques. The development of the Morfa Closed Landfill (MCL) has, however, been developed substantially in accordance with some of the conditions laid down in the “73” permissions with a buffer area retained between the Afon Kenfig and the Margam Sands and beach to the west. To the south of the MCL is the Kenfig Nature Reserve and Special Scientific Area of Conservation (SAC) and Margam Moors SSSI to the east.



To develop a full understanding of the hydrogeological and hydrological relationships between the development and these important conservation areas a major and extensive groundwater and environmental monitoring regime was developed. This has given rise to significant information on hydrochemistry, groundwater movements and impacts of surface water and the adjacent coastal zone on the site and the MCL in particular.

Monitoring results indicate that the River Kenfig is likely to recharge the groundwater body in this area causing groundwater flows to be from the Kenfig northwards. With regard to the Kenfig SAC, the monitoring regime and assessment has shown that there are no discernible or detectable impacts from the MCL on the groundwater regime in the SAC and this has been supported by NRW and any impending impacts would not be likely, given the completion of capping at the MCL. Based on the results of hydrogeological assessment and ground water monitoring NRW agree that there is no future risk to the water quality of the River Kenfig or the Kenfig SAC.

The Margam Moors SSSI forms a managed flat lying area which is composed of a network of ditches that form a controlled environment of groundwater. This forms a vitally important part of management to the protected habitat and invertebrate communities of this SSSI.

Recharge of the ditches and associated groundwater flows depends on flows from the south and south west continuing. Some of this water continues to flow through the MCL which has resulted in changes to the chemistry in parts of the SSSI and in particular the resultant features of calcium precipitates which have affected this part of the SSSI in localised areas and the eastern boundary of the site. It has been necessary to provide a permanent and long lasting solution to this impact, thereby resulting in the complete capping of the waste mass. By doing so, there is a predicted fall in groundwater levels into the SSSI. This phenomenon therefore requires a solution to maintain the required level of groundwater in the SSSI and the resultant habitat. As part of the restoration strategy it has been proposed to create a recharge trench system which would be fed by water collected on designed ponds on the existing MCL and in the developing NHML. Such provisions would not be practical and necessary on the MHL. This strategy is also supported by NRW and is anticipated to prevent any further impact on the SSSI and retain the hydrogeological conditions required.



Sand extraction is to be limited above any ground water table and conditions to restrict the depth and extent of sand extraction will protect the surrounding water environment and NRW are satisfied with this approach.

There are no objections to the phased and extent for sand extraction from a flood defence point of view from NRW. The conservation of the dune system on the western limits and the ecological management of the area will ensure that coastal interests are protected and are not in conflict with Policy ENV10 of the UDP.

In consideration of the requirements of NRW who now incorporate the requirements of the Environment Agency and the Countryside Council for Wales, it is now suggested that appropriate controls for some of the monitoring of the water environment is best served within the Environmental Permit. These include:

- A monitoring scheme for the Kenfig SAC shallow groundwater systems;
- Proposals for interim control for water levels in the River Kenfig; and
- Details of a contingency plan in the event of the interim control levels for the River Kenfig being exceeded.

These are currently being implemented in the EP for the site.

New planning conditions are appropriate, in particular, for a surface water control scheme for the site in general and a requirement to provide details for approval on the recharge trench system to protect the interests of the Margam Moors SSSI . Conditions can therefore be adopted to ensure that there is no conflict with Policies GC2 , M8, ENV4, ENV5 and ENV29 of the UDP as it applies to the water environment.

### **Landscape and Visual Impact**

The surrounding area of the site has been assessed in terms of visual impact and landscape characteristics to establish how the working methods or landscaping can mitigate the impact of the ongoing development. The height of the landfill was previously agreed under the 73 permission at 70 feet AOD (21.5 metres). This would have created a flat featureless platform with significant consequences to the local amenity. A significant part of the Closed Landfill was developed into this



feature in the 80's and 90's however additional features of undulations and the creation of sand dunes as an exploratory and innovative mechanism seeks to replicate the features of the surrounding dune network to the south and coastal area albeit at a level of around 10 metres higher than the surrounding land not subject to the planning consent. These features are noticeable and can be seen from the M4 and surrounding areas albeit at significant distances of at least 1.6 km.

The method of working for the remaining development areas seeks to develop an initial embankment to be landscaped to screen views from the east and potentially the Strategic Wales Coastal path if adopted on its proposed route to the east of the site boundary. The impacts on Footpath 93 would be more severe in its current position which in part enters the site on its current definitive route. This is a matter that is subject to a Public Inquiry and as such will not be considered under this application. The method adopted for initial screen construction is largely the only practical solution taking account of the approved limits and extent of operations under the 73 permission. Other operations associated with sand extraction would be screened by retaining the fairly significant set aside areas to the west and north eastern boundary of woodland.

The restoration strategy submitted and considered further below would seek to reduce the overall impact and is supported in principle by NRW. This would create a slightly varied platform between 21 AOD and smaller features of undulations and ridges up to 23 metres AOD. This would also have dune features and dune sacks and ponds developed for biodiversity and surface water control requirements.

The working method provides a suitable mechanism to reduce the impact to the most practical and reasonable extent taking account of the approvals of the 73 planning consent and is not considered to be in conflict with Policy ENV3 of the UDP.

### **Public Rights of Way**

It is acknowledged that the development has at some time in the past, probably around the late 1970s, encroached onto part of the definitive route of Footpath 93 in the community of Margam. There was a requirement under Condition 5 of the "73" permission to divert any existing public rights of way affected by the development to the satisfaction of the Local Planning Authority before the proposed excavation and tipping commenced in those areas. It appears from the records available that this condition was not discharged. The landfill



development at this location commenced well before the process of the Review of the Mineral Planning Permission and outside any timescale to enforce the planning condition.

A diversion for Footpath 93 has been proposed as part of the Wales Coastal path and this is subject to other procedures and a forthcoming Public Inquiry. This definitive route is now overlain in part by deposited waste and a part of the restored areas of closed landfill (MCL). To remove or affect this waste mass would constitute a particularly environmentally damaging process. It is considered that any alternative route should be allowed to be considered within the separate process and the public inquiry which is scheduled for November this year and a planning condition would not serve any other purpose at this time.

To the north of the site is Footpath 92 which follows the same route in part as a metalled and stone covered road called Heol Cae'r Bont. The 73 permission acknowledges that this was the original access route to the site. Footpath 92 is currently obstructed by a building on the compound north of the site boundary and also encroaches onto the existing access road leading into the site. This is also subject to the Public Inquiry in November, and appropriate provisions would need to be considered, if required, within that process.

### **Ecology and Nature Conservation**

An Ecological Assessment recognises the very important habitats that lie adjacent to the site, in particular the Kenfig SAC and Margam Moors SSSI. The integral dune systems that lie at Margam Burrows and Kenfig Burrows would be consistent with the dunes previously found at the site and those that lie outside the operational area of sand extraction and landfill set out in the 73 permissions and the adjacent coastal area.

The ecological significance of the dune habitats are recorded and whilst the site development has removed or affected the vast majority of this habitat in the approved area, the contiguous restoration and aftercare strategy (summarised below) sets out the objectives and seemingly reasonable prospect of such habitats developing on the restored land to an acceptable degree and compensatory to these operations.

The Margam Moors SSSI is a mosaic of drainage ditches with associated habitats and is set immediately to the east of the site and some areas of the SSSI are located within the site boundary in the south east and north east of the 73 permission area although this was only designated in 1984,



ten years after the permission was granted. Nevertheless, an assessment on the impacts of the existing site, particularly in hydrogeological terms, recommended mitigation and scheme designs that would reduce and contain the impact of precipitates in particular from the MCL. The flow of surface and groundwater through the MCL needed to be addressed as the precipitates had affected some of the chemistry of the SSSI. A capping and recharge water system has been proposed to mitigate this effect and is required to be monitored.

The Kenfig dunes to the south of the site and separated by the River Kenfig, are a vitally important habitat of European importance and is a Special Area of Conservation (SAC), SSSI and National Nature Reserve. It supports populations of nationally rare and nationally scarce non vascular plants and invertebrate species where the hydrogeological regime is of vital significance.

The dune grasslands and slacks within the site all show evidence of degradation and disturbance. Secondary re-colonisation has been recorded and the formation of similar habitats. This has resulted in the proposed restoration strategy of dune morphology described below.

Of particular importance and on the basis of the substantial hydrogeological monitoring and assessment and the advice of NRW it has been determined that there are no impacts that would be of any significance on the internationally important habitats in the Kenfig NNR and there are no likely future risks to the water quality and quantity of the River Kenfig and the Kenfig SAC itself. This is based on the inclusion of conditions within the EP and subsequently a Test of Likely Significant Effects under Regulation 61 of the Habitats Regulations which has been undertaken and which has determined that an Appropriate Assessment is not required in this case. Appropriate conditions are adopted within the EP and additional controls are proposed within the recommended conditions of this proposal to protect the features of nature conservation and in accordance with Policy ENV4 of the UDP.

### **Restoration and Aftercare**

A general strategy has been put forward during the consideration of the new conditions based on the requirements of the limits set out in the 73 consent and subsequently agreed. The 73 controls had a limited amount of landscaping requirements. The proposed after use and restoration strategy proposes to provide a coastal dune morphology by creating dunes and other water features as part of an objective to replicate habitats that



occurred before the development. It is proposed that dune heights over and above the maximum 23 metre platform level would range from 1 metre to 4 metres in height.

The strategy includes a capping and sand restoration scheme which would accord with existing EP requirements and would be carried out in a phased manner. Sand recovered within the landfill area and restricted strictly to the areas designated appropriate within the context of the 73 permission would be used solely for the creation of the sand dune morphology.

The working plan for restoration has been based on expert ecological advice but requires a particular detailed form of aftercare, monitoring and review where required. The “Working Plan for Ecological Restoration” provides a significant commitment to the re-establishment of vegetation to as diverse a habitat as possible with a view to establishing optimum conditions for ecological enhancement. Some of this work has already been undertaken under supervision and liaison between the former Environment Agency and the Countryside Council for Wales. This work has provided invaluable background and results for future restoration work. The creation of natural landforms and the establishment of vegetation and wetland habitats and the utilisation of harvested seed bank materials would aim to replicate the dune systems fauna of the area. Existing results have been encouraging. Along with this strategy, a formal Ecological Restoration and Aftercare Steering Group is proposed where expert views, analysis and review can be undertaken along with general ecological enhancement and biodiversity initiatives being undertaken on the set aside land and interim areas of development. In addition, experimental techniques are proposed in selected phases by adopting variable growing conditions.

Annual reporting and data recording will aid in the progressive restoration of the site, albeit over a considerable timescale. A series of conditions are recommended for this activity and the restoration strategy has the support of Natural Resources Wales.

The provisions set out in the application brings forward satisfactory restoration and aftercare provisions which were absent in the 73 permission and in accordance with Policy GC2 of the UDP.



## **Comments on Representations**

The proposed conditions in Appendix 2 have taken due regard of the impacts of the development and sought modern conditions within the scope of the Environment Act 1995 and the related guidance in MPG 14. The proposed route of the Wales Coastal Path has considered the existence of existing industrial development at Port Talbot steel works and associated ancillaries. It is considered that the factors that relate to the impacts on Footpaths 92 and 93 are best served under the process of the forthcoming Public Inquiry and is in effect covered by separate legislation.

The application was originally submitted by Corus UK Ltd and the company were subsequently taken over by Tata. That position does not make the application invalid.

New conditions are required under the provisions of the Environment Act 1995 to take account of the existing environmental conditions and to adopt modern controls and thereby are a mandatory requirement from the developer.

Impacts on environmental, visual, nature conservation interests, and sand extraction limits and operations in the coastal area have been taken into account in the requirement for new conditions and are now agreed and supported by statutory agencies and agreed in principle with the operator.

There is no sand to be extracted from the beach area itself and is limited in its nature and to be utilised exclusively for the sustainable reclamation of the site and within reduced limits set out in the 73 permission and the proposed conditions within Appendix 2.

It is considered in respect of the tyre fluff waste deposit that the most sustainable outcome to this material would be to retain the material within the existing site albeit within an identified hazardous waste cell, as this would eliminate any transportation of the waste beyond the site boundaries.

A full assessment has been undertaken on the potential polluting impacts of the site. Engineering and restoration mitigation proposals put forward and the new conditions for the site, which has a valid planning consent, will bring forward effective environmental controls in conjunction with the controls of the environmental permits of the site and is therefore in



accordance with the principles of sustainable development and National policy requirements.

## **General Conclusions**

The proposed conditions to be adopted under this application are set out in Appendix 2.

As indicated previously in this report the principal of the development, as a whole, is not for consideration.

Time limits are dictated by guidance and there will be an opportunity to review methods of working on a four yearly basis, and a full review of conditions every fifteen years. Safeguarding of sensitive areas has been extended and offered by the operator with the objective of maintaining a monitoring and enhancement regime in accordance with other conditions proposed.

As a requirement for appropriate legislative controls under the pollution prevention control regimes and subsequent Environmental Permits, the Environment Agency (now Natural Resources Wales) had to consider the relative requirements of the landfill directive and to identify clear and precise segregation of the type of wastes that had inherently been imported into the site over a number of decades. This resulted in the identification of a non-hazardous landfill area and a segregated hazardous landfill. These classifications were approved following extensive consideration within the permit applications.

The site, as a whole, under the proposed conditions would benefit substantially for the Port Talbot steel plant site, however, a limited tonnage from Llanwern and Trostre steelworks is considered reasonable and does not conflict significantly with national waste policy objectives or the proximity principle. The disposal of waste at the site (at a likely significantly reduced rate) is considered as the Best Practical Environmental Option and in any event the principle of the permission is extant. The management of the waste in accordance with modern and approved Environmental Permits along with the improved modern planning conditions would be the preferred option.

The relocation and permanent disposal of tyre fluff and associated demolition waste from its current location in Cell 2 to the permitted area for hazardous waste disposal is also considered to be the most sustainable



outcome for this material. This would eliminate the added impacts and costs of relocating such material to distant facilities.

Controls on ancillary operations, buildings, hours of working and dust and noise controls are proposed within the context of the planning requirements and the avoidance of duplicate regulatory control over and above the existing environmental permits.

Controls on the water environment, particularly for the creation of a suitable recharge trench system and groundwater excavations, will supplement existing monitoring arrangements under the environmental permits and those that particularly protect the significant natural habitats surrounding the site.

An ecological management and monitoring scheme will compliment the commitment to protect and enhance the biodiversity within the site along with a dedicated steering group to overlook such activities and the developing restoration and aftercare of the site. Provisions are also proposed and agreed for the review of restoration and aftercare requirements on the temporary or permanent cessation of operations.

A condition requiring the setting up and regular convening of a technical working group consisting of relevant regulatory officers will aid and ensure consistent and coordinated enforcement of planning conditions taking account of other regulatory controls under the environmental permitting regulations.

### **Reason for Decision**

In the pursuance of an appropriate set of planning conditions it has been necessary to undertake a lengthy and considered approach to certain factors and criteria that are particularly important at the Morfa site. These have been discussed above and the outcomes of further appraisals and consideration of the existing regulatory controls adopted and approved for waste disposal has also influenced the core arrangements of the recommended set of conditions.

As an exercise of judgement, and taking into account all the environmental information submitted, the Environmental Statement and additional information, the comments of statutory consultees and all consultation responses and representations received, including all relevant European Directives, legislation and regulations including Regulation 5 paragraph 1(1) of Schedule 2 of the Landfill (England and Wales)



Regulations 2002 (as amended) as they apply to landfill, it is concluded that the proposed conditions set out in Appendix 2 will result in the site operating without causing unacceptable adverse impact on the locality and the environment and bring modern planning conditions into effect under the requirements of Policy M11 and accords with Policies GC2, ENV3, ENV4, ENV5, ENV10, ENV15 ENV23, ENV29, M8, M11 W1 and W2 of the Unitary Development Plan and national policy objectives.

It is also considered that the proposed conditions in Appendix 2 would not prejudice to an unreasonable degree the economic viability of the operation or the asset value of the site.

**Recommendation: That the conditions set out in Appendix 2 of this report are approved under the requirements of Schedule 13 of Section 96 of the Environment Act 1995.**



## **Appendix 1**

### **Existing conditions as set out within Planning Application Ref: 274/270/73**

1. The material to be tipped shall be inert (i.e. slag) only and shall be obtained solely from the British Steel Corporation, Port Talbot Division.
2. There shall be a barrier of dunes left between the beach and the toe of the proposed tip. This barrier shall be a minimum width of 75 yards measured from the edge of the pebbled area at the foot of the dunes and steps shall be taken to ensure that this buffer strip remains free from physical damage and is not unduly affected by wind blown sand.
3. The face of the tip fronting onto the beach shall be covered with sand to an agreed depth and stabilised by planting to the satisfaction of the Local Planning Authority within the first planting season after completion of that part of the tip.
4. No extraction of sand or tipping of materials shall be carried out within 100 yards of the banks of the river Kenfig. The case of the tip fronting onto the river Kenfig shall be covered with a suitable material (i.e. sand or soil) to an agreed depth and stabilised by planting to the satisfaction of the Local Planning Authority within the first planting season after completion of that part of the tip. Steps shall also be taken to ensure that the buffer strip between the excavation and the river remains free from physical damage and is not unduly affected by wind blown sand.
5. The existing public rights-of-way affected by the proposal shall be diverted to the satisfaction of the Local Planning Authority before the proposed excavation and tipping is commenced in those areas.
6. No extraction of sand or tipping of materials shall be carried out within a specified distance from the Margam Siding and this distance shall be agreed by the Local Planning Authority before such extraction takes place.



7. The access road “Heol Caer Bont” where it passes between the proposed tips located on either side of it shall be properly protected. The gradient of the banks of the tips and the distance of the toe of the tips from the road shall be agreed with the Local Planning Authority before tipping in the area commences.
8. The maximum height of the tip shall be agreed by the Local Planning Authority before any waste material is deposited on the site.
9. No sand shall be extracted below 25 A.O.D. level and the proposed excavation shall take place in accordance with a scheme of programming to be agreed with the Local Planning Authority before any work is commenced on the site.
10. Marker posts securely fixed showing the boundaries of the approved area shall be placed on site before work commences and these marker posts shall be constantly in position and if broken or uprooted must be replaced immediately.
11. The direction of the access road within the site shall be varied in such a way as to reduce to a minimum the effect of wind scar.
12. No fixed plant or machinery shall be installed within the site area.
13. There shall be no interference whatsoever with the existing borehole at Morfa Mawr and the river Kenfig.

Reason:-

To safeguard the amenity of the area and to ensure orderly working and satisfactory completion of the development.



## APPENDIX 2

**APPLICATION NO: P/2002/931**

**DATE: 07/08/2002**

**PROPOSAL: NEW PLANNING CONDITIONS UNDER SECTION 96  
- SCHEDULE 13 OF THE ENVIRONMENT ACT 1995**

**LOCATION: MORFA WASTE MANAGEMENT SITE, Tata Steel,  
MARGAM, PORT TALBOT SA13 2NP**

**APPLICANT: CORUS UK LIMITED**

**TYPE: Minerals**

**RECOMMENDATION: Approval with Conditions**

### **CONDITIONS:**

(1) Permission is granted for the extraction of sand and the deposit of waste within the planning boundary indicated in red on Figure 1.2 of the Environmental Statement and in accordance with other conditions, terms and limits set out under this approval.

#### **Reason**

To avoid any ambiguity as to the extent of the mineral site and method of working hereby permitted.

### **Time Limits and Duration**

(2) The development hereby permitted is for a temporary period only and sand extraction and all waste deposition shall cease no later than 21st February 2042.

Reason: In accordance with Schedule 5 Para (1) of The Town and Country planning Act 1990 and to provide a period which takes into account the needs of the operator as well as other planning considerations.

(3) The site shall be fully restored by 21st February 2044, unless amended by other conditions of this permission and followed by a period of aftercare for 5 years.

#### **Reason**

In accordance with Schedule 5 Para (1) of the Town and Country Planning Act 1990 and to provide a period which takes account of the needs of the operator as well as other planning consideration.



## **Working Programme and Phasing**

(4) The development hereby permitted shall be carried out in accordance with the submitted documents, plans and correspondence as follows or as otherwise amended by other conditions of this permission.

- Environmental Statement 2004 (as amended).
- Letter dated 15th February 2004 (Geotechnology to NPTCBC) (as amended).
- Signposting Document - Report No. 934rlvld1209 (as amended).
- Letter dated 18th July 2011 (TATA to NPTCBC) (as amended).
- Letter dated 12th March 2012 Geotechnology to NPTCBC.
- "Phased Sand Extraction at Morfa Landfill" v2.1 received on 19th April 2012 and Drgs. 935/1, 1158/1, 1158/2 and 1158/3.

### **Reason**

To retain a control on the scale and nature of the development proposed.

(5) Notwithstanding the terms of Condition 4 of this consent, within 4 years of the date that these conditions come into effect and every 4 years thereafter until the approved operations cease at the site, a method statement shall be submitted to and subsequently agreed in writing with the Local Planning Authority indicating the phasing and method of working at the site in terms of sand extraction and waste disposal, identifying the nature of the works undertaken in the previous 4 years and the programme, phasing and method of working for the next 4 years. The operation at the site shall be undertaken in accordance with terms of each approval, unless otherwise agreed in writing by the Local Planning Authority.

### **Reason**

To ensure adequate control on the scale and method of working at the site.



### **Safeguarding of Areas**

(6) The extraction of sand and the deposit of waste shall not occur within the areas indicated in green and identified as "set aside land" on Figure 1.3 Revision 1 of the Environmental Statement.

#### **Reason**

In the interest of amenity, protect adjacent areas to the site and to reduce the environmental impacts of the development.

### **Restriction on Waste Importation and Sand use**

(7) The site shall be for the benefit of operations at the Port Talbot Steel Manufacturing Site and associated ancillaries of the same site for the extraction of sand and the deposit of waste within the areas identified on the approved drawings as they relate to the documents and plans referred to in condition 4.

On no account shall sand be extracted at the site other than for the purpose of the restoration of the site as identified in the application documents and shall not be exported from the site. Waste shall be imported into the site from the Port Talbot Steel Manufacturing Site and from the following sources and limits only:

(a) Llanwern and Trostre Steel Works - no more 1500 tonnes per annum.

#### **Reason**

To retain adequate control of the scale and nature of the operations as proposed within the application.

(8) Notwithstanding the terms set out in Condition 7, a single deposit of no more than 15,000 tonnes of Tyre Fluff and associated demolition waste shall remain at the site and shall be relocated to the Hazardous landfill from its present location in Cell 2 within 3 months of the date that these conditions come into effect.

**Reason** To retain adequate control of the scale and nature of operations at the site.

(9) Notwithstanding the terms set out in condition 7 no sand shall be imported into the site unless otherwise approved in writing by the Local



Planning Authority. The importation of such material shall be subject to the terms of such approval.

**Reason**

To allow the importation of sand for the purposes of the restoration of the site.

**Mobile or Additional Plant**

(10) There shall be no screening, shredding and crushing of waste material on the site other than within the proposals set out in the application documents unless otherwise approved in writing by the Local Planning Authority.

**Reason**

To protect the amenity of the area.

(11) No blasting shall be undertaken at the site.

**Reason**

To prevent operations that are likely to be inappropriate for the development proposed.

**Hours of Working**

(12) In the following condition the definition of emergency relates to times when there is any malfunction, breakdown or failure of equipment or operating techniques, accident or fugitive emissions which has caused or is causing or may cause significant pollution to the environment or harm to human health. Such circumstances shall be reported to the Local Planning Authority in writing within 24 hours of such an occurrence.

**Reason**

To define the circumstances of any emergency operations at the site.

(13) Except in an emergency as defined under condition 12 or as otherwise approved in writing by the Local Planning Authority, operations, other than water pumping, servicing, maintenance and testing of plant, and authorised by this consent, including vehicles entering or leaving the site and utilised in the transportation of waste or other materials, shall be restricted to 06.00 to 18.00 hours on any day. No servicing, maintenance and testing of plant shall be carried out between the hours of 22.00 and 06.00 hours.



Reason

In the interest of the amenity of the area.

(14) Notwithstanding the hours of working set out in Condition 13 operations that relate to the capping and lining of landfill areas shall occur between between 06.00 and 22.00 hours on week days and between 06:00 and 18:00 on weekends and Bank/Public holidays

Reason

In the interest of the amenity of the area.

**Noise**

(15) Within three months of the date that these conditions come into effect a Noise Action Plan shall be submitted to and subsequently agreed in writing with the Local Planning Authority identifying all measures to be undertaken to mitigate the level of noise generated from site operations and in the event of a noise complaint, the procedures and methodologies to be undertaken to investigate and address noise complaints. The agreed scheme shall be implemented and complied with at all times.

Reason

To protect the amenity of the area.

(16) The best practical means shall be used to minimise noise from reversing warning devices which are fitted to mobile plant and vehicles on the site. This may include the fitting of broadband directional alarm to vehicles.

Reason

In the interest of reducing the impact on the amenity of the area.

(17) All vehicles, plant and machinery operated within the site shall, at all times, be fitted with silencers in accordance with the manufacturers recommendations and be so operated to minimise noise emissions. Save for the purpose of maintenance, no machinery shall be operated with the covers open or removed.

Reason

To protect the amenity of the area.



## **Dust Conditions**

(18) Within 3 months of the date that these conditions come into effect a Dust Action Plan shall be submitted to and subsequently agreed in writing with the Local Planning Authority setting out measures for the suppression and monitoring of dust. The scheme shall include, inter alia, the following provisions;

- the suppression of dust caused by the moving of soils, sand waste and other materials within the site,
- the suppression of dust on haul roads including speed limits,
- the provision of daily checks
- the provision of dust monitoring on and around the site and the production and submission of results
- the temporary suspension of operations during high wind conditions or when dust levels are high
- provisions to minimise the potential of dust emissions when loading and unloading vehicles
- the provision for monitoring and the review of the scheme.

The agreed scheme shall be implemented and complied with at all times.

### **Reason**

To protect the amenities of the locality from the effects of any dust arising from the development.

## **Restrictions on Building Structures**

(19) No fixed plant or machinery, buildings or structures and erections other than those detailed in this application, shall be erected, extended, installed, replaced or altered at the site without the prior written approval of the Local Planning Authority.

### **Reason**

In the interest of amenity of the area.

## **Access and Traffic**

(20) Unless otherwise agreed in writing by the Local Planning Authority heavy goods vehicles, trucks, plant and machinery shall only access the site along the coastal access road shown on Figure 16.1 Revision 1.



Reason

In the interest of the amenity of the area

### **Protection of the Water Environment**

(21) Within 3 months of the date that these conditions come into effect a scheme shall be submitted to and subsequently agreed in writing with the Local Planning Authority for the details of surface water control and treatment as it applies to the extraction of sand. The agreed scheme shall be implemented and complied with at all times.

Reason

To protect the water environment.

(22) Within 3 months of the date that these conditions come into effect details shall be submitted to and subsequently agreed in writing with the Local Planning Authority for the construction, programme, operation, maintenance and monitoring of a recharge trench system for Margam Moors SSSI. The details shall include all necessary provisions for its function including the source of power supply for its operation. The details shall be implemented as approved.

Reason

To provide a suitable recharge system for the Margam Moors SSSI following the capping of the Morfa closed landfill and Morfa Non Hazardous landfill.

(23) No excavation for sand extraction shall be undertaken below ground water level i.e. winter high level and all such operations shall be worked in the dry and remain dry. If the local water table is encountered the Local Planning Authority and Natural Resources Wales shall be informed in writing within 7 days. In the event of the local water table being encountered a Hydrological Impact Appraisal (HIA) shall be submitted to the Local Planning Authority for its approval within one month of such an occurrence. The HIA must consider the impacts on the local groundwater flow around the site and also consider and propose mitigation measures and the mechanism for the discharge of dewatered water if found to be contaminated. The recommendations within the HIA shall be implemented as approved.

Reason

To protect the surrounding groundwater regime.



(24) No sand shall be extracted below 6.5 metres AOD.

Reason.

To protect the water environment

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

### **Ecological**

(26) Within 3 months of the date that these conditions come into effect an Ecological Management and Monitoring Scheme shall be submitted to and subsequently agreed in writing with the Local Planning Authority. The scheme shall include, inter alia,

- a. the provisions for the enhancement of biodiversity within the site boundary along with a programme and timescale for implementation.
- b. the formation control and management of a buffer zone in accordance with the areas of set aside land identified on Figure 1.3 Revision 1 between the Margam Moors SSSI, the Morfa Beach and the Kenfig SAC.
- d. the design and formation of dune slacks and dune pools as it applies to the restoration and aftercare of the site.
- e. the integration of the ecological management and monitoring scheme with the Ecological Restoration and Aftercare Report (report number 403.3/0/0906) the Working Plan for Ecological Restoration at the Morfa Closed Landfill site by LAB Coastal dated June 2006, and restoration and aftercare details as submitted under other conditions of this consent.
- f. the monitoring of the stability of the restored dune system and any operations and modifications required for their construction.



g. details on the creation and operation of an Ecological, Restoration and Aftercare Steering Group that must include as a minimum the operator, their nominated consultants, representatives from Natural Resources Wales and the Local Planning Authority. The scheme shall be implemented as approved.

**Reason**

To aid in the management and monitoring of the ecology, restoration and aftercare of the site.

**Archaeology**

(27) Sand extraction shall not take place on the areas identified in Lilac on Drg. 317 Figure 1.3 of the Environmental Statement until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to the Local Planning Authority and approved in writing.

**Reason**

In the interest of archaeological resources.

**Soil Stripping, Handling and Storage**

(28) Where present at the site, all soil shall be stripped and recovered when there is adequate capacity to utilise it in the progressive restoration of the site unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To ensure adequate control and management of natural resources at the site.

(29) The stripping, movement and spreading of all soils shall be restricted to occasions when the material is dry and friable and the ground is sufficiently dry to allow passage of heavy machinery and vehicles over it without damage to the soils.

**Reason**

To assist in the restoration of the site.



## **Restoration and Aftercare**

(30) No later than 24 months from the date when sand extraction and the deposit of waste operations at the site have ceased permanently or by 21st February 2044 whichever is the sooner, all buildings, plant, machinery, internal roads, lagoons, drainage features, and any other equipment or installations, unless the restoration plan indicates they are to be retained, shall be removed and their sites restored and re-vegetated in accordance with the approved restoration details under other conditions of the consent.

### **Reason**

To aid the satisfactory restoration of the site.

(31) In the event of the cessation of operations prior to the achievement of the completion of the approved scheme and which in the opinion of the Local Planning Authority constitutes a permanent cessation, a revised scheme, to include all details of restoration and aftercare, shall be submitted in writing to the Local Planning Authority within 6 months of the permanent cessation of working. The approved revised scheme shall be fully implemented within 24 months of the written approval unless otherwise agreed in writing by the Local Planning Authority.

### **Reason**

To aid in the satisfactory restoration of the site.

(32) Upon temporary cessation of operations for any period exceeding 24 months and unless otherwise agreed in writing by the Local Planning Authority, all plant, machinery, buildings, and similar equipment and installations shall be removed and their sites restored in accordance with a scheme to be submitted for the prior written approval of the Local Planning Authority within three months of notification of cessation. The restoration scheme shall be implemented as approved.

### **Reason**

To aid in the satisfactory restoration of the site.

(33) The developer shall obtain the written approval of the Local Planning Authority of all restoration profiles prior to the deposit of sand or any other approved materials on the final landform, and the profiles shall be implemented in accordance with those agreed details.



Reason

To aid in the satisfactory restoration of the site.

(34) Unless otherwise agreed in writing by the Local Planning Authority the progressive restoration of the site shall be undertaken in accordance with the following documents and plans unless amended by any other conditions of this consent.

- Morfa Landfill Restoration Scheme - Ecological Restoration and Aftercare (Report No. 403.3/0/0906 September 2006) (as amended) (incorporating the Working Plan for Ecological Restoration of the Morfa closed landfill site by LAB Coastal June 2006).
- Letter dated 18th July 2011 Tata Steel to NPTCBC including attachments (excluding Section 4).
- Drg. 317 Figure 4.1r1 - Proposed Restoration Contour Strategy.
- Drg. 317 Figure 4.2r1 - Restoration Cross Section.

Reason

To ensure adequate restoration of the site.

(35) The site or any part entering aftercare during the course of progressive restoration shall be the subject of aftercare for a period of 5 years from a date confirmed in writing by the Local Planning Authority following the completion of restoration works.

Reason

To ensure adequate aftercare of the site.

(36) Unless otherwise agreed in writing by the Local Planning Authority the Morfa Closed Landfill site shall be restored in accordance with the approved details set out in Condition 34 within 6 months of the date that these conditions come into effect.

Reason

To identify a period to complete restoration on the Morfa Closed Landfill.

(37) Notwithstanding the terms of conditions 34, 35 and 36 of this permission within 4 years of the date that these conditions come into effect and every 4 years thereafter until no further consent applies to the



site for sand extraction or waste disposal, details and a scheme shall be submitted to the Local Planning Authority for its approval consisting of a review of the restoration undertaken at the site and a programme of works identifying all restoration and aftercare works, final contours and the phasing for restoration and aftercare to be undertaken in the following 4 years. The restoration and aftercare shall be implemented and undertaken in accordance with the terms of the approval by the Local Planning Authority.

#### **Reason**

To ensure an adequate review of the restoration and aftercare of the site and that adjustments and amendments can be made as necessary to the restoration and aftercare strategy of the site.

#### **General**

(38) From the commencement of development to its completion, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission shall be permanently maintained and available for inspection at the site office.

#### **Reason**

To ensure that the operators of the site and any appropriate officer of the local planning authority has access to such approvals on site.

(39) Within 3 months of the date that these conditions come into effect a scheme to identify the site boundaries shall be submitted to and subsequently agreed in writing with the Local Planning Authority. The scheme shall identify the boundaries that are required for such boundary treatment taking account of the areas identified as "set aside land" under Figure 1.3 Revision 1 of the Environmental Statement. The scheme shall be implemented and maintained until all the operations at the site have been completed or as otherwise agreed in writing by the Local Planning Authority.

#### **Reason**

To identify areas of site development and areas identified for protection.

(40) Surface water shall not be discharged onto Network Rail property and adequate drainage or other works shall be provided and maintained to prevent surface water flows from the site affecting Network Rail property or land.



Reason

To maintain the integrity of the Network Rail property and prevent the flooding of such area.

(41) Within three months of the date that these conditions come into effect a scheme for the setting up, convening and operation of a Technical Working Party shall be submitted to and subsequently agreed in writing by the Local Planning Authority. The approved scheme shall be implemented until the completion of all restoration operations at the site.

Reason

To provide a mechanism and forum for regular joint discussion and liason between the Local Planning Authority, the operator and other statutory agencies.



<b><u>ITEM 1.2</u></b>	
<b><u>APPLICATION NO:</u> P/2013/524</b>	<b><u>DATE:</u> 25/06/2013</b>
<b>PROPOSAL:</b>	<b>One dwelling (Outline)</b>
<b>LOCATION:</b>	<b>Land Adjacent To, 7 Heol Y Graig, Cwmgwrach, Neath SA11 5TW</b>
<b>APPLICANT:</b>	<b>Mr Robert Thomas</b>
<b>TYPE:</b>	<b>Outline</b>
<b>WARD:</b>	<b>Blaengwrach</b>

### **BACKGROUND INFORMATION**

#### **Background Information:**

Members should note that this application is reported to the Planning and Development Control Meeting as Councillor A Sidley is closely associated with the applicant and it cannot therefore be considered under delegated powers.

#### **Planning History:**

05/0259	Detached Dwelling (Outline)	Approved	17/05/05
08/0619	Detached Dwelling (Outline)	Approved	15/05/08

#### **Publicity and Responses (if applicable):**

Blaengwrach Community Council – No Response

Head of Engineering & Transport (Highways) – No objection, subject to conditions

Head of Engineering & Transport (Drainage) – No reply, therefore no observations to make

Biodiversity Section – No objection, subject to conditions

The application was advertised on site and 2 Neighbouring properties were consulted – 1 Letter of objection has been received expressing concerns over the unadopted road and ground movement



## **Description of Site and its Surroundings:**

The application site is located on land adjacent to Number 7 Heol y Graig, Cwmgwrach. The site is currently a disused garden area of 7 Heol y Graig.

The plot is a steeply sloping triangular shaped plot which slopes downwards to a frontage of 25 metres fronting Heol y Graig, and has a maximum depth of 18 metres. The site levels at the centre of the site where a domestic garage was once sited. Access to the site is via Heol y Graig which is an unmade, unadopted road.

There is a terrace of properties to both sides of the application site both of which are set back on a higher level to the application site and have between an 18 metre and 23 metre setback off the highway and between the western side of the site and the terrace of properties to the west of the site there is a steeply sloping vehicular track which leads to the donor property. This track also runs to the rear of the plot with open land beyond the track. To the front of the property is the highway with a steep embankment down to residential dwellings at a much lower ground level.

The parking arrangements for the donor property will not be affected by this development.

The site is located within the settlement limits as defined by Policy H3 of the Neath Port Talbot Unitary Development Plan.

## **Brief Description of Proposal:**

This application seeks outline planning permission for the erection of one detached dwelling. All matters relating to access, appearance, landscaping, layout and scale are reserved for subsequent approval.

In accordance with the new outline requirements, the applicant has submitted an indicative block plan demonstrating the siting of a detached dwelling with access off Heol y Graig.

The submitted details indicate that the dwelling will have the following



scale parameters:

Height: 6.30m

Width: 10.0m

Depth: 6.75m

### **EIA Screening/Scoping Opinion & Habitat Regulations:**

As the development is not Schedule 1 nor Schedule 2 Development on the EIA Regulations, a screening opinion will not be required for this application.

### **Material Considerations:**

The material issues related to this planning application are whether there has been a material change in circumstances with regards to the principle of residential development at this site, together with the impact of the proposal upon visual and residential amenity, and also highway and pedestrian safety.

### **Policy Context:**

Neath Port Talbot Unitary Development Plan:

- GC1      New Buildings/Structures and Changes of Use
- ENV17   Design
- T1        Location, Layout and Accessibility of New Proposals
- H3        Infill and Windfall Development within Settlement Limits
- H4        Affordable Housing
- ENV5    Nature Conservation

As the proposed site is located within settlement limits as defined with in the Unitary Development Plan, the principle of a residential development is generally acceptable, provided there are no overriding highway, amenity or service objections.



With regards to the issue of affordable housing, as the application site is only capable of providing one dwelling, therefore the developer would not be required to provide any affordable housing as the development would be under the threshold set in the Unitary Development Plan and Supplementary Planning Guidance.

With regards to Tan 22, the code for sustainable homes, the applicant has submitted a code report to illustrate how they could achieve a minimum of level 3 Code to meet the current requirements. Therefore suitably worded conditions can be imposed to ensure the application meets the current requirements for code.

### **Visual Amenity:**

This proposal is an outline planning application with all details being held in reserve. As such, there are no formal details on the appearance or scale of development available, apart from the indicative scale parameters. However, the indicative layout shows the dwelling set back a minimum of 6 metres from the highway to the front of the site and as there is no set building line established either side of the site it is considered that the proposal would be acceptable in terms of visual amenity. The application site has a frontage of approximately 25 metres and a maximum depth of approximately 18 metres which is considered to be adequate in size to ensure that a suitably-designed dwelling could be constructed, without having an adverse impact upon the character or appearance of the surrounding area, or the varied street-scene in which the site is located. The proposal is therefore considered acceptable in terms of visual amenity.

Notwithstanding the above the sloping topography of the site dictates the potential need to build retaining structures on the land, which could affect the visual amenity of the surrounding area. Should this application be approved, it is considered that a condition can be imposed requiring that full details of any retaining structures are submitted with any reserved matters application.

### **Residential Amenity:**

In terms of the impact on residential amenity, it should be noted that the separation distance from the donor property to the proposed dwelling would be 11 metres and there would be a distance of 14 metres to the



neighbouring property (No 9) which is the end of terrace property to the south west of the proposal. Given this proximity and the potential impact of a two storey property could have on existing properties, a condition is recommended restricting development to a single storey/dormer style dwelling. Subject to the imposition of this condition and to the erection of a sensitively designed dwelling, it is considered that the amenities of residents within adjacent properties will be protected in terms of overlooking, overbearing and overshadowing.

### **Drainage:**

The Drainage Officer offers no objection to the application provided that four conditions are imposed on the consent. These conditions require any existing drainage entering, crossing or discharging onto the development to be accommodated within the site, by the developer. Furthermore, no building shall be erected over or within the safety zone of any culvert or watercourse. The second condition seeks to ensure that there will be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site without prior consultation and agreement with the Local Authority. Condition 3 relates to the requirement that the foul and surface water discharges shall be drained separately from the site and that no surface water or land drainage run-off shall be allowed to connect to the public sewerage system. The final condition relates to the requirement for a scheme for land drainage works to be submitted with the reserved matter application.

### **Highway Safety (Access, Parking and Traffic flows):**

The site has adequate space to provide the requested off street car parking spaces in accordance with the Council's guidelines and The Head of Engineering and Transport (Highways) offers no objection to the proposed development, subject to conditions.

These conditions relate to; the requirement for off street car parking and details of any driveway and the required vision splays.

It is therefore considered that the proposal would not have a detrimental impact upon highway or pedestrian safety.

### **Landscaping:**



Landscaping of the site will be dealt with at reserved matters stage.

**Ecology (including trees & Protected Species):**

The Biodiversity Section raise no objection to the proposal subject to the provision of artificial nesting sites for birds and for the planting of a hedgerow containing native species of local provenance along one or all of the boundaries of the site.

**Flooding:**

Not Applicable

**Pollution (air and ground):**

None

**Others (including objections):**

A letter of objection has been received from the resident of a neighbouring property. The objector has raised concerns regarding the effect the proposal would have on the unadopted road as there has already been a lot of ground moved on the other side of the road which has left a deep bank with no retaining works, which could if this build commences create an unstable area, rendering the road impassable. In response to this concern it was indicated earlier in this report that a condition will be imposed requiring details associated with all retaining works. These details will be checked by the Authority and the retaining works would have to be completed in accordance with the agreed details.

**Conclusion:**

It is considered that the proposal represents an appropriate form of in-fill development consistent with the relevant development plan policies and one that will safeguard the amenities of neighbouring residents, visual amenity of the area and highway and pedestrian safety. Hence, the proposed development is in accordance with Policies GC1, ENV17, T1, H3, H4 and ENV5 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.



**RECOMMENDATION:**      **Approval with Conditions**

**CONDITIONS:**

(1) Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

The application was made for outline planning permission.

(2) Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

The application was made for outline planning permission.

(3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

(4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

(5) Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve 6 credits



under category Ene1 if the site was registered with a Code Assessor prior to 11th December 2010 in accordance with the requirements of Code for Sustainable Homes: Technical Guide April 2009, or Level 3 and 1 credit under category Ene1 of the code if the site was registered on or after 11th December 2010 in accordance with the requirements of Code for Sustainable Homes: Technical Guidance November 2010.

Reason

In the interests of Sustainability.

(6) No development of any dwelling hereby approved shall commence until details of a Code for Sustainable Homes 'Design Stage' assessment and related certification certifying that Code Level 3 and 6 Credits under Ene1 are achieved if the site was registered with a Code Assessor prior to 11th December 2010 in accordance with the requirements of Code for Sustainable Homes: Technical Guide April 2009, or Level 3 and 1 credit under category Ene1 of the code if the site was registered on or after 11th December 2010 in accordance with the requirements of Code for Sustainable Homes: Technical Guidance November 2010 have been achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of Sustainability.

(7) Unless otherwise agreed in writing, no dwelling hereby approved shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out in relation to it, and a Final Code Certificate has been issued for it certifying that Code Level 3 and 6 Credits under Ene1 have been achieved under Technical Guide April 2009, if the site was registered with a code assessor prior to 11th December 2010, or Level 3 plus 1 credit under Ene 1 are achieved if the site was registered with a code assessor either on or after the 11th December 2010 under the requirements of Code for Sustainable Homes Technical Guidance November 2010. The certificate shall be submitted to and approved in writing by the Local Planning Authority.



## Reason

In the interests of Sustainability.

(8) Any drive shall be a minimum length of 6m from back of footway to garage door, 3.2m minimum width and prior to the first occupation of the dwelling shall be hardsurfaced in concrete, asphalt or block paving to a maximum gradient of 1 in 9 and maintained as such thereafter.

## Reason

In the interests of Highway and Pedestrian safety.

(9) Prior to the occupation of the dwelling at least two car parking spaces, three if the gross floor area exceeds 120 sq.m., shall be provided within the curtilage of the dwelling in accordance with a scheme which shall be submitted to and approved in writing by the local planning authority. The approved car parking area(s) shall be retained as such and thereafter not be used for any purpose other than vehicle parking.

## Reason

To comply with the requirements of the local planning authority concerning off-street car parking in the interests of amenity and highway safety.

(10) Any existing drainage pipe, crossing or discharging onto the development site must be accommodated into the site development works, by the developer. No building shall be erected over or within the safety zone of any culvert or watercourse.

## Reason

To ensure the existing surface water drainage system is not compromised.

(11) There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site, without prior consultation and agreement with the Local Authority.

## Reason

To ensure the existing surface water drainage system is not compromised.

(12) Foul and surface water discharges shall be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system and no land drainage run-off



shall, either directly or indirectly, discharge to the public sewerage system.

Reason

To prevent hydraulic overloading of the public sewerage system in the interest of amenity.

(13) In support of the reserved matters application required by Condition 1, plans indicating the proposed land drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall ensure that proper drainage of any adjoining land is not interrupted or otherwise adversely affected. The scheme shall be implemented prior to the occupation of each associated dwelling.

Reason

In the interest of visual amenity.

(14) Unless otherwise agreed in writing with the Local Planning Authority the development shall be connected to the main sewage system prior to the occupation of the dwelling.

Reason

In order to ensure the provision of adequate foul drainage.

(15) This consent benefits for a single dwelling, of a bungalow or dormer style bungalow only.

Reason

In the interests of visual amenity and the amenity of adjoining properties.

(16) In support of the submission of the first reserved matters application required by Condition 1, means of enclosure to all property boundaries shall be submitted to and agreed in writing with the Local Planning Authority. These approved means of enclosure shall be implemented prior to the occupation of the dwelling.

Reason

In the interests of the visual amenity of the area and the amenities of the occupiers of proposed and existing dwellings.

(17) Unless otherwise agreed in writing, prior to occupation of the dwelling(s) hereby permitted, an artificial nesting site for birds shall be



erected on the dwelling to one of the following specifications, and retained as such thereafter;

**Nest Box Specifications for House Sparrow Terrace:**

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

**Swift Nest Box Specification:**

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

**Reason**

In the interest of Biodiversity.

(18) In support of the submission of the first reserved matters application required by Condition 1, plans shall be submitted outlining the planting of a new hedgerow containing native species of local provenance shall be planted along one or all of the boundaries of the site. The submitted details shall also include a species list for this hedgerow. The agreed hedgerow shall be planted prior to the occupation of the dwelling and shall be retained and maintained thereafter. If the hedgerow within a period of five years from the completion of the development dies, is removed or become seriously damaged or diseased it shall be replaced in the next planting season with another of similar size and the same species, unless the local planning authority gives written consent to any variation.

**Reason**

In the interest of biodiversity.

(19) In support of the submission of the first reserved matters application required by Condition 1, details of any retaining walls to be constructed on site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include existing and proposed



drawings, structural calculations and proposed materials together with cross sections and longitudinal sections through the site. The approved retaining walls shall be constructed prior to occupation of the dwelling.

Reason

In the interests of visual amenity.

(20)No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of the visual amenity of the area.

#### REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

It is considered that the proposal represents an appropriate form of in-fill development consistent with the relevant development plan policies and one that will safeguard the amenities of neighbouring residents, visual amenity of the area and highway and pedestrian safety. Hence, the proposed development is in accordance with Policies GC1, ENV17, T1, H3, H4 and ENV5 of the Neath Port Talbot Unitary Development Plan.



<b><u>ITEM 13</u></b>	
<b><u>APPLICATION NO:</u> P/2013/537</b>	<b><u>DATE:</u> 17/06/2013</b>
<b>PROPOSAL:</b> Retention and relocation of 4no. holiday pods, extension to amenity building, cycle storage container, cycle wash area, associated car parking and landscaping (amendment to planning permission ref. P2011/1044 granted on 31/1/2012).	
<b>LOCATION:</b> Land at Tyle'r Fedwen Farm, Bwlch Road, Cwmafan, Port Talbot SA12 9YA	
<b>APPLICANT:</b> Mr Eric Lewis	
<b>TYPE:</b> Full Plans	
<b>WARD:</b> Bryn & Cwmavon	

### **BACKGROUND INFORMATION**

This application is reported to committee for determination as the applicant is related to an Elected Member.

#### **Planning History:**

Application P2005/337 – Change of use to educational purposes and erection of temporary buildings – Approved 26/4/2005

Application P2010/895 – 6 holiday log cabins, change of use of barn to holiday accommodation, bike wash down area and associated drainage sewerage, treatment plant access parking and landscaping works – Approved 2/2/2010

Application P2011/275 – Details to be agreed in association with condition 6 (foul drainage) of planning permission P2010/895 - Approved 19/4/2011

Application P2011/1044 – 4 holiday accommodation camping pods, detached amenity block, bicycle storage container unit, bicycle wash down area – Approved 1/2/2012



### **Publicity and Responses if applicable:**

The application was advertised on site: No response

National Resources Wales – No objections received

Coal Authority: No objections received

Head of Engineering and Transport (Highways): No objections

Head of Engineering and Transport (Drainage): No objections

Biodiversity Unit: No objections

### **Description of Site and its Surroundings:**

The application site is located at Tyle'r Fedwen Farm, Bwlch Road, near Cwmafan.

The total application site measures approximately 0.165 hectares in area, and comprises two irregular-shaped parcels of land. The larger site measures an average of 61m in length by 30m wide, and is sloping in profile from the North down to the South, and gently from the East up to the West. It is currently occupied by four holiday pods and a gravelled area which is used as parking by occupiers of the holiday pods. A shipping container used as a bicycle lock up and bicycle wash down area is sited adjacent to the northern boundary. The smaller site measures approximately 7m wide by 12 in length, and also slopes from the North down to the South. The whole site is bounded by agricultural land/open countryside with the exception of the north eastern boundary which lies adjacent to the existing farm house. Access to the site is off Bwlch Road, which is an unclassified lane linking Baglan and Cwmafan, and then via an un-made private driveway.

The site lies outside the settlement limits for the purposes of the Neath



Port Talbot Unitary Development Plan, and is located within open countryside.

**Brief description of proposal:**

Members are advised that a previous application P2011/1044 for a similar proposal was approved on 1/2/2012.

The amenity block approved under the previous application has been constructed and the bicycle container storage unit and bicycle wash down are now in place.

The positions of the four camping pods within the site that were approved under the previous permission, were not sited in accordance with the previously approved plans hence the need to regularise them under this application.

In addition to the above, this application proposes to construct an extension to the previously approved amenity block. Details relating to planting and landscaping have also been submitted.

The proposed holiday ‘Cambrian’ camping pods have a footprint measuring 3.89m by 2.45m with a maximum height of 2.8m. They are constructed from timber with shingle tiles, and designed with a curved roof. Each cabin has a window on the rear elevation, with doors to the front elevation and a small entrance step. They will be sited close to the South western boundary of the application site. To the Northern end of the site the car parking area is provided, together with a 3m by 3m bike washdown area and bicycle storage container. The metal container (dark green in colour) measures 2.4m wide by 10m in length and will reach a height of 2.4m.

In addition to the above, an extension to the existing detached amenity block is proposed. The extension measures 5.1 metres in width by 3.7m in depth with a maximum height of 2.8 metres. The extension projects off the south elevation of the existing building and is constructed of rendered blockwork to match the existing amenity block and a shallow pitched



roof with tiles also to match the existing building.

The applicant has confirmed that foul drainage will connect into the existing system serving the farmhouse, while surface water will be disposed of into the free draining gravel surface and from there into the existing culvert system serving the farmhouse.

Landscaping is proposed around the western and southern boundaries of the application site comprising new hedge planting and a flower planting area located to the east of the relocated pods.

### **EIA Screening/Scoping Opinion & Habitat Regulations:**

As the development is not Schedule 1 or Schedule 2 Development on the EIA Regulations, a screening opinion will not be required for this application.

### **Material Considerations:**

The main issues for consideration with regards to this planning application are the principle of development at this site having regard to the fact that planning permission has already been granted for a holiday use on this site, together with the impact of the proposal upon visual and residential amenity, and also highway and pedestrian safety having regards to prevailing planning policies.

### **Policy Context:**

Neath Port Talbot Unitary Development Plan:

- GC1 New Buildings/Structures and Changes of Use
- ENV17 Design
- T1 Location, Layout and Accessibility of New Proposals
- ENV1 Development in the Countryside



## ENV8C Farm Diversification.

Whilst the proposed site is located outside the settlement limits defined by the UDP, Policy ENV1 states that proposals in the countryside are permitted provided they are associated with agriculture (including farm diversification), or forestry purposes. As the applicant has provided confirmation that Tyle'r Fedwen Farm is an existing farm business, and the proposal would be part of farm diversification to support and enhance the existing farming business, it is therefore considered that the overall proposal would be acceptable in terms of planning policy, provided there are no overriding issues in terms of visual amenity or highway safety.

### **Visual Amenity:**

Members should note that the application site is in an elevated position when viewed from Bwlch Road and is partly visible from Ynysygwas in Cwmafan. However, due to the fact that the pods are constructed from materials associated with rural buildings (i.e. timber clad), and the metal storage unit is dark green in colour they fit into the character and appearance of the farm holding to which they relate. Nevertheless in order to ensure that the storage building is more visually connected to the surrounding buildings, it is recommended that a condition is imposed requiring that the container is clad in timber thus further minimising the impact upon visual amenity. The proposed extension to the amenity block is to be sited close to the existing farm house building and as such will be viewed in association with this building. As a result its design and use of materials to match the farmhouse is considered acceptable in terms of visual amenity, and would not have an adverse impact upon the surrounding open countryside. It should also be noted that the proposed landscaping on the boundaries of the site would help soften the appearance of the proposal.

### **Residential Amenity:**

Due to the rural location of the application site, and the fact that there are no residential properties in close proximity (apart from the main farmhouse), it is considered that the proposal would not create any unacceptable overlooking, overshadowing or overbearing issues. It is also considered that the restricted size of this tourism accommodation will not



result in a significant increase in vehicle movements to and from the site and as such will not create an unacceptable increase in noise and disturbance to the detriment of the amenities of residents located along the length of the vehicular route to the application site. As a result it is considered that the proposal will not have an unacceptable adverse impact upon the amenities of neighbouring residents.

### **Highway Safety:**

Members should note that the Head of Engineering and Transport (Highways Section) offers no objection to the proposal, subject to conditions, as there is a suitable access to the site and sufficient space available for off-street car parking. It is therefore considered that the proposed development would be acceptable in terms of highway and pedestrian safety subject to the imposition of appropriate conditions.

### **Landscaping:**

The landscaping and planting scheme is indicated on the submitted block plan together with a list of plant species to be used. These include hawthorn, rowan, elder and willow for the hedge together with heather, lavender, bluebell, foxglove and rosemary for the planting area adjacent to the camping pods.

The biodiversity section have responded with no objections to the submitted scheme, and it is intended to impose a condition should the application be approved to ensure that the planting scheme is implemented as submitted. This will ensure there is adequate screening and landscaping of the site, in the interest of biodiversity and visual amenity.

### **Ecology (including trees & protected species):**

The Biodiversity Unit offers no objection to the proposal subject to conditions. It is therefore considered that the proposed development would be acceptable in terms of ecology.



**Flooding:**

In respect of proposed drainage of the site, it should be noted that the Environment Agency and Head of Engineering (Drainage Section) both offer no objection to the proposed development, subject to conditions. Provided that the required conditions are imposed on the application, it is therefore considered that the development would be acceptable in terms of drainage.

**Conclusion:**

It is considered that the existing development does not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding open countryside, and there would be no adverse impact upon highway and pedestrian safety. Furthermore this will not be further impacted upon by the proposed extension to the amenity block given its restricted scale and use of matching design and materials. Hence, the proposed development would be in accordance with Policies GC1, ENV17, T1, ENV1 and ENV8C. Approval is therefore recommended.

**RECOMMENDATION:**      **Approval with Conditions**

**CONDITIONS:**

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

Reason

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

(2)All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the approval of the application hereby permitted, whichever is the sooner and any trees or plants which within a period of five 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 the same species, unless the Local Planning Authority gives written consent to any variation.



## Reason

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act, 1990.

(3) Notwithstanding the Town and Country Planning Use Classes Order 1987 (or any Order revoking or re-enacting that Order), the development hereby permitted shall be used for tourist holiday accommodation only. Occupation of the holiday accommodation hereby approved shall be restricted to a maximum of twelve weeks within any twelve month period for any individual.

## Reason

To ensure that the accommodation is utilised for tourist holiday accommodation only.

(4) From the date of first occupation of the buildings hereby permitted, records shall be maintained of the names of visitors and their dates of occupation and these records shall be made available to the Local Planning Authority at any time upon request.

## Reason

In order to ensure that the accommodation is utilised for tourist holiday accommodation only.

(5) Notwithstanding the submitted details, and unless otherwise agreed in writing, the camping pod located 33m to the South of the amenity block shall be designated for all-inclusive access and prior to its first beneficial use shall be adapted as follows, and retained as such thereafter:

(a) provided with a portable access ramp to assist with access when requested.

(b) provided with suitable hand rails to assist access.

(c) the steps shall be painted with a contrasting colour to assist visually impaired users.

(d) the entrance door shall be widened to a minimum width of 1m.

(e) a 3.6m wide by 4.8m length hard-surfaced parking space shall be provided within 5m of the pod.



(f) a hard-surfaced and demarcated route shall be provided between the pod and the amenity block to assist with access.

Reason

In the interest of all-inclusive access.

(6) All mature native trees on the site shall be retained, unless otherwise agreed in writing by the Local Planning Authority. Any request for the removal of a tree shall be supported by a Bat Survey (following the Bat Conservation Trust (2007) Bat Survey - Good Practice Guidelines and by a licensed bat worker) and if bats are present shall contain details of mitigation measures. The report shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of the tree(s).

Reason

In the interests of visual amenity and ecology as the trees may provide habitats for nesting birds and roosting bats.

(7) Unless otherwise agreed in writing, the foul drainage from the development hereby approved shall connect into the existing septic tank system. This system shall be monitored and, if necessary, maintained on an annual basis and records of which shall be made available for inspection upon the written request of the Local Planning Authority.

Reason

In the interest of adequate foul drainage of the site and to ensure its long term maintenance.

(8) Unless otherwise agreed in writing, the surface water drainage from the site shall be disposed of in accordance with the block plan submitted on 18th November 2011 and the letter dated 16th December 2011 only.

Reason

In the interest of clarity and to ensure adequate surface water drainage.

(9) The accommodation pods and associated storage container shall be removed from site within six months of their cessation of use for a period of 12 months or more.



Reason:

In the interests of visual amenity

(10) Notwithstanding the submitted plans, the proposed bicycle storage container shall be clad in timber and stained to match the proposed timber accommodation pods.

Reason:

In the interests of visual amenity.

#### REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

It is considered that the existing development does not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding open countryside, and there would be no adverse impact upon highway and pedestrian safety. Furthermore this will not be further impacted upon by the proposed extension to the amenity block given its restricted scale and use of matching design and materials. Hence, the proposed development would be in accordance with Policies GC1, ENV17, T1, ENV1 and ENV8C. Approval is therefore recommended.



## **2. APPLICATION DEFERRED TO PLANNING (SITE VISITS) SUB COMMITTEE**

**(NOTE: to be read in conjunction with the minutes of the sub committee meeting)**

<b><u>ITEM 2.1</u></b>	
<b><u>APPLICATION NO:</u> P/2012/92</b>	<b><u>DATE:</u> 20/02/2012</b>
<b>PROPOSAL: Proposed anaerobic digestion facility (up to 1MW) with associated works (revised application submitted 21/12/12)</b>	
<b>LOCATION: Former Coal Stocking Ground, Maesgwyn, Glynneath</b>	
<b>APPLICANT: Mr Will Watson</b>	
<b>TYPE: Full Plans</b>	
<b>WARD: Glynneath &amp; Onllwyn</b>	

### **BACKGROUND INFORMATION**

#### **Background:**

This application is reported to Committee following the request of a Local Ward Member.

#### **Planning History**

10/1102 – Change of use to a recycling, composting and waste transfer facility, erection of ancillary offices with car parking, landscaping and associated works. Approved 5/4/2011

08/869 – Change of use to transfer station and erection of ancillary offices with car parking spaces and landscaping. Approved 18/6/2008

#### **Adjacent Site**

06/1261 – Development of a 45mw wind farm comprising 15 x 3MW wind turbines with associated masts, substation and related infrastructure together with improvement of existing access to A4109 and internal access tracks etc. – Approved with conditions 2/5/08

08/979 – Discharge of condition 3 (planting scheme) of planning application P2006/1261 – Approved with conditions 28/10/08



08/981 – Discharge of conditions 6 & 7 (Archaeological works) of previous planning consent P2006/1261 – Approved 6/11/08

08/982 – Discharge of conditions 9 & 10 (landscaping) of previous planning consent P2006/1261 – Approved with conditions 27/10/08

08/983 – Discharge of condition 15 (contamination) of previous planning consent P2006/1261 – Approved 27/10/08

08/984 – Discharge of condition 20 (pollution prevention measures) of previous planning consent P2006/1261 – Approved with conditions 27/10/08

08/985 – Discharge of condition 21 (ecology) of previous planning consent P2006/1261 – Approved 27/10/08

08/986 – Discharge of condition 23 (traffic management plan) of previous planning consent P2006/1261 – Approved with conditions 27/10/08

08/987 – Discharge of condition 24 (electromagnetic signals) of previous planning consent P2006/1261 – Approved 27/10/08

08/988 – Discharge of condition 25 (shadow flicker) of previous planning consent P2006/1261 – Approved with conditions 27/10/08

08/1198 – Discharge of condition 11 of planning consent P2006/1261 relating to colour of turbines – Approved 27/10/08

08/1209 – Screening opinion, increase in height of 10 turbines from 115M TO 119.5M – Not required 30/9/08

08/1256 – Micro siting of turbines and re-siting of electrical sub station – Approved 6/11/08.

08/1484 – Increase tip height of 10 turbines permitted under 06/1261 Approved 19/6/09.

09/0015 – Screening opinion, Small biomass CHP and wood pellet manufacturing plant. Not required 14/1/09.

09/0805 - Biomass and wood pellet manufacturing plant. Minded to grant consent subject to Section 106 agreement



10/0468 - Consultation under Sct 47 Planning Act 2008 Statement of community consultation (SOCC). No Objection 18/5/2010

10/510 - Consultation under section 42 of the Planning Act 2008 for a proposed 132 KV electricity line. No Objection 29/6/2010

10/1263 – Solar farm Minded to grant consent subject to Section 106 agreement.

**Publicity and Responses if applicable:**

The application was advertised on site and in the local press as development affecting footpath Number 13, 19 and 24 and Byway 23.

Site notices were displayed at the site entrances and adjacent settlements of Banwen and Glynneath.

Glynneath Community Council: Objection on the grounds of potential windblown debris off the site, odour towards Glynneath and the future development of the site as a landfill site when the area appears to be saturated with these types of development.

Onllwyn Community Council: No Response.

Powys County Council: No Response.

Brecon Beacons National Park : Objection on the ground of visual effect.

Head of Engineering & Transport (Highways): No Objection.

Head of Engineering & Transport (Drainage): No objection.

Biodiversity Section: No Objection, subject to conditions.

Footpath Section: No Objection.

Pollution Control Section (Land contamination): No Objection.

Pollution Control Section (Air Quality): No Objection.

Head of Housing and Public Protection (Noise): No Objection.



Wales and West Fire and Rescue: No objection, subject to conditions.

NRW: No objection subject to conditions.

Western Power Distribution :No Objection.

The Health Board : No Objection.

### **Background Information**

This application was submitted in February 2012 for an anaerobic digestion facility producing 2.5MW of electricity. The proposal was to import 45,000 tonnes of non hazardous food waste consisting of 25,000 tonnes of municipal waste and 20,000 of commercial and industrial waste.

That proposal was the subject of public consultation in February 2012.

A revised application was subsequently submitted in December 2012, which reduced the size of the proposed facility, the details of which are set out below.

### **Description of Site and its Surroundings:**

The application site is located approximately 1.04km south east of Banwen, 1.7km south of the Brecon Beacons National Park and 1.9km north east of Glynneath on the former Maes Gwyn opencast coal stocking grounds.

The site will be located on the two plateaus which form part of the former stocking grounds. The upper plateau is level, made up of crushed stone and is at a height of approximately 310m AOD. The lower plateau, to the south of the upper plateau, is at a lower level at between 275m – 300m AOD. This plateau falls gently in a westerly direction and consists predominately of loose fine stone with small patches of scrub vegetation. The site is south of the proposed Biomass Plant, within a managed forestry plantation and lies within the site of the existing wind farm.

To the north of the upper part of the site is a forested ridge rising to a height of 315.6m-317.2m AOD. To the west the level plateau continues for approximately 200m before sloping steeply into a small basin. To the east is an existing weigh bridge and the access road to the site. To the



south of the site on the edge of the lower plateau is Byway 24.

Access to the site is off an existing access point along the A4109 Intervalley Road. It is located approximately 500m east of the junction of Roman Road and the A4109 and is made up of compacted stone.

To the north of the site, behind the wooded ridge above the upper plateau is Footpath 24. This crosses the access road to the site approximately 300m north east of the weigh bridge on the upper plateau. Footpath 19 is also located to the north of the site behind the wooded ridge. This crosses the access road approximately 700m north east of the junction of Footpath 24 and the access.

The overall application site area is approximately 9 hectares, including the access road corridors. Within this, the area used for processing, storage and renewable energy generation is 1.82ha.

The nearest dwelling is Gorswen approximately 0.8km north west of the site. The nearest large settlement is to the southern end of Roman Road in Banwen, which is approximately 1.04km north west of the site. The Brecon Beacons National Park boundary is approximately 1.7km north from the site, at its nearest point.

#### **Brief description of proposal:**

This application seeks consent for the construction of an Anaerobic Digestion facility (AD). The proposed AD would generate up to 1MW of renewable electricity, diverting around 15,000 tonnes of waste food from landfill.

Anaerobic Digestion is a process where biodegradable material is encouraged to break down in the absence of oxygen, in an enclosed vessel. It produces carbon dioxide, methane and solids/liquors known as digestate, which can be used as a fertiliser and compost. Electrical energy can be generated from the methane through its use as a fuel in gas generators. Methane can also be compressed and used to fuel vehicles, or injected into the gas grid. In this case the gas will be burnt on site to produce electricity.

The operation will be sited on the two plateau areas described above and includes the following structures:



### Upper Plateau

1. Weighbridge office- 7.2m x 3m x 3.4m high (weighbridge is existing);
2. A 2m high steel mesh fence will enclose the above.

### Lower Plateau

1. Waste vehicle reception hall (40m x 35m x 12.4m);
2. 3 x Pre-storage tanks each 6.98m in diameter and 7.37m high;
3. Safety gas flow 0.6m in diameter, 5.5m high;
4. Post digestate storage tank 16.3m in diameter and 8.07m high
5. 2 x Combined Heat and Power compounds;
6. Biogas filter 5m x 6.5m x 12m;
7. Digester tank 31m diameter and 13.63m high;
8. 4 x lagoons (3 surface water & 1 digestate storage);
9. Vehicle parking area;
10. Landscaping;
11. Means of enclosure.

In order to provide a level surface for the above works the lower plateau will be re-contoured into 3 platforms to heights of between 285m and 277m, with sections of the slope being re-profiled. Access between the two areas will be via existing tracks which will be improved to achieve appropriate widths and gradients.

The upper and lower plateaus will be illuminated with bollard and pole lighting between 1m and 8m in height. CCTV cameras will be located on columns and buildings.

A landscaping bund of up to 4m in height is proposed on the western, and southern ends of the lower plateau. Additional landscaping is also proposed along the northern slope between the two plateaus and along the loop access tracks. These areas will be enclosed with a 1.2m high stock proof fence.

### **MATERIALS TO BE PROCESSED**

The application seeks consent to process up to 15,000 tonnes of commercial and industrial food waste arising in the Neath Port Talbot and South Powys regions. The applicant has confirmed that Hazardous wastes would not be accepted at the facility.



## **THE PROCESS**

Waste will arrive on site in sealed lorries (up to 3 loads per day). Vehicles will enter the waste reception building and unload in a sealed and air filtered area. Vehicles will be cleaned and disinfected before leaving the site.

Waste will be taken from the storage bunker and transferred into a hopper for loading into a de-packaging, separation/screening and maceration line. This will remove plastic and biodegradable packaging, as well as contaminants such as cutlery and other foreign objects.

The waste is then transferred to a pre-storage tank for temporary storage. When required, waste will be drawn from the pre-storage tank into pasteurisers prior to introduction into the digesters. Following pasteurisation the slurry will be cooled to achieve the correct digestion temperature prior to being introduced into the digester tank. The proposed system operates in the Mesophilic Temperature Range (35-45°) which is most suited to the proposed feedstock materials. Within the digester micro organisms break down the feedstock materials to produce biogas (typically ~60% methane, ~40% CO<sub>2</sub> and minor sulphide and hydride gases) which is suitable for energy production. It also produces a liquid digestate.

Gas from the digestion process is removed from the space above the digestion tank, cleaned, dewatered and de-sulphurised in the gas bio-filter preparation unit. Gas from the storage tank will be piped to two Combined Heat and Power (CHP) units, each capable of generating up to 0.5MW of renewable electricity.

Digestate exits the digester tank and is transferred to a post-digestate storage tank (and during winter to a covered lagoon) for storage. The digestate storage tank contains submersible mixers to agitate and maintain the digestate in a fluid state so that it can be easily moved for use as a bio-fertiliser.

It is proposed that the digestate will achieve Publicly Available Specification for Digestate (PAS 110), this is a national quality standard recognised by NRW. Digestate that attains this standard is no longer considered as waste, but a product and therefore not liable to further waste regulation control. Digestate that does not attain PAS 110 will require environmental permits to be used on agricultural land. Liquid



digestate will be pumped from the storage tanks to waiting vehicles for transport to the point of use, which includes application on land as a fertilizer or use as a compost improving agent.

The plant will operate 24 hours a day in relation to the processing of waste and the production of renewable energy. Deliveries will be restricted to the following times.

Mondays to Fridays 07.00 - 19.00hrs

Saturdays 07.00 - 17.00hrs

Sundays and Public Holidays 08.00 - 13.00hrs

It is envisaged that the plant will employ approximately 10 staff. It is also anticipated that there will be up to 40 jobs created during the construction period.

### **Material Considerations**

The material planning considerations with regard to the application are:

- Prevailing National and Development Planning Policy;
- Air Quality;
- Public Health;
- Ecology;
- Hydrology and Flooding;
- Visual Amenity;
- Waste;
- Noise;
- Residential Amenity;
- Traffic Considerations;
- Health and Safety;
- Social and Economic;
- Issues Arising from Objections.



**EIA Screening/Scoping opinion  
Habitats Regulations:**

With regards to Environmental Impact Assessment the proposal is of a type that requires a decision as to whether an Environmental Impact Assessment needs to accompany the application. This is called a 'Screening Opinion'.

The application has been screened and it was concluded that the development is not likely to have significant affects on the environment by virtue of factors such as nature, size or location and it was determined that the project was not Environmental Impact Assessment development.

**Policy Context:**

The Local and National policies referred to below form the framework within which the planning application is to be considered. Given the nature of the application there are overlapping policies both in relation to Waste and Renewable Energy.

**European Waste Management Policy and Legislation****EU Framework Directive on Waste (75/442/EEC as amended by 91/156/EEC)**

National Waste Policy and Legislation is strongly driven by European Directives, the principal directive being the EU Framework Directive on Waste (75/442/EEC as amended by 91/156/EEC).

It requires member states to:

“Encourage waste prevention or reduction and encourage reuse and recovery of waste;

Ensure that waste is recovered or disposed of without endangering human health and without using processes which could harm the environment;

- Prohibit the uncontrolled disposal of waste;
- Establish an integrated and adequate network of disposal installations taking account of the Best Available Technology, Not Involving Excessive Cost;
- Prepare Waste Management Plans;



- Ensure that any establishment or undertaking carrying out waste disposal or recovery is appropriately licensed; and
- Ensure the cost of disposal is borne by the waste holder in accordance with the polluter pays principle.”

### **Landfill Directive (99/31/EC)**

The waste framework is backed up through a number of waste specific ‘daughter’ directives, notably the Landfill Directive (99/31/EC). This is the most significant driver affecting how wastes are managed and was transposed into UK law through the Landfill (England and Wales) Regulations 2002. For biodegradable Municipal Solid Waste (MSW) it set landfill reduction targets of:

- By 2010 no more than 75% of that produced in 1995;
- By 2013 no more than 50% of that produced in 1995; and
- By 2020 no more than 35% of that produced in 1995.

The Directive also introduced a number of measures to limit landfilling of waste.

### **National Policy and Legislation**

#### **One Wales One Planet –Wales (April 2010)**

The Welsh Governments’ objectives and policy for waste management are outlined in ‘Towards Zero Waste, One Wales: One Planet The Overarching Waste Strategy for Wales’ and replaces ‘Wise About Waste, The National Waste Strategy for Wales 2002’.

The strategy proposes that by 2025 all sectors in Wales will recycle at least 70% of their waste –this includes businesses, households and the public sector.

Zero waste by 2050 is defined as “an aspirational end point where all waste that is produced is reused or recycled as a resource, without the need for any landfill or energy recovery”. It goes on to state that “we will as a minimum reduce the impact of waste in Wales to within our environmental limits (which we define as One Wales: One Planet levels of waste, roughly 65% less waste than we produce now), aiming to phase out residual waste through enhanced actions on waste prevention and sustainable consumption and production and ensuring that all waste that



is produced is reused or recycled.”

In 2006/7 Towards Zero Waste indicates that in Wales around 1.57m Tonnes per annum of household waste, 5.41m Tonnes per annum of construction and demolition waste, and 3.92m Tonnes per annum of commercial and industrial waste was generated.

Towards Zero Waste proposes targets and priorities for each sector, the delivery of which will be detailed in subsequent sector plans. Within the targets and priorities for the municipal waste and commercial and industrial waste it is indicated that:

*“Our collection, infrastructure and markets sector plan will concentrate on the following areas for action:*

- Diverting food waste from landfill to anaerobic digestion plants”.*

### **Towards Zero Waste – Draft Food Manufacture Service and Retail Sector Plan ( March 2011)**

This document states that a desirable outcome from the sector plan is:

*“Send food waste to anaerobic digestion plants to generate valuable renewable energy and fertiliser”*

### **Planning Policy Wales (2012) PPW**

Provides the following guidance:

*12.5.1 Local planning authorities are obliged by the EC Framework Directive on waste to make provision for establishing an integrated and adequate network of waste disposal installations.*

*12.5.3 Waste should be managed (or disposed of) as close to the point of its generation as possible, in line with the proximity principle. This is to ensure, as far as is practicable, that waste is not exported to other regions.*

*12.5.4 In Wales, the aim should be to provide sufficient facilities to treat, manage, or dispose of all the waste produced. Each local authority should consider what facilities are required to manage all waste streams generated within its area, although it may be necessary for some facilities (such as facilities for managing special or clinical waste) to be shared.*



*12.7.1 Decisions on planning applications should have regard to the waste management objectives in the national waste strategy. The environmental impact of proposals for waste management facilities must be adequately assessed, supported by independent surveys where appropriate, to determine whether a planning application is acceptable and, if the adverse impacts on amenity cannot be mitigated, planning permission should be refused.*

**Technical Advice Note 21: Waste (Welsh Assembly Government, November 2001)**

Supplements the policies of *Planning Policy Wales*, providing further guidance relating to proposals for waste developments.

The advice is intended to facilitate the introduction of a comprehensive, integrated and sustainable land use planning framework for waste management in Wales to deliver the Welsh Government's aim for sustainable development.

The concepts of proximity and self sufficiency have been introduced into TAN 21 waste policy by action of the Directive 99/31/EC on the Landfill of Waste and previous Directives.

The Proximity Principle states that waste should be treated and or disposed of as near to the source of origin as possible because transporting waste itself has an environmental impact

*“The Self Sufficiency Principle also sets out that as far as practically possible, waste should be treated or disposed of within a sensibly defined region where it is produced. Therefore, each region should aim, as far as is practicable, to provide for facilities with sufficient capacity to manage the predicted quantity and nature of waste arising from that area for at least a ten year period, and preferably longer.”*

Local Planning Authorities therefore have a duty to use these principles as set out in the various Directives in strategic planning, and development control.

**Consultation on Proposed Revision of Chapter 12 in Planning Policy Wales (PPW) and Technical Advice Note (TAN) 21 Waste**

The proposed changes are ;



- The recasting of national planning policy on waste is intended to facilitate a comprehensive, flexible, integrated and adequate land use planning framework for the delivery of sustainable waste management in Wales.
- The rWFD has identified that there is a need to think about waste as a valuable resource rather than an unwanted burden. Consequently land use planning has a key role in allowing suitable and sustainable waste management facilities to be developed that will re-use, recycle and recover waste materials prior to the disposal of any residual element

The main changes in summary are:

- The Regional Waste Plan is out of date and should be revoked;
- Requirements for data collection and reporting;
- Introducing a requirement to retain a minimum number of years of landfill capacity;
- Recasting policy to promote driving waste facilities up the waste hierarchy through the introduction of a Waste Planning Assessment (WPA).

In relation to this application, there are no proposed fundamental changes. However the core objective to see waste as “*as a valuable resource rather than an unwanted burden.*” is recognised within this application which seeks not only to produce energy from waste but a usable end product.

## **Regional Waste Policy**

### **South – West Wales Regional Waste Plan (2003)**

The specific aim of the RWP is to provide a land use planning framework at the Regional level. Each constituent Local Planning Authority would then use the RWP to develop their Development Plans in a way that determines potentially suitable locations for the range and type of facilities needed to manage waste arising within its’ own area.

The plan is based on four key principles:

- Regional self sufficiency: As far as is practicable, all wastes produced within the Region shall be managed by the Region.



- The proximity principle: As far as is practicable, all waste shall be effectively managed as close to its point of origin.
- The waste hierarchy: where possible, waste management decisions will follow the waste hierarchy which at the top encourages waste reduction and in descending order of preference waste re-use, recycling and composting, waste recovery and waste disposal.
- Sustainability: A commitment to promoting sustainable development is at the heart of the decision making process and is a fundamental consideration for assessing possible sites and proposals for new waste management facilities.

The RWP indicates that in 2001/2 Neath Port Talbot County Borough landfill approximately 696,864 tonnes of waste (from a total of 810,098 tonnes of waste deposited at licensed waste management facilities). Based on these figures, which are subject to potential inaccuracies identified in the RWP, waste from the County Borough accounts for around 54% of all waste sent to landfill in South-West Wales and 37% of all waste sent to licensed waste management facilities in South-West Wales. In addition a further 337,140 tonnes of waste (126,626 tonnes in NPT County Borough) is transported and “is likely to end up in landfills within the UK”.

The RWP identified seven waste management options for the South-West Wales region based on the concept of “Do Nothing”, a solution that falls well short of meeting waste policy requirements in future years, “Meet 2013 Targets” and “Do More”. With the exception of “Do Nothing”, all options met national and international obligations for the year 2013.

Of the proposed options Option 6 was ranked highest in the evaluation within the plan and “represents a ‘Do More (Mechanical Biological Treatment-led Strategy)’ which attempts to achieve the 2020 Landfill Directive target in 2013 principally through maximising recycling and composting levels with all remaining residual wastes being sent to Mechanical Biological Treatment. The additional diversion of residual wastes through Mechanical Biological Treatment ensures the 2020 Biodegradable Municipal Waste Landfill Directive target is met and in fact exceeded.



## **South – West Wales Regional Waste Plan, First Review (2007)**

This Regional Waste Plan (RWP) 1<sup>st</sup> Review has been prepared by the South-West Wales Regional Waste Group (RWP) in line with the requirements of Planning Policy Wales Technical Advice Note 21: Waste (TAN 21) and later guidance from the Welsh Government (WG).

TAN 21 sets the WG's requirements for the review of the RWP. In addition to these requirements, there were a number of stated practical reasons for reviewing the RWP:

*The RWP 1<sup>st</sup> Review states that “Altogether in South-West Wales approximately 4.3 million tonnes of waste is produced each year and that amount is forecast to rise over the next decade” It goes on to indicate that “An examination of existing waste management/resource recovery infrastructure across the region shows that the existing capacity of the newer generation of residual waste treatment technologies is very limited. There is therefore an urgent need to commission new infrastructure in order to meet 2013 targets for landfill diversion.”*

Based on assumed growth forecasts the Plan predicts that *“All controlled waste will increase by 0.18 million tonnes by 2013 and by 0.28 million tonnes by the year 2020, the equivalent of 4% and 6% respectively.”* and *“Whilst I&C waste is currently the most significant proportion of the total controlled waste stream, projections suggest that C&D waste will become the most significant proportion in the future.”*

Industrial and commercial waste was forecast to reduce from 1,912,800 tonnes in 2002/03, by -28%, to 1,375,922 tonnes in 2024/25. MSW arisings were forecast to change from 580,736 tonnes in 2004/05, by +73%, to 1,007,160 tonnes in 2024/25. C&D waste arisings were forecast to change from 1,754,920 tonnes in 2002/03, by +18%, to 2,076,883 tonnes in 2024/25. Agricultural waste arisings that were likely to require an external management route were forecast to change from 16,404 tonnes in 2003, by -20%, to 13,150 tonnes in 2024/25.

The Plan also indicates 621,400 tonnes (32.5%) of Industrial and Commercial waste arisings were sent to landfill in 2002/03, a significant reduction in both the quantity and proportion landfilled since the previous survey year. As the proportion of Industrial and Commercial waste arisings sent to landfill reduced, the proportion recycled increased to



34.6%.

Current available figures held by the Authority indicates that for 2012/13 within the County Borough total waste collected was 71,695 tonnes(3,555 tonnes food waste) of which 14,378 tonnes went to land fill.

As a key element of the RWP 1st Review's framework for the sustainable management of waste, references to Anaerobic Digestion appear frequently throughout the document emphasising the potential benefits.

UK and Welsh Waste Policy objectives are clear in that they seek to reduce landfill. However, in relation to location of facilities they outline that facilities should be appropriately located in the most sustainable location. Therefore, whilst the principle of treating waste through anaerobic digestion methods is generally acceptable as it reduces the amount of waste to landfill, its location must be subject to further consideration.

TAN 21 and RWP set out key objectives in relation to the location of waste facilities. The concept of the proximity and self sufficiency tests introduced by TAN 21, are driven by Directive 99/31/EC.

In broad terms, waste should be treated or disposed of as near to its source as possible and waste should be treated or disposed of within sensible defined regions.

In support of the application the applicant has undertaken a site selection process over a study area including Neath Port Talbot and South Powys. This study included the application site. Based on the need to have a site with an area of 1.5 ha, 25 sites were identified in a "Long List".

Further sieving was undertaken which took into account other factors such as, transport infrastructure, flood risk, availability and deliverability, neighbouring land use, compatibility and accessibility. These criteria reduced the site list to a "Medium List".

A further sieving exercise involving a site visit, to assess the information contained within the desk top study, reduced those sites to a "Short List" of three sites.

The final stage of assessment involved the comparative analysis of the sites and a rank in terms of final suitability. The analysis was assessed on 13 criteria based on information within the desk top study and site visit.



Junction 38 Margam ranked third with 4 out of the 13 criteria. Baglan Bay second with 7 out of the 13 criteria and the application site first with 11 out of the 13 criteria.

This final analysis indicated that the application site was the most appropriate location for the development.

The Authority appointed consultants to assess the study and they concluded that:

3.1.6. *“The shortlist sites were the subject of comprehensive comparative analysis” and that “the sieving process used was appropriate and the criteria were applied consistently and appropriately.”*

The consultants in a review of the initial submission (March 2012) raised concerns over the applicants failure to adequately apply the proximity and self-sufficiency principles and undertake an alternative site assessment. These matters were subsequently addressed in the most recent submission and the consultants concluded:

3.1.9. *“Overall, the Alternative Site Assessment addresses the issues raised in PB’s first Planning Appraisal and demonstrates that the proximity and self-sufficiency principles have been adhered to as far as practically possible.”*

It is therefore considered that having regard to the proximity and self-sufficiency principles set out in TAN 21 and the RWP the application site is an appropriate location for the proposed development. Further consideration, however, has to be given to the location of the development, having regard to National and Local Planning Policy.

### **Planning Policy Energy**

#### **EU Renewable Energy Directive (April 2009)**

The 2009 Renewable Energy Directive sets a target for the UK to achieve 15% of its energy consumption from renewable sources by 2020.

#### **National Planning Policy Guidance Energy**

#### **The UK Renewable Energy Strategy 2009**

This strategy explains how and why the Government intends to radically



increase our use of renewable energy through the use of renewable electricity, heat and transport. It outlines the path to meeting the target of achieving 15% of energy from renewable sources by 2020, with 30% of electricity from renewables by 2020 thus helping to tackle climate change.

The strategy also acknowledges that the achievement of these targets should not be at the expense of good planning. Paragraph 3.6.1 reads:

“Our planning system must enable renewable deployment in appropriate places, at the right time, and in a way that gives business the confidence to invest. Thus we must speed up the system and make it more predictable, whilst ensuring that we continue to protect our environment and natural heritage and respond to the legitimate concerns of local communities. Clearly we do not want to see large-scale renewable deployment in places where it is inappropriate.”

### **UK National Renewable Energy Action Plan (2010)**

The National Renewable Energy Action Plan provides details on a set of measures that would enable the UK to meet its 2020 target for renewable energy. It also seeks to secure UK energy supplies through 2020 and beyond and provides a sound framework for business to develop in the new industries, providing jobs and cutting harmful greenhouse gases.

The action plan recognises the role of the planning system to deliver the infrastructure required to reduce carbon emission. It also equally recognises the need for the planning system in “safeguarding our landscape and natural heritage and allowing communities and individuals the opportunity to shape where they live and work.”

### **UK Renewable Energy Road Map (July 2011)**

This document sets out the shared approach to unlocking the UK renewable energy potential and ensures that 15% of the UK energy demand is met from renewable sources by 2020 in the most cost effective way. The role of the planning system is also recognised within the document. Paragraph 3.20 states:

“3.20 The planning system plays a central role in delivering the infrastructure we need to reduce our carbon emissions, to ensure continued security of energy supply and help our economy to grow. It has a vital role in safeguarding our landscape and natural heritage and



allowing individual communities the opportunity to shape their environment.”

### **UK National Infrastructure Plan EN-1 & EN-3 (July 2011)**

The document recognizes the need for large scale renewable energy projects to deliver the ambitious 15% renewable energy targets. The policy document recognizes the importance of design within the context of the surrounding environment. Paragraph 2.4 states:

2.4.1 Section 10(3)(b) of the Planning Act 2008 requires the Secretary of State to have regard, in designating an NPS, to the desirability of good design.

Section 4.5 of EN-1 sets out the principles of good design that should be applied to all energy infrastructure.

2.4.2 Proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology.”

Section 4.5 of EN-1 indicates that infrastructure projects should be “sensitive to place”. Whilst the document accepts that there are limitations in the appearance of some infrastructure applicants ought to demonstrate “good design in terms of siting relative to existing landscape character, landform and vegetation”

### **General Policy**

#### **Wales Spatial Plan**

The Wales Spatial Plan whilst post dating the adoption of the UDP is an important strategic document to direct new development to appropriate locations as part of both the LDP process and Development Control Process and this achieves the regional objectives as set out within the Plan.

4.7.2 The Wales Spatial Plan provides the context and direction of travel for local development plans and the work of local service delivery boards, and sets out within its vision the following key features; fuzzy boundaries, key settlements, cross-boundary settlements, socio-economic hub and international/interregional links/ regional links. The key issues and challenges facing Wales as a whole are considered as;



- Building sustainable communities.
- Promoting a sustainable economy.
- Valuing our environment.
- Achieving sustainable accessibility.
- Respecting distinctiveness.

Of these specifically important with regard to this proposed development is; Promoting a sustainable economy and valuing our environment.

The Wales Spatial Plan Area Strategies set out further specific aims and objectives, and with reference to this region as a whole, the Swansea Bay-Waterfront and Western Valleys identifies the need to create...

*“A network of interdependent settlements with Swansea at its heart which pull together effectively as a city region with a modern, competitive, knowledge-based economy designed to deliver a high quality of life, a sustainable environment, a vibrant waterfront and excellent national and international connections”.*

### **“A Low Carbon Revolution” – (The Welsh Government Energy Policy Statement 2010)**

In this policy statement, the Welsh Government sets out its ambitions for low carbon energy in Wales. It recognises the challenge of climate change and the aim is to renewably generate up to twice as much electricity annually by 2025 compared to output in 2010.

### **Planning Policy Wales (2012) PPW**

PPW sets out the need to deliver renewable energy up to 2025. The Welsh Government outline an aspirational target of 22.5GW (by 2025.)

PPW states within Paragraphs 12.8.6, 12.8.9, 12.8.10, 12.8.14, and 12.10.1 that:

“12.8.6 The Welsh Government’s aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimising environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production. This forms part of the Welsh Government’s aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean



energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.”

“12.8.9 Local Planning Authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy (see 4.4.3) to help to tackle the causes of climate change (see 4.7.3). Specifically, they should make positive provision by:

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;
- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability (see Chapter 4); and
- ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.”

“12.8.10 At the same time, Local Planning Authorities should: ensure that International and National statutory obligations to protect designated areas, species and habitats and the historic environment are observed;

- ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration; and
- encourage the optimisation of renewable and low carbon energy in new development to facilitate the move towards zero carbon buildings (see 4.11 and 4.12).

12.8.14 An integrated approach should be adopted towards planning renewable and low carbon energy developments and additional electricity grid network infrastructure. Additional electricity grid network infrastructure will be needed to support the SSAs and local planning authorities should facilitate grid developments when appropriate



proposals come forward whether or not the wind farms are to be connected are located within their authorities. Within the SSAs, whilst cumulative impact can be a material consideration, it must be balanced against the need to meet the Welsh Government's renewable energy aspirations and the conclusions reached fully justified in any decisions taken. Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations. The development of large wind farms or other large scale renewable and low carbon energy schemes will not generally be appropriate in internationally or nationally designated areas and sites.

12.10.1 In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts (see 4.5);
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.



## **Technical Advice Note 12 – Design**

Identifies visual appearance of developments, scale and its relationship to its surroundings as material considerations in determining planning applications.

Driven by the EU, both UK and National Planning Policy seek to reduce carbon emissions and provide additional renewable energy. However, policy recognises that renewable energy projects, whilst providing a national benefit, can have local impacts and as such need to be appropriately sited.

Therefore, whilst it is considered that this proposal is broadly supported by UK National Planning Policy, in that it reduces carbon emissions and provides renewable energy, detailed consideration of the effect on the local area must be considered and balanced against the national aim to deliver additional renewable energy.

### **Neath Port Talbot Unitary Development Plan**

Unitary Development Plan objectives with regard to environmental aspects state that we should:

Resist development which would bring hazardous or bad neighbour processes into close contact with housing or other sensitive uses.

Resist uses which would create or be affected by flooding, tidal inundation or unstable ground.

Policy 4 of the Environment Section of the UDP summarises these objectives and seeks to avoid:

*The creation of Pollution risks to health and amenities that would have unacceptable impacts upon the environment, communities or individuals will be resisted.*

Policies relating to this application include

Strategic Policy 1 Countryside

Strategic Policy 2 Ecology

Strategic Policy 4 Pollution

Strategic Policy 5 Built Environment

Strategic Policy 9 Economy and Employment



Strategic Policy 19 Infrastructure and Energy

Strategic Policy 26 Waste

GC1 New buildings, structures and changes of use

GC2 Engineering works and operations

ENV1 Development in the countryside

ENV 3 Impacts upon the landscape

ENV 5 Nature conservation

ENV13 Brown Field Derelict and Wasteland

ENV15 Air quality

ENV17 Design

ENV 28 Polluting or hazardous installations,

ENV 29 Environmental quality

T1 Location Layout and Accessibility

EC1 Employment Land bank

EC3 Creation or Expansion of Businesses within Settlement Limits

EC5 Employment in the countryside

IE2 Infrastructure facilities

IE6 Renewable Energy

W1: Proposals for the Collection, Treatment, Transfer and Disposal of Waste

W4: Proposals for the Minimisation, Recovery and Recycling of Waste.

W6: Recycling of Industrial Waste.

As indicated previously both UK and National policy support the proposal in that it diverts waste material from landfill sites and the development will reduce carbon emissions and provide a source of renewable energy.

Policies W1,W4 and W6 are relevant in relation to the principal of



dealing with waste they state:

#### Policy W1

Proposals for the collection, treatment, transfer or disposal of waste will be given priority on;

- a) industrial and commercial land (within sites listed for B2 employment use in Policy EC1)
- b) derelict, contaminated and despoiled land;
- c) previously used (“brownfield”) land;
- d) former mineral workings;
- e) existing or former waste management facilities; or
- f) or as part of a land reclamation and improvement scheme

#### Policy W4

Proposals for the minimisation, recovery and recycling of waste will be promoted and encouraged. Proposals should not create any unacceptable impacts and will be considered in terms of the Plan’s policies.

#### Policy W6

Proposals for the recycling of industrial waste will be promoted and encouraged. Proposals should not create any unacceptable impacts on the environment or local communities and will be considered against the Plan’s policies.

Whilst the above waste policies broadly support the proposal the explanatory text makes it clear that each proposal must assess local impact.

In summary notwithstanding broad national and any local benefits, the proposal must be assessed against any local impacts. In assessing the principal of the development on the site, consideration must be given to policies GC1, GC2, EC1, EC3, EC5, ENV1 and ENV 13, of the Neath Port Talbot Unitary Development Plan.

#### Policy ENV1 states

*A proposal for development in the countryside will not be permitted unless it satisfies one of a number of criteria one of which reads: -*

*d) it is development necessary to serve the social, recreational or economic needs of the local community (this includes the expansion of an existing commercial or industrial use) and it has been demonstrated that*



*the development cannot be located within a settlement; or*

*h) it is development necessary for communications, telecommunications and other forms of infrastructure provision, renewable energy generation, waste treatment or disposal, derelict or contaminated land reclamation, or minerals extraction; and in all cases the development would not create unacceptable impacts upon the character or appearance of the countryside, biodiversity, the amenities of neighbouring residents or other land users, traffic generation or highway safety.*

Policy ENV13 states

*Within settlement limits and allocations and where proposals justify a countryside location, preference should be given to the development of previously developed land. The restoration of derelict and wasteland will be encouraged, provided the nature conservation, industrial heritage or amenity value of the site does not outweigh the need to develop it.*

Policy IE2 states

*The following shall be adequately taken into account:*

*A) the use of existing facilities and the opportunities to co-ordinate different types of infrastructure has been considered and maximised;  
B) the location and design minimise risk to human health, the environment and highway safety and pays adequate regard to the landscape, seascape, townscape and biodiversity and ensure that unacceptable impacts would not be created.*

The aim of policy ENV1 is to protect the countryside from unjustified development. The proposed development falls within the exemptions outlined in paragraph (h) ENV1 and accords with the list of uses considered appropriate outside settlement limits as defined within the Development Plan. However, criteria (d) makes it clear that any proposal has to “*demonstrate that the development cannot be located within a settlement*”

The RWP indicated that technological advances have meant that such facilities may be appropriate within “*many B2 employment sites*” and that development plans should therefore seek to make provision for such proposals.

In order to facilitate the creation of waste treatment uses, the UDP has allocated sites within Policy EC1 and encourages the development of those sites, subject to appropriate impact within policy EC2.



In support of the application the applicant has undertaken an Alternative Site Assessment (ASA) to deal with the proximity issue previously referred to and in order to address the requirements of policies EC1 and EC2 of the UDP. The assessment has considered the 20 sites identified within policy EC1, 4 sites in Powys and the application site.

As indicated previously the ASA has been studied by the Council's consultants who have provided the following assessment:

3.1.5 *"The sites have been through a sieving process removing sites that are not sufficient in size, sites that are not easily accessible by road and sites at risk from flooding. The remaining sites were then subject to a second sieving exercise that excluded sites that are already developed, adjacent to incompatible uses (including residential), reserved for future development, or with poor accessibility."*

3.1.6 *"Short listed sites were then subject to a comprehensive comparative analysis. The sieve process utilised was appropriate and that the criteria were applied consistently and appropriately. The analysis considered the proximity principle and self sufficiency principle in considering the location of each site in comparison to both sources of waste and users of the end product"*

The report concluded that:

31.19 *"Overall, the Alternative Site Assessment demonstrates that the proximity and self-sufficiency principles have been adhered to as far as practically possible."*

Whilst the report address the suitability of the site in respect of the proximity principal it is also considered that the methodology employed by the applicant is adequate to assess the suitability of allocated industrial sites within the UDP is sound.

The ASA, as set out previously, undertook a 5 stage assessment process involving the assessment of 25 sites. Each of the 5 stages involved a more detailed assessment of the site against fixed criteria. As set out above the Council's consultants raised no issues with the methodology employed or the detail of the refinement criteria.

The 25 sites were reduced to 3 sites Junction 38, Margam, Baglan Bay and the application site. The final stage involved the assessment of the sites against following 13 criteria.



- Planning Vision
- Sensitive Human Receptors
- Landscape and Visual Impact
- Natural Environment
- Historic Environment
- Road Access
- Transport ( Rail and water)
- Energy utilisation
- Digestate Utilisation
- Flood Risk
- Ground Water Vulnerability
- Air Quality Management Area
- Previously Developed Land

This list was compiled having regard to the Waste Framework Directive 2008, National Planning Policy Towards Zero Waste (2010) and guidance contained within PPW, TAN21 and RWP.

Each site was assessed against the above criteria and awarded a none numerical value (a tick). The criteria were not ranked in importance and the performance of each site in relation to the criteria was calculated. Junction 38 Margam ranked third with 4 out of the 13 criteria. Baglan Bay second with 7 out of the 13 criteria and the application site first with 11 out of the 13 criteria.

It is considered that the assessment has been undertaken in accordance with national and regional guidance. It has been comprehensive and criteria have been applied consistently and appropriately.

It is therefore considered that the applicant has adequately demonstrated that the proposal cannot be suitably accommodated within settlement limits on existing allocated sites.

In addition to the above, it is noted that the proposal will involve the restoration of derelict waste land formerly used as a coal stocking yard and therefore is in accordance with the broad requirements of EN13. The proposal will also utilise existing infrastructure such as access and grid connection in association with other adjacent developments and therefore accords with criteria (a) of IE2.

As such, it is considered that the applicant has adequately demonstrated



that the proposal cannot be suitable accommodated within settlement limits the proposal accords with Policies ENV1, ENV13, IE2, W1, W4, W6 and IE2 of The Neath Port Talbot Development Plan.

### **Visual Amenity:**

In assessing the landscape and visual impact of the proposed development specific consideration must be given to policies ENV3, ENV17, GC1 and GC2 of the Neath Port Talbot Unitary Development Plan

Policy ENV3 states:

Proposals that would create unacceptable impacts on the landscape will be resisted.

Particular emphasis will be placed on protecting :-

- 1) significant skylines, views and panoramas
- 2) features which are important in terms of contributing to the character of the local landscape.
- 3) landscape, parks and gardens which are of special historic interest.

Policy GC1 identifies specific criteria which need to be complied with by all new buildings and changes of use. Whilst the criteria are broad ranging in scope, a number of them relate to the visual impact of a development and its impact upon the wider landscape.

POLICY IE6 states

Proposals for the creation of renewable energy will be supported provided their impacts are acceptable and where appropriate they include measures to reinstate the land.

### **Existing Landscape**

To the north of the site is a forested ridge rising to a height of 315.6m-317.2m AOD. Footpath 24 runs behind this ridge and then crosses the access road. To the West of the site the level plateau continues for approximately 200m before sloping steeply into a small basin. To the south of the site a forested slope falls steeply to the second plateau some 15m below the application site. Byway 23 runs along the southern edge of this plateau. To the west of the site is Hirfynnydd Ridge. Other than the two open plateaus and access tracks the area is dominated by dense forestry plantation. LANDMAP, which is a national landscape information system that gathers, organises and evaluates information



about landscape into a nationally consistent data set, classifies the site (NPTVS357) and adjacent areas (NPTVS970) as having a *moderate* valuation (of local importance).

### **Assessment Methodology**

A Landscape and Visual Impact assessment has been prepared by the applicant as part of the application in order to assess the impacts of the proposal on the landscape and visual amenity. The landscape assessment has included photomontages, plans and views taking into account landforms and vegetation cover. Sections have been provided from viewpoints in Banwen (North West), Coryn y Rhos, (North East, Brecon Beacons National Park) and Cwmgwrach (south).

The sections demonstrate that given the height of the landform to the North, West and East, the development will not be visible from Banwen, The National Park and Glynneath. The main Landscape impact and visual impact effects are from distant views from the south and views from byways and footpaths within the site.

The National Park has raised an objection in relation to the possible view of the proposal from the Park. However, the ridge to the North, which rises to over 15m above the site level, dictates that the proposal will be unsighted from this point.

To mitigate for any potential adverse effect on visual amenity, in addition to siting the proposal to maximise natural screening, the applicant following pre application negotiations with the department, has introduced two measures to reduce visual impact. These are

1. The provision of earth bunds up to 3-4m in height on the site.
2. Tree planting on the earth bunds.

From Cwmgwrach (3.6km) buildings on the lower plateau would be visible. Although some of the structures are large, the separation distance and scale of the surrounding landform dictates that the development although visible would not dominate the landscape. Furthermore, the proposed screen bunding and planting would reduce the impact on these distant views.

The results of the Landscape impact assessment has shown that other than from Byway 23 the resulting visual impact is negligible given the location of the proposal and the intervening landforms and vegetation which screen the proposal.

Byway 23 is approximately 4m below the level of the lower plateau and



runs along the Southern edge of the site.

It is accepted that during the construction phase of the proposal there would be a slight and temporary visual impact.

Given the elevation of the view points along byway 23, the duration of the views in an extensive footpath network and the subsequent limited view of the proposal, it is considered that the visual impact of the proposal from byway 23 does not in itself warrant refusal of the application given the mitigating landscaping bunding that screens the proposal.

In relation to footpath 24, which runs to the north of the site behind the northern ridge, there is a limited view along the access track between the northern ridges. This view will be seen against Hirfynnydd Ridge. There is likely to be a limited view of the weigh bridge office. This will appear small within the context of the larger landscape.

It is therefore considered that the proposal does not have a significantly detrimental impact on the character and appearance of the area to warrant refusal and does not unacceptably affect the setting of either byway 23 or footpath 24 both individually and in combination with other developments within the area.

As such it is considered that the proposal accords with policies ENV3, ENV 17, IE6, GC1 and GC2 of the Neath Port Talbot Unitary Development Plan.

### **Residential Amenity:**

The application site is located approximately 1.04km south east of Banwen and 1.9km north east of Glynneath. The nearest residential property, Gorswen, is located 0.8km from the site.

### **Noise**

Following advice from Environmental Health, the applicant prepared and submitted a noise assessment. The assessment considered the noise impact from the proposal and the cumulative noise associated with a thirteen turbine wind farm, composting plant and the Bio Mass plant.

The assessment considers the existing noise sources at the site and assesses the potential noise impact from future plant and delivery vehicles associated with the proposal in isolation and in combination with the



wind farm and proposed biomass plant on six nearby, noise sensitive receptors.

The report has concluded that the proposal in isolation or in combination with the Wind farm, composting plant and proposed biomass will have no adverse effect on noise

*“The cumulative noise assessment for the anaerobic digestion facility, recycling and composting facility, biomass power plant and wood pellet manufacturing facility and wind farm activities shows that the noise experienced by residential receptors is below background levels for all properties. Comparing the modelled results with data within BS4142 it can be concluded that at these levels complaints are unlikely from nearby residential receptors”.*

Having considered the assessment the Environmental Health section raised no objection to the proposal.

## **Odour**

It is considered that the predominant odour risk on-site arises from the receipt and preparation of waste prior to it being introduced into the hydrolysis tank;

The application indicates that the following measures will be set in place to control odour

- The transport of waste will be in covered vehicles;
- Processing operations will take place within a closed system with appropriate filters or scrubbing systems;
- Vehicles will unload within the waste reception building. Unloading shall not commence until external doors to the unloading area have been closed. There will be an average of 3 delivery loads per day and on this basis, the doors would open and close 6 times per day (doors open and close behind entering/exiting vehicle).
- Emissions shall be free from odour;
- Emissions of biogas shall be minimised;
- All storage tanks and process lagoons will be covered;
- Implementation of an odour management plan;
- Activities will not to be carried out within 250 metres of any off site building used by the public.



The nearest dwelling, Gorswen is over 0.8km to the north and the nearest large settlement to the south east is Glynneath which is located 1.9km away while the closest settlement to the north east is Banwen is 1.04km. The nearest public building is the Dove workshop approximately 1.2km in a north easterly direction. Given the mitigating methods proposed, the separation distance and a prevailing wind direction from the West, and South West, it is considered that there is unlikely to be a significant effect on residential properties from odour.

NRW and the Authority's Environmental Health section have raised no concerns in relation to odour. The Health Board has offered no objection to the proposal in relation to odour confirming a properly managed site should not give rise to odour issues.

In summary, it is considered that the proposal will not have a detrimental effect on residential amenity by virtue of noise and odour. In addition, given the distance of the proposal from the nearest residential property, Gorswen which is 0.8km from the site, it is considered that the proposal will also not have a detrimental effect in relation to overlooking, overbearance and loss of privacy.

The issues of the effect of traffic and air quality on residential amenity are dealt with further on in this report.

#### **Highway Safety (Access, Parking and Traffic flows):**

Access to the site is off an existing access point along the A4109 Intervally Road approximately 500m east of the junction of Roman Road.

The applicant has produced a detailed breakdown of vehicle movements in and out of the site associated with the development.

Based on receiving waste 6 days per week in 20 tonne loads, a maximum of 3 loads per day would be delivered to the facility, giving rise to 6 delivery related movements per day.

Including waste removal and digestate transportation a total of 11 additional HGV movements per day have been calculated for the proposed anaerobic digestion facility, giving a combined total of 136 HGV movements per day once all adjacent developments (Wind Farm, Solar Array, Composting Plant and Bio Mass plant) are operating at full



capacity.

Whilst it is recognised that the applicants will normally receive waste six days a week, the delivery times referred to above and within proposed condition 7 control the delivery hours seven days a week. This is to allow the operators to cater for slippage in deliveries which could occur for example during bank holidays, or following a breakdown etc. Nevertheless the vehicular movements have been calculated over a normal six day working week. This is a predicted estimate of movements and Members are reminded that a maximum of 15,000 tonnes of waste will be processed on the site per annum as set out in condition 4. Notwithstanding this, the remoteness of the location dictates that even if they received deliveries seven days a week regularly, this would not impact upon the amenities of residents within the vicinity.

Waste removal will account for 2 additional HGV movements over a two day period (ie an empty vehicle coming and a laden vehicle leaving the site) every other day. Digestate transportation will account for 4 additional HGV movements per day, (ie two empty vehicles in and two laden vehicles out every day). These vehicle movements added to the six vehicles associated with the daily delivery of the waste (ie three laden vehicles in and three empty vehicles out), will amount to an average of 11 movements per day.

The current traffic flows along that section of highway are approximately 4000 per day.

Given the existing level of traffic movements it is considered that the small increase of approximately 0.275% will not increase traffic volumes to the detriment of highway safety or residential amenity.

The Head of Engineering & Transport (Highways) has therefore offered no objection to the proposal subject to conditions requiring works at the proposed access and that the Eastern access to the site (the access nearest to Glynneath) is not used to serve the site. In addition a Section 106 agreement to control the number of vehicle movements and other highway safety matters.

The request for a S106 is considered to be unnecessary given that this matter can be addressed via condition.

In relation to the use of the Eastern access this access and the vision splays were constructed as part of the Windfarm development. It is



understood that the applicant only own/controls a portion of the land within the vision splay and the remaining portion of the vision splay is controlled by way of a 25 year lease. The Head of Engineering and Transport raises concern that upon expiry of the lease the vision splay could be obstructed resulting in a loss of visibility to the detriment of highway safety.

Members should note that the applicant does not propose to use the Eastern access and it is not included within the red outline of the application site. Nevertheless the access currently has suitable visibility. Whilst it is recognised that visibility could reduce if the lease is not renewed and the splay obstructed, visibility is achievable at this junction and there appears to be the prospect that on the expiry of the 25 year lease suitable visibility could be maintained with third party agreement.

It is therefore considered that a condition to prevent access at the Eastern junction is not necessary and it does not meet the tests within Circular 11/95 (35/95) – Use of Conditions in Planning Permission.

As a result of the above, the proposal accords with Policies T1 and GC1 of the Neath Port Talbot Unitary Development Plan.

#### **Landscaping:**

As part of the landscaping proposal the applicant proposes to provide landscaping bunds to the south and east of the site.

These bunds will be up to 4m in height and planted with native species in order to enhance the landscape and screen the proposal.

#### **Ecology (including trees & Protected Species):**

The site is not located within 500m of a European Site or SSSI. The nearest designated site is, the Coedydd Nedd A Mellte SAC (including the Dyfrynoedd Nedd a Mellte a Moel Penderyn SSSI) which is over 1.92km away from the small exhaust stack on the electrical generators.

Emissions for the proposal and the proposed Bio mass plant have the potential to affect ecology within that area. Therefore in accordance with Regulations, in consultation with NRW, a Test of Likely Significant Effect has been undertaken.

The conclusion reached was that the proposed development would not in



itself, or in combination with other developments have a significant effect on Coedydd Nedd A Mellte and as such an Appropriate Assessment is not required.

The application site was the subject of an ecological survey in 2005 and 2006 for the wind farm application. During that survey no habitats or species of any particular nature conservation significance were noted. Whilst a period of five years has expired both the Biodiversity Unit and NRW are still satisfied that this brownfield site has not changed significantly in terms of habitat provision.

In relation to the application neither NRW nor the Biodiversity section has raised any objection.

In line with the NERC Act and TAN 5 the biodiversity section have recommended the following:

- (a) Landscaping should be wildlife friendly – A suitably worded condition will require the submission of such details.
- (b) The lagoons have wildlife friendly features – A suitably worded condition will require the submission of such details.
- (c) The buildings should incorporate a brown roof- It is considered that such enhancement is disproportionate to the scale of the scheme.
- (d) Native mature trees are not felled – there are no proposals to fell native mature trees.
- (e) Bird Boxes are provided - a suitably worded condition is considered acceptable to provide nesting boxes and landscaping.

The National Park has raised concerns in respect of the effect on ecology within the Coedydd Nedd A Mellte SAC. It is therefore considered that the objection from the National Park is justified. However, both NRW and Biodiversity have not raised any concerns over the possible impact upon either local or national sites of importance.

It is therefore considered that the proposal will not have an unacceptable adverse effect on biodiversity and is in accordance with the NERC Act, TAN 5 and ENV5 of the Neath Port Talbot Unitary Development Plan which aims to improve habitat.

### **Flooding and Hydrology**

There are no flooding issues in respect of the site.



In relation to drainage the applicant has submitted a comprehensive drainage scheme to deal with surface water, foul water, and other contaminated water from the site.

The NRW raises no objection to the development subject to conditions.

### **Pollution:**

Any development that has the potential to affect air quality in and around the application site must be considered as a material planning consideration as part of the planning process.

### **Human Health**

Policy ENV 15 of the Neath Port Talbot Unitary Development Plan states that:

Proposals which would be likely to have an unacceptable adverse affect on air quality, or would expose people to an unacceptable level of air pollution will not be permitted.

In support of the planning application the applicant has submitted an air quality assessment to consider the impact of the proposal individually and in association with the proposed Bio Mass plant. Dispersion modelling was carried out in-respect of;

- Nitrogen dioxide
- Carbon monoxide
- Sulphur dioxide
- Total VOC as benzene
- Non methane VOC

The air quality section has confirmed that none of the pollutants exceed air quality objectives and they have offered no objection.

The Health Board has offered no objection to the proposal in relation to air quality.

NRW has confirmed that a permit will be required under the Environmental Permitting Regulations 2007 (EPR) before the proposed facility can be operated. NRW raises no objections with regard to the proposal subject to conditions.



**Waste:**

The application indicates that residual materials resulting from the process will be disposed of in a land fill site. Waste will consists of bags and other foreign material within the incoming waste such as cutlery, which are considered to minimal. These vehicle movements are dealt with in the transport appraisal.

**Health and Safety**

The remote location of the site dictates that sensitive receptors are unlikely to be significantly affected by dust. However, the applicant has proposed construction and post construction measures to reduce dust.

These include:

1. Wheel washing
2. Road sweeping
3. Covering of lorries
4. Feed stocks to be stored internally.

**Social and Economic Impacts.**

With regard to labour, the construction phase will create 40 jobs. The impact on the labour market would therefore be minor beneficial and short term at county level.

During the operational phase it is estimated that 10 people will be employed full time. It is therefore considered that the cumulative effect will have a positive impact both during the construction and operational phases.

In terms of social impact, a number of concerns have been expressed with regard to the process, these include emissions, health, transport, and amenity, and have been dealt with in the above report under the appropriate headings.

It is therefore considered that the proposal will not have an adverse effect on air quality, human health, hydrology, noise, and ecology. As such the proposal accords with Policies ENV15, ENV28, ENV 29, and EC5 of the Neath Port Talbot Unitary Development Plan

**Others (including objections)**



### **Issues arising from representations received**

An objection has been received from Brecon Beacons National Park raising concern with regard to the visual impact of the development upon the Park together with the impact of emissions to air on ecology. These issues have been addressed within the report.

The objections raised by Glynneath Town Council are summarised and addressed as follows:

- (a) Additional Traffic through Glynneath – The matter has been addressed in the appraisal.
- (b) Escape of anaerobic bacteria – The process is undertaken within buildings and sealed vessels as set out in the appraisal, therefore there would be limited potential for escape of anaerobic bacteria.

The department has received one letter of objection which is summarised as follows:

1. The site is not proposed as a candidate site in the LDP – The site is not an allocated site within the UDP or the emerging LDP. The appraisal, however, deals with the principle of development within the context of the development plan.
2. Concerns over the content and conclusion of the ASA – As indicated the department has appointed independent consultants to assess both the methodology and conclusion of the ASA. The consultants' conclusions are set out in the appraisal and adequately address the above objection.
3. Neath Port Talbot employees are directors within the Green Energy (South Wales) Ltd. which may be prejudicial in the determination of the application – The objector has not made reference to any specific allegations of inappropriate conduct. The determination of this application is for The Planning Committee and the identity of any directors is not a material planning consideration. This application must be determined only in relation to the planning merits of the scheme.
4. The objector alleges that a director of “Green Energy South Wales Ltd.” has been charged with a criminal offence – This is not a material planning issue.



5. The planning application should be dealt with by a Planning Inspector due to the issues raised in point 3 – This application cannot be dealt with by the Welsh Government unless it is the subject of a “call in” request. No such request has been made and the allegation of undue influence by Green Energy directors has been adequately addressed in point 3.
6. The objector sets out the sentence for an offence of Misconduct in Public Office and advises of the need to properly consider accurate information. The objector has made no reference to any part of the application that he considers incomplete, incorrect or misleading – It is not considered that there are any such inaccuracies, errors or omissions within the submission.
7. The disposal of council waste should be undertaken by tenders – This application is not for the disposal of municipal waste.
8. The objector alleges that the application demonstrates a link between the Council and The Walter Group, which accounts for failures by the Council to deal with issues within the site relating to:
  - Public rights of way
  - Failure to publicise planning applications
  - Failure to take action against members of the Council

The identity of the applicant and their relationship with the Council were addressed earlier. There is no evidence to corroborate any of the other claims made in relation to other application on the site.

9. The application incorrectly refers to composting on an adjacent site – Consent does exist for a composting facility as set out in the site history.
10. There are unauthorised motor sports on the adjacent site – It is evident that there is a long history of motor sports on the adjacent site and an application for a Lawful Development Certificate is currently being considered in association with this use.
11. Concern has been expressed over the potential closure of public rights of way during the construction process – the application



does not indicate the need to close public rights of way during the construction process - Such detail will be the subject of a Construction Management Plan. Should there be a requirement to close public rights of way, then that will be the subject of a separate consenting process.

12. The cumulative effects of development of the site will have a detrimental effect on the character and appearance of the area – This matter has been addressed in the appraisal.
13. Concern over the additional traffic movements associated with the developers and the content of the traffic appraisal within the application – This matter has been addressed in the appraisal.
14. The development cannot be considered as an ecopark due to the following:
  - Location
  - Smell
  - Smoking stacks
  - Noise
  - Cumulative visual effects – All of these issues have been previously addressed in the appraisal
  - Deforestation – The majority of the site has no tree and vegetation cover. The proposal will not therefore result in large deforestation.
15. The revised application is due to the grid capacity – There is no evidence to demonstrate that the grid capacity is inadequate. The application was revised as a result of a change in the source of the food waste.

### **Further Information Received**

Following Committee the applicant has submitted further information consisting of a letter and two attachments containing a NRW Standard rules permit relating to an anaerobic digestion facility and a NRW generic risk assessment for an anaerobic digestion facility. The contents of the letter are summarised below.

- The proposal is for a small scale Anaerobic digestion facility.



- The facility will be permitted by NRW under The Environmental Permitting (England and Wales) (amendment) Regulation 2013. As part of the permitting process the facility will have to meet certain criteria, the primary ones are:
  - No more than 100 tonnes of waste can be accepted per day.
  - All waste must be more than 200m away from dwellings or workplaces – (This is a reduction from the previous 250m limit and came into force in February 2013).
  - Protection of ground water and water courses.
  - Gas stacks must be a minimum of 3 metres in height and not located within 200m of an European site or SSSI.
- The proposal complies with these criteria and also complies with the criteria for larger facilities with capacities over 100 tonnes per day.
- The 200m separation distances sent out within the permit have been arrived at following detailed risk assessment by NRW.
- The proposed development is more than 200m from receptors with the nearest dwelling at a distance of 800m from the edge of the application site.
- The proposal has a low risk of odour related problems. An Odour Management Plan (OMP) is required by the Environmental permit but the applicant is prepared to accept a planning condition requiring the provision of an OMP.

In response to all of the above, it is considered that this represents factual information to further justify the siting of the AD plant at this location. In terms of the offer put forward by the applicant to accept an Odour Management Plan (OMP), this is not considered to be appropriate in relation to the planning application as it is a matter which is controlled by Natural Resources Wales under their permitting procedures. The planning legislation should not duplicate other legislative controls in place.

#### Comments on issues raised at Committee

- Waste will be processed within a closed, filtered building. Vehicles will be washed within the reception building before leaving the site.



- The site will have a digestate storage tank to hold digestate (bio-fertiliser) before it is transferred off site. Additional storage capacity is provided within a covered lagoon for occasions when digestate cannot be removed off site, typically in poor weather conditions when it cannot be removed off site or spread on land.
- The 3 remain lagoons are to deal with surface water from the site.
- The used digestate will comply with PAS110 and will be deemed a bio-fertilizer.
- No imported material is required to create the proposed ground levels.
- The proposal will result in an insignificant increase of traffic movements of 0.275%.
- The proposal would not dominate the landscape. Views from the Brecon Beacon and Glynneath would be screened by the existing landform. Nearby views would be mitigated by bunding and landscape.
- Air Quality modelling has determined that there will be no unacceptable adverse effect on Coed Nedd a Mellte SAC. NRW, the Health Board and Biodiversity have raised no concerns on air quality.
- The AD process is carried out in the absence of oxygen and produces methane. A gas filter cleans the gas before it enters the CHP units. Sulphur is cleaned from the gas in the gas filter to control emissions and improve the lifespan of the gas engines.
- Whilst methane is produced and when combusted produces CO<sub>2</sub> the feed stock is a renewable form of fuel. No methane is intentionally released.

PROW closures are not envisaged during the construction process.



## **Community Benefit**

TAN 8 “Community Involvement and Benefits” recognises the opportunities that large developments provide in making contributions that benefit the community. However, it makes it clear in paragraph 2.16 that

“such contributions should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.”

The Authority within its Interim Planning Guidance: Wind Turbine Development states that it is more appropriate for these “community contributions” to be dealt with as part of the planning process in order that they may better reflect the needs and aspirations of the area as identified through the Community Plan and UDP/ Local Development Plan (LDP) process, although they should not impact on the decision making.

Whilst the guidance contained within TAN 8 and the Interim Planning Guidance relates to wind farm development, it should be noted that this proposal is for a renewable energy development and the core principles of dealing with community involvement and benefits as set out in the documents can be appropriately applied in this circumstance.

The applicant has offered to provide a community benefit contribution of £10,000 per installed mega watt per year over the lifetime of the development.

It should be noted however, that the community benefit is not put forward as mitigation and must not be taken into consideration in the decision making process.

### **Conclusion:**

This application has been assessed with reference to both national and local policies. These policies are strategically aimed at decreasing the amount of waste sent to landfill. However, these objectives have to be balanced against the impact of such developments upon a number of criteria including air quality, human health, the affects on communities within the local area the visual impact and noise.

It is accepted that the proposal is broadly supported by National and Local policy as it will result in the reduction of 15,000 tonnes of waste



being sent to landfill and based on an average household electrical usage of 4,700 kw p.a., the facility will generate sufficient renewable energy to meet the full electrical demand of 8,510 homes and depending on heat use, will save up to 50,500 tonnes per annum of CO2 equivalent emissions.

It is considered that the proposal does not have an adverse effect on air quality, Public health, ecology, hydrology and flooding, visual amenity, waste, noise, residential amenity, traffic, social and economic conditions and therefore accords with policies GC1, GC2, ENV1, ENV3, ENV5, ENV13, ENV15, ENV17, ENV28, ENV29, T1, EC1, EC5, IE2, IE6, W1, W4 and W6 of the Neath Port Talbot Unitary Development Plan.

**Recommendation:**

Approval subject to the following conditions and upon the signing of a Section 106 Agreement to secure the provision of community benefits.

**CONDITIONS:**

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

Reason

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the use hereby approved shall be for an Anerobic digestion facility and no other use within Class B2 of the Use Classes Order 1987

Reason

In the interests of amenity

Unless otherwise agreed in writing with the Local Planning Authority only commercial and industrial food waste arising from Neath Port Talbot County Borough Council and South Powys, as shown on plan JER5569-001a, shall be processed or stored on the site.



## Reason

### In the interest of amenity

Unless otherwise agreed in writing with the Local Planning Authority no more than 15,000 tonnes of material per annum shall be processed on the site and no more than 5000 tonnes of material stored on the site at any given time.

## Reason

### In the interest of clarity

Unless otherwise agreed in writing by the Local Planning Authority, no more than 300 vehicles movements shall use either access onto the A4109, calculated as an Annual Average Daily Traffic two way flow. These movements shall include those generated by the application site, together with the site of the proposed biomass power station, the site of the solar array, composting plant and the wind farm. Of the 300 movements no more than 100 movements shall be associated with heavy goods vehicles.

## Reason

### In the interest of highway safety

Unless otherwise agreed in writing with the Local Planning Authority prior to first use of the proposed facility the access shall be improved by the applicant in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority indicating:

(i) Advance signing to warn motorists of the junction location and of vehicles turning into and out of the junction including the use of Vehicle Activated Signs (VAS) to slow vehicles on approach to the junction. This signage to be in the format Side Road Ahead to Diag. 506.1 TSR&GD (900mm high and handed to show side of road that junction lies on) with a Supplementary Plate Diag 572 120 yds. (Signs should be positioned within 110 to 180 metres of the junction position).

(ii) A minimum length of 70m of anti-skid surfacing to both approaches of the A4109 to the junction position.



(iii) Over marking of the current junction road markings where existing markings are showing signs of being scrubbed off the road surface.

Reason

In the interest of Highway Safety

Other than in an emergency or otherwise agreed in writing with the Local Planning Authority no materials shall enter or leave the site outside the following hours

Monday to Friday 07.00 - 19.00hrs

Saturdays 07.00 - 17.00hrs

Sundays and Bank Holidays 08.00 - 13.00hrs

Reason In the interest of residential amenity

Notwithstanding the submitted details prior to the commencement of development a plan identifying the location of the external lighting, as set out in paragraph 673 of the supporting statement, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first beneficial use of the site

Reason: In the interest of site safety.

Unless otherwise agreed in writing, prior to the first beneficial use of the site hereby permitted, an artificial nesting site for birds shall be erected on the office to one of the following specifications, and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:



Wide box with small slit shaped entrance hole. Must be placed under or close to roofs,

at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

Reason

In the interest of biodiversity

Notwithstanding the submitted details prior to the commencement of development a hard and soft landscaping scheme shall be submitted to and agreed in writing with the Local Planning Authority. The submitted scheme shall include the following

- (i) All areas of grassland not immediately adjacent to pathways, entrance ways or are areas intended to be directly used by staff for recreational purposes shall be seeded with a species-rich grassland seed mix.
- (ii) Details of management of grassland, including planned maintenance
- (iii) All trees and shrub species to be planted shall be native and of local provenance.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first beneficial use hereby permitted, whichever is the sooner and any trees or plants which within a period of five 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 the same species, unless the Local Planning Authority gives written consent to any variation.

Reason

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act, 1990.

Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 as may be applicable (or any order revoking or re-enacting that order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of the development unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of 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 volume of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must 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 pipe outlets must discharge downwards into the bund.

Reason:

In order to prevent pollution of the water environment.

Prior to the first beneficial use of the site details of fire control systems shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved prior to the first beneficial use of the site.

Reason

In the interest of fire safety

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.

No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall only be carried out



in accordance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority. The Construction Method Statement shall address the following matters:

i) A full drainage scheme for the management of surface water and foul water. This shall detail both the temporary and permanent drainage strategy and include details on the hydraulic calculations to control flow rates and detail the measures to be implemented.

ii) A scheme for the environmental monitoring of local watercourses, before and during the construction phase. Any such scheme shall be supported, by information such as the method and frequency of monitoring and the contingency plans to be implemented should any pollution/derogation be noted.

iii) A scheme for the protection and conservation of soil at the site, in order to prevent pollution of the water environment. The scheme shall include the pollution prevention techniques to be deployed during the construction and restoration phases.

iv) A remediation strategy detailing how contamination of controlled waters would be dealt with.

v) Details of the timing of works and methods of working for cable trenches and foundation works.

vi) Dust management.

vii) Disposal of surplus materials.

viii) Construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise).

ix) Temporary site illumination.

x) The construction of the access into the site and the creation and maintenance of visibility splays.

xi) Wheel cleaning facilities

xii) Arrangements for keeping the site entrance and adjacent public road clean.

xiii) Post-construction restoration and reinstatement of the working areas.



The approved Construction Method Statement shall be implemented and maintained for the duration of the construction works.

Reason: To ensure the development is constructed in a satisfactory manner

Notwithstanding the submitted details and prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority for the control of surface water from the site. The scheme shall include:

i) Detailed calculations outlining surface water run off and the total surface water storage capacity required.

ii) Detailed plans ( including cross sections ) indicating the size and location of storage tanks and lagoons

iii) Details of the hydro brake, which shall not allow water to discharge from the site at more than 27 litre per second , and discharge point of surface water to adjacent watercourses

iv) Details of wildlife friendly features.

The scheme as approved shall be completed prior to the first beneficial use of the site.

Reason: In interest of flood prevention.

Prior to the commencement of development a foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented prior to the first beneficial use of the site

Reason: To prevent pollution of the environment.

Prior to the first beneficial use of the site a site waste management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented prior to the first beneficial use of the site.

Reason: In the interest of sustainability.

The noise rating level emitted from Maesgwyn Renewable Energy and Recycling Facility (cumulative impact of the anaerobic digestion facility,



recycling and composting facility, biomass power plant and wood pellet manufacturing facility and wind farm) 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

#### Reason

In the interest of amenity

#### REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

It is considered that the proposal does not have an adverse effect on air quality, Public health, ecology, hydrology and flooding, visual amenity, waste, noise, residential amenity, traffic, social and economic conditions and therefore accords with policies GC1, GC2, ENV1, ENV3, ENV5, ENV13, ENV15, ENV17, ENV28, ENV29, T1, EC1, EC5, IE2, IE6, W1, W4 and W6 of the Neath Port Talbot Unitary Development Plan.



## SECTION B – MATTERS FOR INFORMATION

### 3. DELEGATED APPLICATIONS DETERMINED BETWEEN 3<sup>RD</sup> JULY AND 22<sup>ND</sup> JULY 2013

1	App No. P/2009/6	Type Full Plans
Proposal	Revised Site Layout For 15 Dwellings And Associated Works (Revised site layout and house types)	
Location	Phase 3 (Plots 60c To 60q) Rowantree Avenue, Heol Y Nant, Baglan, Port Talbot, SA12 8ET	
Decision	Refusal	
Ward	Baglan	

2	App No. P/2012/532	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 10 (drainage) of planning permission P2011/0758 granted on 19/7/2012	
Location	Land at, Edward Street, Alltwn Pontardawe, Swansea, SA8 3DD	
Decision	Approval with no Conditions	
Ward	Alltwn	

3	App No. P/2012/806	Type Full Plans
Proposal	Residential development comprising 56 dwellings including garages, outbuildings and associated works (Amended description 7-2-13)(Revised Drainage details Rec 28-2-13)	
Location	Land at, Graig Newydd, Godre'r Graig, Swansea	
Decision	Approval with Conditions	
Ward	Godre'rgrraig	

4	App No. P/2012/978	Type Householder
Proposal	Two storey Detached Shed/outbuilding	
Location	60 Neath Road, Resolven, Neath, SA11 4AH	
Decision	Refusal	
Ward	Resolven	

5	App No. P/2012/993	Type Full Plans
Proposal	Retention of existing shop-front plus retention and completion of flues to rear elevation.	
Location	51 Groves Road, Neath, SA11 1UU	
Decision	Refusal	



Ward	Neath South
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6	App No. P/2012/1060	Type Outline
Proposal	Single-storey detached dwelling (Outline).	
Location	134 Shelone Road, Briton Ferry, Neath, SA11 2NR	
Decision	Refusal	
Ward	Briton Ferry Ea	

7	App No. P/2012/1070	Type Full Plans
Proposal	Demolition of existing and construction of a replacement gas holder.	
Location	Tata Steel, Abbey Works, Margam, Port Talbot	
Decision	Approval with Conditions	
Ward	Margam	

8	App No. P/2012/1078	Type LawfulDev.Cert-Exist
Proposal	Use of caravan as a residential dwelling (application for certificate of existing lawful development) (amended location plan)	
Location	Caravan Naid Y Carw Farm, Road From Goytre To Bryn, Bryn, Port Talbot, SA13 2SH	
Decision	Issue Lawful Dev.Cert.	
Ward	Bryn & Cwmavon	

9	App No. P/2012/1121	Type App under TPO
Proposal	Works to 2 no. Purple Beech trees covered by Tree Preservation Order T125/T1-T2 comprising of crown reduction, reducing overall branch spread.	
Location	Ty Coeden Coch, Addoldy Road, Glynneath, Neath, SA11 5DU	
Decision	Approval with Conditions	
Ward	Glynneath	

10	App No. P/2013/29	Type Full Plans
Proposal	Two storey detached community and enterprise centre with multi use games area and associated car parking and engineering operations (amendment to planning permission ref. P2011/0783 granted on 16/1/12 comprising of the re-siting of the building, car park and MUGA).	
Location	Land Rear Of, 1-10 Pen Y Wern, Croeserw Cymmer, Port Talbot, SA13 3PP	
Decision	Approval with Conditions	



Ward	Cymmer
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11	App No. P/2013/77	Type Full Plans
Proposal	Retention of two storage containers for a temporary period of 5 years for the storage of archery equipment.	
Location	Land At Playing Fields, Dwr Y Felin Road, Bryncoch, Neath	
Decision	Approval with Conditions	
Ward	Bryncoch South	

12	App No. P/2013/229	Type Discharge of Cond.
Proposal	Submission of details pursuant to Condition 9 of planning permission ref. P2011/0985 (granted on 31/1/2012) in respect of a biodiversity mitigation strategy.	
Location	Land Opposite, 34-54 Scarlet Avenue, Sandfields, Port Talbot, SA12 7PH	
Decision	Approval with no Conditions	
Ward	Sandfields West	

13	App No. P/2013/233	Type Change of Use
Proposal	Change of use from arts centre (use class D2) to veterinary surgery (use class D1).	
Location	Port Talbot Arts Centre, Theodore Road, Port Talbot, SA13 1SP	
Decision	Approval with Conditions	
Ward	Port Talbot	

14	App No. P/2013/237	Type Full Plans
Proposal	Demolition of existing single storey rear store and erection of two storey rear extension	
Location	95-97 Heol Cae Gurwen, Gwaun Cae Gurwen, Ammanford, SA18 1PB	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwe	

15	App No. P/2013/245	Type Change of Use
Proposal	Change of use from a car disassembly place (class B2) to a coach depot (sui generis) and construction of a single storey detached workshop, new roof to existing office additional boundary treatment, cctv pole and installation of septic tank.	
Location	Abbey Auto Dismantlers Margam Arches, Penrhyn Street, Taibach, Port Talbot, SA13 1LU	



Decision	Approval with Conditions
Ward	Margam

16	App No. P/2013/276	Type LawfulDev.Cert-Exist
Proposal	The lawful start of development in compliance with condition 4 of application P2000/1280.	
Location	Land adjacent to, 1 Inkerman Row, Taibach, Port Talbot	
Decision	Issue Lawful Dev.Cert.	
Ward	Taibach	

17	App No. P/2013/339	Type Full Plans
Proposal	Retention of a satellite dish to rear elevation.	
Location	Unit 2 Llwyn Helyg Retail Park, Dwr Y Felin Road, Caewern, Neath, SA10 7BZ	
Decision	Approval with Conditions	
Ward	Bryncoch South	

18	App No. P/2013/352	Type Discharge of Cond.
Proposal	Details to be agreed in association with Conditions 5 (Drainage Scheme) and 29 (Existing foul and surface water system survey) of Planning Permission P2012/0658 granted on 03/05/2013.	
Location	Neath Car Sales, Neath Road, Briton Ferry, Neath, SA11 2AX	
Decision	Approval with no Conditions	
Ward	Briton Ferry Ea	

19	App No. P/2013/388	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 4 (Floor levels) of planning permission ref P2007/1378 granted on 7-11-08	
Location	Evandale, Tan Y Bryn Terrace, Cwmgwrach, Neath, SA11 5PU	
Decision	Approval with no Conditions	
Ward	Blaengwrach	

20	App No. P/2013/391	Type Householder
Proposal	Single storey rear extension and new vehicular access	
Location	Lynglen, 12 Tonna Uchaf, Tonna, Neath, SA11 3LJ	
Decision	Approval with Conditions	
Ward	Tonna	







21	App No. P/2013/394	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 9 and 11 (drainage) of planning permission P2009/0113 granted on 23-3-11	
Location	Land Off King Edward Road, Tairgwaith, Ammanford, SA18 1YD	
Decision	Approval with no Conditions	
Ward	Lower Brynamman	

22	App No. P/2013/399	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 9 (Highway layout) of planning permission ref P2007/1378 granted on 7-11-08	
Location	Evandale, Tan Y Bryn Terrace, Cwmgwrach, Neath, SA11 5PU	
Decision	Approval with no Conditions	
Ward	Blaengwrach	

23	App No. P/2013/403	Type Full Plans
Proposal	New pitched roof to existing single storey rear wing	
Location	17-18 London Road, Neath, SA11 1LE	
Decision	Approval with Conditions	
Ward	Neath North	

24	App No. P/2013/407	Type Change of Use
Proposal	Change of use of land for the siting of a mobile catering van.	
Location	Bakers Diy, Afan Workshops, Afan Road, Duffryn Rhondda, Port Talbot, SA13 3ES	
Decision	Approval with Conditions	
Ward	Cymmer	

25	App No. P/2013/410	Type Discharge of Cond.
Proposal	Details to be agreed in association with Conditions 28 (Traffic Calming Scheme) and 36 (Integrated Drainage Scheme) of Planning Permission P2012/370 granted on 23/01/13.	
Location	48 Crymlyn Parc And Land To Rear, Skewen, Neath, SA10 6DG	
Decision	Approval with Conditions	
Ward	Coedffranc West	



26	App No. P/2013/416	Type Full Plans
Proposal	Detached dwelling (Amendments to P2012/0773)	
Location	Plot 31, Nant Celyn, Crynant, Neath	
Decision	Approval with Conditions	
Ward	Crynant	

27	App No. P/2013/417	Type Householder
Proposal	First floor side extension and single storey rear extension.	
Location	44 Afandale, Sandfields, Port Talbot, SA12 7BQ	
Decision	Approval with Conditions	
Ward	Sandfields West	

28	App No. P/2013/432	Type Householder
Proposal	Detached outbuilding and rear boundary wall and gate	
Location	18 Afan Road, Duffryn Rhondda, Port Talbot, SA13 3ES	
Decision	Approval with Conditions	
Ward	Cymmer	

29	App No. P/2013/433	Type Householder
Proposal	Construction of a 4m high replacement retaining wall and detached garage.	
Location	27 Swan Road, Baglan, Port Talbot, SA12 8BN	
Decision	Approval with Conditions	
Ward	Baglan	

30	App No. P/2013/435	Type Householder
Proposal	Demolition of outbuilding and construction of a single storey side and rear extension	
Location	19 Pen Y Graig Road, Alltwn Pontardawe, Swansea, SA8 3BS	
Decision	Approval with Conditions	
Ward	Alltwn	

31	App No. P/2013/437	Type Householder
Proposal	Two storey side and single storey rear extension	
Location	31 Pen Y Banc, Seven Sisters, Neath, SA10 9AD	
Decision	Approval with Conditions	
Ward	Seven Sisters	



32	App No. P/2013/439	Type	Householder
Proposal	Single storey rear extension		
Location	26 St Josephs Park, Aberavon, Port Talbot, SA12 6UX		
Decision	Approval with Conditions		
Ward	Aberavon		

33	App No. P/2013/444	Type	Vary Condition
Proposal	Variation of conditions 3 and 4 of P2010/0121 granted on 23/07/2010 to extend the period for submission of reserved matters and commencement of reserved matters.		
Location	Land Adjacent Ty Maes Y Gwair, Heol Nedd, Cwmgwrach, Neath, SA11 5PL		
Decision	Approval with Conditions		
Ward	Blaengwrach		

34	App No. P/2013/449	Type	Vary Condition
Proposal	Variation of condition 3 of planning permission P2010/0235 (granted on 3rd June 2010) to allow for an extension of time for the submission of reserved matters		
Location	Land at Llandarcy Park, Opposite Glamorgan Health and Raquets Club, Llandarcy, Neath		
Decision	Approval with Conditions		
Ward	Coedffranc West		

35	App No. P/2013/471	Type	LawfulDev.Cert-Exist
Proposal	Certificate of Lawful Development (Existing) for a semi detached bungalow associated curtilage and parking		
Location	10 Church Place, Seven Sisters, Neath, SA10 9DB		
Decision	Issue Lawful Dev.Cert.		
Ward	Seven Sisters		

36	App No. P/2013/472	Type	LawfulDev.Cert-Exist
Proposal	Certificate of Lawful Development (Existing) for a semi detached bungalow associated curtilage and parking		
Location	11 Church Place, Seven Sisters, Neath, SA10 9DB		
Decision	Issue Lawful Dev.Cert.		
Ward	Seven Sisters		



37	App No. P/2013/473	Type LawfulDev.Cert-Exist
Proposal	Certificate of Lawful Development (Existing) for a semi detached bungalow associated curtilage and parking	
Location	12 Church Place, Seven Sisters, Neath, SA10 9DB	
Decision	Issue Lawful Dev.Cert.	
Ward	Seven Sisters	

38	App No. P/2013/474	Type LawfulDev.Cert-Exist
Proposal	Certificate of Lawful Development (Existing) for a semi detached bungalow associated curtilage and parking	
Location	13 Church Place, Seven Sisters, Neath, SA10 9DB	
Decision	Issue Lawful Dev.Cert.	
Ward	Seven Sisters	

39	App No. P/2013/476	Type Householder
Proposal	First floor rear extension	
Location	93 Margam Street, Cymmer, Port Talbot, SA13 3EE	
Decision	Approval with Conditions	
Ward	Cymmer	

40	App No. P/2013/486	Type Householder
Proposal	Detached garage and 1.8m wall to rear boundary	
Location	6 Wembley Avenue, Onllwyn, Neath, SA10 9HL	
Decision	Approval with Conditions	
Ward	Onllwyn	

41	App No. P/2013/489	Type Householder
Proposal	Installation of two air source heat pumps adjoining western elevation of existing dwelling.	
Location	Ty Llwyd Farm, Tyllwyd Road, Bryncoch, Neath, SA10 7DX	
Decision	Approval with Conditions	
Ward	Bryncoch North	

42	App No. P/2013/490	Type Advertisement
Proposal	Two internal freestanding illuminated signs	
Location	66 Herbert Street, Pontardawe, Swansea, SA8 4ED	
Decision	Approval with Conditions	
Ward	Pontardawe	



43	App No. P/2013/493	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 4 (external materials) of planning permission ref: P2011/0654 granted on 07/08/12	
Location	Cilfrew Hotel, Main Road, Cilfrew, Neath, SA10 8LP	
Decision	Approval with no Conditions	
Ward	Aberdulais	

44	App No. P/2013/498	Type Householder
Proposal	Single storey rear extension	
Location	16 Southdown Road, Sandfields, Port Talbot, SA12 7HL	
Decision	Approval with Conditions	
Ward	Sandfields West	

45	App No. P/2013/507	Type Householder
Proposal	Replacement of garage door with window to facilitate garage conversion to living accomodation.	
Location	73 Mill Race, Neath Abbey, Neath, SA10 7FL	
Decision	Approval with Conditions	
Ward	Bryncoch South	

46	App No. P/2013/508	Type Householder
Proposal	Single storey rear extension	
Location	13 Fernfield, Baglan, Port Talbot, SA12 8AL	
Decision	Approval with Conditions	
Ward	Baglan	

47	App No. P/2013/521	Type App under TPO
Proposal	Removal of two branches off a beech tree (Tree Preservation Order No.T44/A1)	
Location	2 Blaenwern, Bryncoch, Neath, SA10 7AA	
Decision	Approval with Conditions	
Ward	Bryncoch South	

48	App No. P/2013/527	Type Householder
Proposal	Single storey rear extension	
Location	26 Church Road, Seven Sisters, Neath, SA10 9DU	
Decision	Approval with Conditions	
Ward	Seven Sisters	



49	App No. P/2013/528	Type Vary Condition
Proposal	Variation of condition 3 of P2009/0516 granted on 9/6/10 to extend the period of time for the submission of reserved matters	
Location	Glynneath Primary Healthcare, Resource Centre, Glynneath, Neath	
Decision	Approval with Conditions	
Ward	Glynneath	

50	App No. P/2013/531	Type Householder
Proposal	Retention and completion of two storey side and rear extension. (Amendment to P2012/594)	
Location	55 Bwlch Crescent, Cimla, Neath, SA11 3RY	
Decision	Approval with Conditions	
Ward	Neath South	

51	App No. P/2013/533	Type Householder
Proposal	Retention of boundary wall and fence.	
Location	32 Ocean View, Jersey Marine, Neath, SA10 6HR	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

52	App No. P/2013/534	Type Householder
Proposal	Removal of garage door and replacement with window to facilitate garage conversion to living accommodation.	
Location	20 Cloda Avenue, Bryncoch, Neath, SA10 7FH	
Decision	Approval with Conditions	
Ward	Bryncoch South	

53	App No. P/2013/539	Type Change of Use
Proposal	Use of ground floor unit for retail (Use Class A1) and its temporary use as an ancillary residential sales office and retention of temporary sales car park (3 years)	
Location	Ground Floor Unit, Apartment Block, Phase 1A, Coed Darcy, Llandarcy	
Decision	Approval with Conditions	
Ward	Coedffranc West	



54	App No. P/2013/541	Type Householder
Proposal	Single storey rear extension	
Location	32 Rhiwlas, Waunceirch, Neath, SA10 7RB	
Decision	Approval with Conditions	
Ward	Bryncoch South	

55	App No. P/2013/543	Type Screening Opinion
Proposal	Screening Request under the EIA regulations for creation of a 2 MW Solar Park	
Location	Cefn Uchaf Farm, Lane From Intervalley Road To Cefn Uchaf Farm, Glynneath, Neath	
Decision	EIA Not Required	
Ward	Glynneath	

56	App No. P/2013/545	Type Householder
Proposal	Demolition of existing conservatory and construction of a single storey rear extension and outbuilding (amendment to planning permission ref. P2013/0325).	
Location	11 Cae Copor, Cwmavon, Port Talbot, SA12 9BX	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

57	App No. P/2013/549	Type Householder
Proposal	Extension to existing garage.	
Location	138 Ridgewood Gardens, Cimla, Neath, SA11 3QG	
Decision	Approval with Conditions	
Ward	Cimla	

58	App No. P/2013/556	Type LawfulDev.Cert-Exist
Proposal	Certificate of Lawful Development (Existing) for a semi detached bungalow associated curtilage and parking	
Location	18 Church Place, Seven Sisters, Neath, SA10 9DB	
Decision	Issue Lawful Dev.Cert.	
Ward	Seven Sisters	



59	App No. P/2013/557	Type LawfulDev.Cert-Exist
Proposal	Certificate of Lawful Development (Existing) for a semi detached bungalow associated curtilage and parking	
Location	19 Church Place, Seven Sisters, Neath, Sa10 9db	
Decision	Issue Lawful Dev.Cert.	
Ward	Seven Sisters	

60	App No. P/2013/558	Type Full Plans
Proposal	Retention of temporary (Dec 2014) satellite dish aerial to existitng CCTV Column.	
Location	Land south of Northern Access Road, Coed Darcy, Neath	
Decision	Approval with Conditions	
Ward	Coedffranc West	

61	App No. P/2013/562	Type Householder
Proposal	Single storey rear extension, together with alteration and raising of roof to provide first floor accommodation.	
Location	5 Springfield Road, Skewen, Neath, SA10 6UR	
Decision	Approval with Conditions	
Ward	Coedffranc Cent	

62	App No. P/2013/568	Type Householder
Proposal	Single-Storey Rear Extension Plus New Roof And Rear Extension To Detached Garage.	
Location	40 Burrows Road, Skewen, Neath, SA10 6AB	
Decision	Approval with Conditions	
Ward	Coedffranc Cent	

63	App No. P/2013/572	Type Householder
Proposal	Retention and completion of replacement single-storey rear extension.	
Location	19 Fernlea Park, Bryncoch, Neath, SA10 7SU	
Decision	Approval with Conditions	
Ward	Bryncoch South	



64	App No. P/2013/578	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 25 (Plots 12-17 Capping Layer Verification) of Planning Permission P2009/760 granted on 28-Oct-2010.	
Location	Land Rear Of, Crymlyn Parc, Off Serecold Avenue, Skewen, Neath, SA10 6DG	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

65	App No. P/2013/584	Type Householder
Proposal	Single-storey front extension.	
Location	8 Heol Glynderwen, Waunceirch, Neath, SA10 7RS	
Decision	Approval with Conditions	
Ward	Bryncoch South	

66	App No. P/2013/604	Type LawfulDev.Cert-Prop.
Proposal	Single storey side extension (application for a certificate of proposed lawful development)	
Location	21 Trefelin Crescent, Velindre, Port Talbot, SA13 1DZ	
Decision	Issue Lawful Dev.Cert.	
Ward	Port Talbot	

67	App No. P/2013/606	Type Discharge of Cond.
Proposal	Details pursuant to Conditions 8 & 9 of Planning Permission P2013/104 (Approved on the 20/6/13) in respect of Surface water run-off during construction and construction method statement.	
Location	Land at, 58 Cardonnel Road, Skewen, Neath, SA10 6BS	
Decision	Approval with no Conditions	
Ward	Coedffranc Cent	

68	App No. P/2013/607	Type Discharge of Cond.
Proposal	Details pursuant to Condition 31 of Planning Permission P2013/104 (Approved on the 20/6/13) in respect of outbuilding design	
Location	Land at, 58 Cardonnel Road, Skewen, Neath, SA10 6BS	
Decision	Approval with no Conditions	
Ward	Coedffranc Cent	



69	App No. P/2013/619	Type PriorNotif.Agric.Bld
Proposal	Prior Notification for the erection of a detached agricultural building for livestock.	
Location	Leytlin View Panthowel Ddu Farm, Pant Howell Ddu Road, Briton Ferry, Neath, SA11 2TY	
Decision	Prior Approval Not Required	
Ward	Briton Ferry Ea	