PLANNING AND DEVELOPMENT CONTROL COMMITTEE
12th NOVEMBER 2013

ENVIRONMENT SERVICES

REPORT OF THE HEAD OF PLANNING – N.PEARCE

INDEX OF REPORT ITEMS

PART 1 – Doc.Code: PLANDEV-121113-REP-EN-NP

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PROPOSAL:	Full Planning Application for the demolition of the Magistrates Court and adjacent demountable buildings, and the development of a 4 deck, 604 space multi-storey car park, 1 No. Retail unit (Class A1), and Shopmobility unit; together with associated permanent and temporary public realm improvements. Outline Planning Application for the demolition of existing multi-storey car park (incorporating Wilkinson and Tesco) and the Greyhound PH, and the development of 9 No. Retail units (Class A1); 7 No. Retail/Food and Drink units (Classes A1/A3); 2 No. Retail/office units (Classes A1/A2); 1 No. Office/Community facility unit (Class B1/A2/D1), and up to 31 No. Residential Units, together with associated public realm improvements, reconfigured service yard and car parking.			
LOCATION:	Land at Neath Town Centre, (Including Tesco, Magistrates Court and Former Civic Centre), Neath, SA11 3EP			

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PROPOSAL:	Two storey leisure facility incorporating swimming pool, sports halls, changing rooms, café, ancillary club facilities, plant rooms, car parking, access road, landscaping including raising the roof of the existing bowling alley shell			
LOCATION:	Land adjacent to Reel Cinema (including Bowling Alley Shell), The Princess Margaret Way, Aberafan Seafront, Port Talbot, SA12 6QP			

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LOCATION:	Farmland Adjoining Forestry, East Of Crynant And South Of Seven Sisters, Neath			

2.2	APP NO: P/2013/932	TYPE: Outline	Page Nos: 172-179	Wards Affected: Gwaun-Cae-Gurwe
PROPOSAL:	Detached dwelling (Outline)			
LOCATION:	Land Part Of, 1 Quarry Place, Gwaun Cae Gurwen, Ammanford, SA18 1EY			

SECTION B – MATTERS FOR INFORMATION

3. DELEGATED APPLICATIONS DETERMINED BETWEEN 15TH OCTOBER AND 4TH NOVEMBER 2013	**Page Nos:** 180-191	**Wards Affected:** All

Human Rights Act

The Human Rights Act 1998 came into force on 2nd 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

ITEM 1. 1	
APPLICATION NO: P/2013/863	**DATE: 24/09/2013**
PROPOSAL: Full Planning Application for the demolition of the Magistrates Court and adjacent demountable buildings, and the development of a 4 deck, 604 space multi-storey car park, 1 No. Retail unit (Class A1), and Shopmobility unit; together with associated permanent and temporary public realm improvements. Outline Planning Application for the demolition of existing multi-storey car park (incorporating Wilkinson and Tesco) and the Greyhound PH, and the development of 9 No. Retail units (Class A1); 7 No. Retail/Food and Drink units (Classes A1/A3); 2 No. Retail/office units (Classes A1/A2); 1 No. Office/Community facility unit (Class B1/A2/D1), and up to 31 No. Residential Units, together with associated public realm improvements, reconfigured service yard and car parking.	
LOCATION: Land at Neath Town Centre, (Including Tesco, Magistrates Court and Former Civic Centre), Neath, SA11 3EP	
APPLICANT:	**Gareth Nutt**
TYPE:	**Full Plans**
WARD:	**Neath North**

BACKGROUND INFORMATION

Planning History:

None applicable to the development proposals.

Publicity and Responses if applicable:

The application was advertised on site and in the press as a major application, partially located within a Conservation Area, affecting the setting of Listed Buildings, and as a departure to the Development Plan.

43 individual properties were also consulted by letter. Of these 1 general

letter of support for the development was submitted. 12 objections and comments on the development proposals were provided, and can be summarised as follows;

1. The need for this type and scale of development, and the potential occupation of the retail units, when there are existing vacant units within the Town Centre.
2. Questioning the location of the uses including the relocation of the car park.
3. Potential for covered areas to be used by vagrants, and issues of security and crime.
4. The wish to ensure that the design of the buildings adjacent to the Conservation Area, and Listed Buildings are sympathetically designed.
5. The need to retain privacy to the adjoining garden of remembrance and issues with the trees adjoining this area.
6. Concerns that the press have stated work will commence in January 2014, when an application has yet to be determined.
7. There is no provision for a library, museum or heritage centre.
8. Concerns over the design of the new buildings.
9. Potential detrimental impacts on the retail function of Queen Street and Windsor Road.
10. The development would lead to the demolition of the Greyhound Public House.
11. The wish to see a covered walkway along Wind Street to the covered market.
12. Potential to increase traffic congestion.
13. The existing surface water drainage issues could be exacerbated.
14. There is a need for improvements to the façade of Boots.
15. The development would result in the demolition and loss of Wilkinson to the detriment of the Town Centre.

In addition 7 objections have been received objecting to the loss of the Magistrates court in Neath and that the proposals may affect its provision elsewhere within Neath Port Talbot Borough. Where these objections relate to the operation and provision of a Magistrates Court within Neath Town Centre, the following clarification has been provided to those objectors.

"*The consultation you have responded to is in relation to a regeneration development in Neath Town Centre, and the proposed closure of the court is not a matter we can control under the planning legislation. I therefore refer you to the following website where your observations can be taken*

into account.

I understand that this consultation closes on the 7th November.

https://consult.justice.gov.uk/digital-communications/future-of-neath-magistrates-court

This is a consultation proposal to close Neath Magistrates' Court and transfer the work to Swansea Magistrates' Court and merge the Neath and Port Talbot Bench and Swansea Bench.

Whilst any material planning considerations will be taken into account in the determination of the proposed planning application, P2013/0863, if you are specifically concerned over this issue, I would recommend that you address your concerns and comments to;

Mark Elias
HM Courts and Tribunals Service Wales
Wales Support Unit
2nd Floor, Cardiff and Vale Magistrates' Court
Fitzalan Place
Cardiff CF24 0RZ
Tel: 029 2046 7761

Email: mark.elias@hmcts.gsi.gov.uk"

The following consultee responses have also been provided;

Air Pollution- No Objection.

Crime Prevention Design Advisor- Raises matters of security and general crime awareness and prevention measures that should be considered in the detailed design of the development.

Biodiversity Unit- No Objection, subject to suitable conditions.

Glamorgan Gwent Archaeological Trust- No Objection, subject to the imposition of suitable conditions.

Neath Antiquarian Society- Concerns over the lack of provision for a museum/heritage centre within the development proposals.

Head of Engineering and Transport Highway Section- No Objection, subject to conditions.

Head of Engineering and Transport, Drainage Section- No Objection, subject to conditions.

Dwr Cymru Welsh Water- No Objection, subject to conditions.

Neath Town Council- No Objection.

Contaminated Land- No Objection, subject to conditions.

Pollution Control (Noise)- No Reply, therefore no observations to make.

Neath Port Talbot Disability Network Action Group- Comments provided on the accessibility of the scheme for persons of all abilities.

Description of Site and its Surroundings:

The application site measures approx 3 Ha and lies at the heart of Neath Town Centre. It presently encompasses a variety of existing retail and ancillary town centre uses, a multi-storey car park and temporary surface car park. Wind Street lies to the North, Water street to the West, Gnoll Park Road to the south, and Prince of Wales Drive to the East. Part of the site is occupied by the public highway, some of which are pedestrianised, with limited vehicular access.

To the northeast the site bounds Prince of Wales Drive, beyond which residential properties lie, backing onto the adjacent car park, and fronting Rosser Street. To the east of Gnoll Park Road a mix of commercial, residential development together with the existing Police Station look onto the site.

The existing Civic Centre lies adjacent to the south eastern corner of the site and bounds Water Street to the west and beyond this Alderman Davies Church in Wales School. The site bounds existing residential properties, which are located along Water Street, and these are to be retained, and integrated within the development proposals.

The existing pedestrian access between Water Street and Orchard Street is included within the application site, as is the service yard currently serving Boots and Argos, the boundary wall of which provides the northern enclosure of this pedestrian access. To the western end of this access lies the Designated Conservation area, and the Existing Listed Buildings; St David's Church and the Constitutional Club.

To the north the site includes Wind Street, and bounds the Workingman's Club and adjacent commercial development. The north western corner of

the site includes the existing boots store, and adjacent Listed Building of 8 Wind Street, and again addresses the Conservation area at this point.

Brief description of proposal:

The proposed development has been submitted as a hybrid outline, and full planning application. The following section clarifies the extent of the Phase 1 works that encompass the full planning application, together with Phase 2 which has been submitted in outline, with all matters reserved. In addition to the development works, the applicant has also included the proposed demolition of existing buildings within the application site. Again these are located within the defined phases of development, and would also be phased within the redevelopment proposals.

Phase 1: Full Planning Application

The demolition of the Magistrates Court and adjacent demountable buildings, and the development of a 4 deck, 604 space multi-storey car park, 1 No. Retail Unit (Class A1), and Shopmobility Unit; together with associated permanent and temporary public realm improvements.

Phase 1 is bounded to the east by Prince of Wales Drive, and to the north by Fairfield Way. It includes the site of the former Civic Centre, now a surface car park and the site of the Magistrates Court, which is to be demolished, along with the demountable buildings that previously served as temporary offices for the Local Authority. The proposals include the construction of a new multi-storey car park which includes a Shopmobility unit and a retail unit (Class A1) providing 2120 square metres of floorspace. This is located to the east and north of the existing Civic Centre providing an "L" shaped building, with vehicular access for the car park located off Prince of Wales Drive.

The building has a frontage onto Prince of Wales Drive of approximately 91m, and curves around the junction with Gnoll Park Road where it projects 53m in depth. Along the Fairfield Way frontage it projects 86.5m in length. The retail unit (Class A1) is located at this corner, fronting, but set back off Water street. The shop frontage measures approximately 34m wide, beyond which the building steps back providing the car park pedestrian access and Shopmobility Unit.

The retail unit rises through the building up to 1st floor level. The car park has four levels, including the roof, two levels of which extend over the retail unit providing a total of 604 spaces.

The whole building typically rises to a height of approximately 11.4m, with small elements such as the lobbies and stairwells rising up to a maximum height of 14m.

The building is set between 38m and 45m off the existing residential properties on Water Street, and between 28m and 45m off the rear boundary of the properties located in Rosser Street. The existing Civic Centre is located between 9.5m and 10m off the side elevation of the car park, creating new public realm and pedestrian route through to the junction of Water Street and Fairfield Way.

Externally the car park is finished in a mix of brushed steel cladding, composite cladding, dark brickwork, and coloured metalwork. The curved corner of the building fronting the roundabout at the junction of Prince of Wales Drive and Gnoll Park Road, will be finished in triangular cladding, to form a design feature at this prominent location.

The retail unit, whilst part of this single building, offers a similar but alternate palette of materials. The shop front is framed with buff brickwork, that wraps around the side elevation adjacent to the car park pedestrian access, with glazing at ground floor, set into dark stonework.

Phase 1 includes both temporary and permanent public realm works. The permanent works include the improvements along the frontage of the site with Prince of Wales Drive and Gnoll Park Road, continuing through the newly created pedestrian route to the junction of Water Street and Fairfield Way. These works include formal circular lawn and meadow/wild flower planting, resin bonded gravel, and natural stone paving. Provision of seating, bins, lighting and cycle parking are also integrated into the scheme.

The temporary works are located to the area between the proposed retail unit and Fairfield Way, and running parallel to Water Street where Block D will be constructed as part of a future phase of development (proposed within the outline part of this proposal). These works include the provision of temporary surfacing, and temporary service yard for the retail unit.

Phase 2: Outline Planning Application.
The demolition of the existing multi-storey car park (incorporating Wilkinson and Tesco) and the Greyhound Public House, and the development of 9 No. Retail Units (Class A1); 7 No. Retail and/or Food and Drink Units (Classes A1/A3); 2 No. Retail and/or Office Units

(Classes A1/A2); 1 No. Office/Community facility unit (Class B1/A2/D1), and up to 31 No. Residential Units, together with associated public realm improvements, reconfigured service yard and car parking.

Phase 2 can be split into sub-phases 2A, 2B, 2C and 2D. The applicant as required on outline planning applications, has also submitted parameters of development for each building block, which include maximum and minimum length, width and heights, together with the uses and amount of development within each of the proposed blocks. As such the following section will set out each development block in turn, together with its parameters of development, and proposed uses. As an outline application, there are no details of external finishes or appearance, and the sections provided only give an indication of the larger parameters, in order for the Planning Authority to consider the potential acceptability of the proposals and the potential impacts of the scale of development having regard to the potential worst case scenarios.

Phase 2A.

Phase 2A would require the prior demolition of the existing multi-storey car park, including the Wilkinson and Tesco stores, together with the stopping up of Fairfield Way as a public highway. The development extends from the front and side elevations of the retail unit and car park constructed as part of Phase 1, and runs along the Water street frontage to Wind Street. It proposes 6 No. Retail units (Class A1), varying in size from 2,324 square metres, down to 1,058 square metres ground floor space. A total maximum floor space including 1st floor/mezzanine floor space of 8,662 square metres.

Parameters of development.

Max/Min Height	Max/Min Width	Max/Min Length
13.5m/11m	113m/83m	81m/32m

The development block is set approximately 37m off the existing residential properties on Water Street, approximately 25m off the front elevation of Careers Wales, and approximately 12m off the corner of the existing unit at the junction of Water Street and Wind Street. The side elevation of the new development would be set approximately 10.5m off the front elevation of properties along Wind Street, a similar distance as the existing Wilkinson/car park.

A service yard is proposed to the rear, off an access created onto Prince of Wales Drive, which would be screened and landscaped. The removal of Fairfield Way would also require alterations to the existing service

yard operation at the rear of Boots and Argos, and therefore potential permanent and/or temporary highway works to facilitate this, including alterations to parking along Water Street.

Phase 2B

Phase 2B would require demolition of the Greyhound Public House, and the continued reconfiguration of the existing service yard serving Boots and Argos. The development proposes a new block consisting of 1 No. Retail and/or Food and Drink Unit (Class A1/A3: 278 sqm) and 3 No. Retail Units (Class A1: 159 sqm) to the ground floor, together with access core for residential above, consisting of between 12 and 16 residential units, over an additional 3 floors.

Parameters of development.

Max/Min Height	Max/Min Width	Max/Min Length
17.8m/14.8m (14.8m being max eaves level, 17.8m includes roof zone)	35m/33m	27m/13m

This development block is "L" shaped, located to the south of the Careers Wales Unit, and Boots. It projects forward of the front elevation of these units by approximately 16m, enclosing the space formed by Block 2A, and creating an informal public realm square, that also fronts Units A1 to A3. This extends approximately 35m where it returns along the line of the existing pedestrian link to Orchard Street. To the rear of this block lies the existing and proposed service yard, and access to it will be via an entrance that will be gated.

Phase 2C

This development block will require the continued reconfiguration of the existing service yard which would be servicing the units to the ground floor of Phase 2B, and the units to the ground floor of this phase. It is located to the north of the existing pedestrian access between Water Street and Orchard Street, where at present the existing service yard is screened by a wall. It will accommodate 5 No. Retail and/or Hot food Units (Use Class A1/A3: 441 sqm) to the ground floor, with two additional floors of residential development providing between 12-15 residential units.

Parameters of development.

Max/Min Height	Max/Min Width	Max/Min Length
13m/10m		

(10m being max height of eaves with 13m including a roof zone)	57m/42m	11m/8m

The development block is set approximately 9m off the side elevation of the existing residential property at the end of Water Street, and extends to the rear of the Constitutional Club located at the junction with Orchard Street, and opposite the church hall and memorial garden to the rear of St David's Church.

The existing pedestrian link would be improved, with public realm works, similar to that proposed under Phase 1 including landscaping and street furniture.

Phase 2D

This phase of development is located on the temporary public realm implemented as part of the phase 1 proposals, opposite the existing residential terrace on Water Street, and on the site of the existing temporary car park and existing Magistrates Court Car Park on Water Street. It will accommodate 2 No. retail and/or office units (Class A1/A3: 443 sqm) together with a 1 No. retail or food and drink unit (Class A1/A3: 319 sqm) at ground floor, together with an office and/or community facility (Class B1/A2/D1: 2,104 sqm) which would accommodate part of the ground floor together with the 1st and 2nd floors.

Parameters of development.

Max/Min Height	Max/Min Width	Max/Min Length
13m/11m	57m/53m	26/m/8m

The proposed development block is set approximately 14.5m off the front elevation of the existing terraced residential properties on Water Street, approximately 8m off Block 2B, and a similar distance off Block 2A creating an improved public realm and pedestrian linkages between these blocks. A service yard is proposed off Water street, which would require screening and to the west of the block, parallel to Water Street, off street car parking is proposed for existing residents.

In support of the application, the applicant has submitted the following documents, and reports;

- Design and Access Statement.
- Planning Statement.

- Retail Impact Statement.
- Ecological Assessment.
- Tree Survey.
- Transport Assessment.
- Travel Plan.
- Proposed Drainage Strategy.
- Noise Impact Assessment.
- Air Quality Assessment.

These documents together with the submitted plans and the parameters of development have been taken into considered in the determination of this application.

Environmental Impact Assessment

Members should be aware that a formal request for a screening opinion under the EIA Regulations has been previously submitted (P2013/0393) It was considered, that whilst the development impacted upon a number of issues, these matters can be fully assessed and considered as part of the usual application process, with the relevant supporting documentation and therefore the development was not considered to be EIA development.

Material Considerations:

The material considerations relate to land use and development plan policy; retail impacts; highway and pedestrian safety, including traffic generation and movement and management; drainage/sewerage; amenity of adjoining properties; visual amenity, including design, the character of the existing area, impacts upon the setting of Listed Buildings and the impacts upon the Conservation Area; and ecology.

Policy Context

Planning Policy Wales (Edition 5 Nov. 2012)

TAN 4: Retailing and Town Centres – 1996
TAN 5: Nature Conservation and Planning.
TAN 11: Noise- 1997
TAN12: Design- 2009
TAN18-Transport- 2007

TAN22- Sustainable Buildings- 2010.

Neath Port Talbot Unitary Development Plan.

Policy GC1 New Buildings/ Structures and Changes of Use.
Policy ENV15- Air Quality.
Policy ENV16- Contaminated Land.
Policy ENV17 Design.
Policy ENV19- Proposals within Conservation Areas or which affect the setting of a Listed Building.
Policy ENV22- Archaeological Remains.
Policy H3- Infill and windfall development within settlements.
Policy H4- Affordable Housing.
Policy T1 Location, Layout and Accessibility of New Proposals
Policy T10- Parking in Town, District, Local and Village centres
Policy TRL1- Proposals in Town Centres.
Policy TRL2- Proposals within main shopping streets.
Policy TRL3- Non-retail Uses within shopping centres.

National Policy, Land Use and Development Plan Policy.

Planning Policy Wales States that;

"The Welsh Government's objectives for retailing and town centres are to:

- *secure accessible, efficient, competitive and innovative retail provision for all the communities of Wales, in both urban and rural areas;*
- *promote established town, district, local and village centres as the most appropriate locations for retailing, leisure and other complementary functions;*
- *enhance the vitality, attractiveness and viability of town, district, local and village centres; and to*
- *promote access to these centres by public transport, walking and cycling.*

10.1.2 Wherever possible this provision should be located in proximity to other commercial businesses, facilities for leisure, community facilities and employment. Town, district, local and village centres are the best locations for such provision at an appropriate scale. Such co-location of retail and other services in existing centres, with enhancement of access by walking, cycling and public transport, to provide the opportunity to

use means of transport other than the car, will provide the greatest benefit to communities. This complementary mix of uses should also sustain and enhance the vitality, attractiveness and viability of those centres as well as contributing to a reduction of travel demand.

10.1.3 Vitality is reflected in how busy a centre is at different times and in different parts, and attractiveness in the facilities and character which draw in trade. Viability, on the other hand, refers to the ability of the centre to attract investment, not only to maintain the fabric but also to allow for improvement and adaptation to changing needs."

It goes on further to add that;

"10.2.4 Although retailing should continue to underpin town, district, local and village centres it is only one of the factors which contribute towards their well-being. Policies should encourage a ***diversity of uses in centres****. Mixed use developments, for example combining retailing with entertainment, restaurants and housing, should be encouraged so as to promote lively centres as well as to reduce the need to travel to visit a range of facilities. Leisure uses can benefit town and district centres and with adequate attention to safeguarding amenities can contribute to a successful evening economy.*

10.2.6 Good access to, and convenient movement within, town centres are essential. Development plans should ***encourage the provision of good access to town and other centres for walkers and cyclists and for public transport****, allowing for bus priority measures and public transport facilities. They should also encourage easy access to and within centres, and appropriate facilities, for people with limited mobility. Access for delivery vehicles should be provided for so as to assist the efficient functioning of centres. Access by car and short-term parking can also help centres to compete with existing out of centre locations, but they should be managed to minimise congestion, pollution and parking problems which would otherwise reduce the convenience, attractiveness or competitiveness of these centres.*

10.3.5 To maximise the opportunities for new development in centres, developers and retailers will need to be more flexible and innovative about the format, design and scale of proposed development and the amount of car parking, tailoring these to fit the local circumstances. Rather than propose developments with a mixture of large scale retail and/or leisure uses and a large amount of car parking which can only be accommodated at single site out-of-centre or even out-of-town locations,

developers are expected to demonstrate why they could not develop elements of the larger scheme on a site, or a number of sites, in more central locations with less car parking.

Although retailing should continue to underpin town, district, local and village centres it is only one of the factors which contribute towards their well-being. Policies should encourage a ***diversity of uses in centres****. Mixed use developments, for example combining retailing with entertainment, restaurants and housing, should be encouraged so as to promote lively centres as well as to reduce the need to travel to visit a range of facilities. Leisure uses can benefit town and district centres and with adequate attention to safeguarding amenities can contribute to a successful evening economy."*

Technical Advice Note 4: Retailing and Town Centres again supports and strengths the role of the Town Centre as the location for retail development.

In relation to National Planning Policy, it is considered that the proposals would accord with these overarching principles. The provision of a mix of uses, supporting the core retail function of the centre, together with appropriate car parking provision would appear to comply with the aspirations of National Policy which aim to create and safeguard strong and sustainable town centres which are accessible to all.

The development site lies within Neath Town Centre, parts of which are specifically allocated under Policies set out within the Neath Port Talbot Unitary Development Plan.

The south eastern half of the application site is allocated under Policy EC4 for Financial and Professional Services.

This Policy states that; "*Financial and professional uses are important sources of employment and contribute to the vitality, attractiveness and viability of town centres. Often they do not require a retail location or frontage but need to be well located to meet the needs of clients and reduce the need to travel. Similarly there may be scope within such areas for uses outside the finance and professional services Use Class, such as dentists, chiropodists, chiropractors etc., which have a relatively low turnover of clientele and require limited floorspace"*

As stated within Planning Policy Wales, and reiterated in the above UDP Policy, the addition of supporting uses, and employment within close

proximity to town centres can add to the vitality and viability of that centre.

The allocation under EC4 took account of the existing uses on the site at that time, and included the site of the former civic centre, now demolished, and currently a surface car park, and the site of the existing Magistrates Court, proposed for demolition, as part of Phase 1 of this development.

The proposed scheme seeks to develop both Phase 1 and Block D within the area of the site allocated under Policy EC4 Policy area. This element of the scheme will accommodate a new multi-storey car park, and retail unit, together with the opportunity for 443 square metres of office space (Class A2), and the potential for Office space (Class B1/A2) incorporating an area of 2,104 square metres within Block D. It is considered important that these associated supporting professional and financial services, and community uses are retained within the town centre, and the provision of replacement and additional office uses is encouraging. These employment uses support the viability of the retail centre, and the relocation of the car park allow for the retail uses to flow and interact with the existing retail centre.

The north western half of the site is generally located within an area allocated under Policy TRL1 for "Proposals within Town Centres" but also partially within TRL2 Proposals within main shopping streets, and ENV19 "Proposals within Conservation Areas or which affect the setting of a Listed Building"

Policy TRL1 states that; "*Proposals for retail and other town centre uses within the "Main Shopping Streets" and "other Shopping Streets" in Neath, Port Talbot and Pontardawe, as identified on the Proposals Map, will be favourably considered. Proposals for edge-of-centre retail development may be favourably considered, provided that no suitable site is available within the town centre. All proposals should meet the following criteria.*

a) they would integrate with and strengthen the layout, retail character and pedestrian flows to and/or within the centre;

b) no unacceptable impacts (including those on amenity, traffic congestion, parking and servicing, environment, crime and disorder and townscape) are created;

c) wherever appropriate an attractive retail type ground floor frontage and display is provided unless the proposal would affect the upper floors only; and

d) within the "Shopping Streets" they would not create any unacceptable adverse impacts on the amenity, security or safety of nearby residential areas outside the shopping streets."

It is considered that the principle of development proposed would strengthen the layout, retail character and pedestrian flows around the existing centre, and would comply with these overarching requirements. The detailed design of the scheme and the impacts upon highway and pedestrian safety will be considered in more detail later in this report, however, the proposed location, amount and type of uses proposed would not conflict with Policy TRL1.

The edges of the development area blend into the edges of TRL2, which relates to the main shopping streets. It states that;

"*The retail vitality, attractiveness and viability of the "Main Shopping Streets" in Neath and Port Talbot will be protected. Key town centre uses (other than retail) which enhance the vitality, attractiveness and viability of the "Main Shopping Streets" will be allowed provided that the ground floor frontage would not create or magnify a significant gap in the retail frontage. A strong retail core is essential to the vitality, attractiveness and viability of town centres in terms of providing a range of shopping facilities in an easily accessible and convenient location. It is important that new developments contribute to the continuing improvement of that strong retail core by locating within the town centres, integrating with the existing shopping patterns and generally sustaining and enhancing the vitality, attractiveness and viability of the main shopping streets".*

The proposals would clearly provide an extension to the 'main shopping streets' within the town centre, providing a large key anchor unit at the junction of Wind Street and Water Street, where a new main shopping frontage would be created along Water street extending up to the proposed multi-storey car park entrance.

The linkages with the existing centre are clear, and through detailed design, and improved public realm would potentially integrate with the existing centre, in accord with these policies.

In addition, the edges of the site extend into the designated conservation

area, and adjoin existing listed buildings. Policy ENV19 refers, and states that; "*Our Listed Buildings and Conservation Areas represent much of the best of the townscape and cultural heritage of our communities. They are an irreplaceable asset which we hold in store for future generations. There is a strong presumption against proposals which would conflict with preserving or enhancing the character or appearance of a Conservation Area or the setting of a listed building unless they are outweighed by the public interest. Proposals will be expected to promote or reinforce traditional and local distinctiveness and pay particular attention to the features, interests and architectural styles that make them special*".

The majority of the site will not extend into the Conservation Area nor towards the Listed Buildings (The Constitutional Club on Orchard Street and No. 8 Wind Street, both Grade ii listed buildings). It is only the edges of the development which will touch these designations. Moreover this part of the development is restricted to improvements in the public realm which will in turn enhance the setting of these important designations in addition to improving linkages between the old and the new parts of the town centre in terms of visual and active pedestrian links.

Retail Need/Impact.

As set out in previous sections of this report, there is an overarching commitment set out within Planning Policy Wales, and TAN 4 to direct retail development to existing protected and defined centres. This offers protection to existing centres whereby any out of centre, or edge of centre proposal for retail development must undergo a sequential approach to site selection. As such the proposals for retail development should firstly look for sites within existing town centres.

In this case there is clearly no requirement to justify the location of the development or go through a sequential approach, as the site is located within an existing town centre. However, the impact and need for the development is still required to be assessed, and the applicant is still required to submit a Retail Impact Assessment to support the application.

The applicant's consultant has undertaken such an assessment, and has taken into account the findings of the GVA Neath Port Talbot Retail Study Report (2013) which was recently undertaken to support the emerging Local Development Plan (LDP), in addition to the requirement of National and Local Policies. The RIA covers three broad areas:

a) The capacity and need for the development.
b) The impacts of the development upon the function of the existing town centre.
c) The impacts of the development upon other protected centres in the Borough.

a)The capacity and need for the development.

The submitted report, in respect of Neath Town Centre states that; "*Neath Town Centre is in relatively good shape; vacancies are low and declining; the retail offer is distributed across the town centre with attractive elements and anchors in a variety of locations. There is consensus that Neath needs a bigger offer with bigger stores and more anchor attractions. A stronger branded food and beverage offer would complement the mainly independent offer and would extend the viability with a stronger night/evening economy. The town benefits from a strong local, loyal and nearby customer base who visit regularly. An improved retail offer will help secure more of their spend more often, recapturing lost expenditure and market share*."

In respect of capacity, the report concludes that;

The new town centre floor space is fully sustainable from within the catchment's comparison goods expenditure. The estimated £34m turnover of the new floorspace and the £76m of existing floorspace turnover totals £110 and this is less than the forecast available turnover of circa £111.7 million, resulting in a £1.7m 'headroom' figure. It is not proposed that this is utilised to support further floorspace, however it does provide a sensitivity buffer for the many variables used in the impact assessment."

b)The impacts of the proposals upon the function of the existing town centre.

The potential impact has been assessed in both a quantitative and qualitative manner; looking first at the qualitative information provided by the retail assessment, operator survey, target operators and the household survey information.

The report states that;

"*Phase 1 of the development is planned for completion in 2014 and an interim assessment of sustainability has not been provided at this point due to Phase 1 resulting in a slight decrease in trading space. The*

current Wilkinson store is estimated to be circa 2,500 sq.m of trading. The new Wilkinson store will be circa 2,300 sq.m. hence a 200 sq.m. drop. Given the short period the old Wilkinson's store will be available it is assumed it will be uneconomic for a new operator to refit the unit, even as a temporary one for such a limited time. Therefore Phase 1 will not have any negative impact on the town centre performance.

It is understood that Wilkinson will benefit from continuous trading during the redevelopment and that the new bespoke store will offer improved efficiencies in sales density. However Phase 1 will benefit the town centre due to the improved and much needed / requested car park facilities. The household survey identified that the provision of improved parking would encourage more visits to Neath from both existing users and current non-users. Phase 2 of the development will deliver the bulk of the additional comparison goods offer and the A3 catering units. Most of these are anticipated to be delivered by 2015, in line with the first future sustainability forecast date line.

On a qualitative basis the likely impact on the existing facilities and other parts of Neath Town Centre has also been examined. This has been based on an assumed target mix for the anchor stores and unit shops for the new town centre development. The assumed mix of target retailers is based on the findings and conclusions of the detailed Neath Consumer Demand Analysis completed by The Retail Group in the summer of 2012. This report identified over 60 potential target retailers for Neath based on the profile of the catchment and a comparison to six benchmark locations. The comparison locations shared a similar catchment size and customer profile. The majority of the target retailers would be new traders for Neath Town Centre, there are also a few existing retailers that may wish to upsize.

The additional retailers will include an anchor operator and approximately 7-8 multiple brand names and a further group of smaller kiosk and unit shops (the number of units and sizes are stated earlier in the report). The size and the scale of the new trading space will complement the existing offers along Wind and Green Streets, as well as those along Queen Street and Angel / New Streets. Existing anchor stores and attractions will remain in their current locations, i.e. Market Hall, M&S, Gwyn Hall, Morrisons and the transport hubs. Given this, it is not anticipated that the new retail floor space will adversely impact the existing retail offer in the town centre. Indeed it is expected that it will add further anchors and further reasons for shoppers to use the full offer of the town centre"

c)The impacts of the development upon other protected centres in the Borough.

"On a quantitative basis the results of the household survey and the expenditure flows have been reviewed to examine which locations are likely to be impacted on as a result of the new Neath Town Centre development. As previously stated it is unlikely that either Pontardawe or Port Talbot will suffer any long term impact as a result of the new Neath Town Centre development. Pontardawe clearly operates on a much more district centre basis; its offer is focused on service and basic comparison goods and convenience provision. Its day to day visit pattern and usage will continue.

The locations where trade is likely to be reclaimed from include; Swansea City Centre and the surrounding out of town retail parks. That said, the circa £34m comparison goods expenditure that the new Neath Town Centre floor space will generate will represent a very small percentage of the available expenditure Swansea draws upon. The £34m represents 5% of the total available Neath comparison goods expenditure in 2015 of £611.4m. Whilst the Swansea total comparison goods figure has not been estimated, it is realistic to say that it is probably close to £2 billion and therefore the £34 million new Neath Town Centre turnover is circa 1.6% of this"

As such it is considered that the proposed retail provision within the town centre would provide for the existing shortfall in the size of units and increased offer that has been identified as a shortfall within Neath. This would complement the existing provision within the centre, and would not result in any significant impact upon the existing centre, nor upon the vitality, viability or attractiveness of any other centre within the Borough. This would therefore accord with the overarching retail policies set out within Planning Policy Wales, together with TAN 4: Retailing and Town Centres, in addition to Policies TRL1, AND TRL2 of the Neath Port Talbot Unitary Development Plan.

Visual amenity and design.

As with other sections of this report, the following assesses the impacts of the full planning application for Phase 1 separately to the Phase 2 works that are submitted in outline only.

Phase 1.
Phase 1 includes the full planning application for the proposed multi-storey car park, Shopmobility, and a retail unit (Class A1) which will accommodate a replacement Wilkinson store.

The car park has been designed to provide for 604 spaces, over 4 decks, and oversails the proposed new retail unit, which is located to the north western corner of this phase, adjoining Fairfield Way.

The car park has a functional and practical requirement, that needs to ensure legibility to the wider area, and also provides for a high quality experience for visitors, and improved parking facilities that will complement the new retail led proposals, including public realm improvements. The internal arrangements have therefore been designed to provide wide parking bays, and high quality finishes and lighting. Externally the design focuses on providing a feature cladding element to the prominent corner of the building, where it adjoins Prince of Wales Drive, and Gnoll Park Road. This triangular aluminium cladding provides texture, offsetting the brushed steel cladding and colour coded steelwork that encloses the main car park decks. To the ground floor, meshwork screens protect the parking area whilst retaining natural cross ventilation.

The pedestrian access towers, are to be finished in a mix of dark brickwork, and dark framed glazing, mirroring the dark brickwork framing the vehicular access off Prince of Wales Drive, where the inner face of the entrance is finished in red. The side elevation of the development will, after construction of Phase 2A, be screened, however, until that time a mix of coloured cladding panels will provide this elevation with an appropriate finish, continuing the overall colour palette with grey, and white. The retail unit will incorporate a buff brickwork frame, that projects around to the side elevation, and the proposed pedestrian access to the Car Park, which will also include a glazed canopy. Recessed within this frame dark stone random coursework provides the main shop front finish, with large glazing sections to the ground floor.

Signage is a key aspect to the scheme and these are shown to be integrated within the fabric of the building, or alternatively will comprise lettering applied to the building. Advertisements and signage are an important aspect of these types of development, and it is therefore recommended that all signage adheres to an agreed type and style, to ensure that the careful design of the buildings, is not affected detrimentally through unsympathetic signage or clutter.

The applicant has provided samples of the finishes to the Local Planning Authority, and a suitably worded condition would be imposed, to ensure that the development is constructed in these finishes, and also that the future phases of development reflect this palette.

It is considered that the design of the proposed development provides an appropriate and modern interpretation, providing key high quality finishes, at key prominent locations, but also providing a unified appearance, to a large and primarily functional building. The mix of materials breaks up what could be a bland and uniform frontage to Prince of Wales Drive, and provides focus to the access, and offers a range of textures to ensure the prominent corner of the building offers a distinct and interesting addition at this busy junction within the town centre.

Phase2

This phase is submitted in outline, however, it is clear that the development of any phase after Phase 1 should continue to reflect the design and appearance of the first phase to provide a cohesive and logical development, that is legible to visitors to the centre, but also reflects, and is sympathetic to the existing design and tradition of the area. It is therefore considered that through suitably worked conditions, that the development of any future phases of development, should set out how the external design and finishes reflect the Phase 1 development, through an updated addendum to the Design and Access Statement.

It is considered that the proposed development can be designed in a way to reflect and enhance the existing town centre, and whilst retaining a character through use of a common palette of materials across the future phases. This will ensure that the development will appear as a unified and integrated development, rather than separate buildings, without thought to the character and place they are sited within. Clearly the interaction with existing development, including the Conservation Area, and nearby Listed Buildings will need careful consideration, and should be sympathetically designed. However, these elements will be detailed within any future reserved matters applications as the phases come forward.

In terms of the wider visual impacts of the scheme as a whole, it is clear that the applicant has, through the location of the built form, created a series of new pedestrian routes through the development, in addition to enhancing others. Furthermore, the creation of a series of public spaces and squares reflects the existing pattern of development within Neath.

The development will be integrated into the existing backdrop of commercial development, and the adjacent Civic Centre. Whilst clearly the development will alter the physical appearance of the area, it is not considered that this would be significant in relation to the scale of existing buildings, and is comparable to the scale and massing of both the existing multi-storey and the Civic Centre. It is acknowledged that there are elements of the scheme that will rise higher, and will be afforded views to the wider area, it is considered that subject to detailed design these can be sensitively designed to ensure that they enhance the area, and do not result in any unacceptable visual impacts upon the character of the area as a whole.

It is therefore considered that the proposals address the overarching principles of good design as set out within TAN 12: Design, and comply with those design policy objectives set out within Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan.

Residential Amenity:

This section considers both the residential amenity of existing occupiers of residential properties adjoining the application site, but also the amenity of potential occupiers of the proposed residential properties located on the upper floors of Blocks C and D of the development.

Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development plan affords protection to the amenity of occupiers of residential properties from unacceptable impacts from development proposals.

There are existing residential properties located to the east of Prince of Wales Drive, at Rosser Street. These properties back onto the existing public car park, and are located between 28m and 45m off the front elevation of the proposed multi-storey car park. Whilst the development would have some impact upon outlook and result in transient construction phase impacts, it is not considered that the amenity of these residents would be affected significantly from the development proposals.

It should be noted that this part of the development is located in a similar position as the former Civic Centre. That building was a large flat roof three storey building that provided a significant visual impact not only on the immediate locality but also the wider area in terms of views, and prominence within the built landscape.

The impact of the demolition upon existing properties and the functioning of the town centre would need to be adequately considered, and this is likely to require a management plan, and method statement to be provided to the Authority prior to any works taking place.

The nearest residential properties to the development are the small terrace of two storey properties along Water Street. Block D is located opposite these properties, at a distance of approximately 14.5m, and to a height of between 11m and 13m. In comparison the residential properties are approximately 7.5m in height, and the existing Magistrates Court, approximately 12m in height.

Blocks B and C also lie in close proximity to these residential properties. The southern end of Block B set approximately 10m off the front elevation of the nearest residential dwelling, to the north east, and Block C is set approximately 9m off the side elevation and rear garden area of the end of terrace. The side elevation of the property has no windows, and the existing garden area is screened by an existing boundary wall, in excess of 2m in height.

The impacts during construction on these properties would require management, and the development of a construction management plan to address deliveries, and manage noise and disturbance to these properties would be necessary due to the site constraints, and potential conflict in relation to amenity and disturbance. Whilst all efforts can be made to reduce these issues, they are transient in nature, and there will be some disturbance that is unavoidable in any construction project.

In respect of post-construction impacts, these relate to overlooking, overbearance, and loss of privacy. These matters must be considered for the detailed full planning application submitted for Phase 1, and also the principles and parameters of development provided for Phase 2.

In relation to Phase 1, the development is set between 37m to 44m off the front elevation of these residential properties. The existing temporary car park accessed off Water Street is to be retained, and the remaining areas, undeveloped along Water Street and Fairfield Way, will be finished as temporary public realm.

It is not considered that these works would impact upon the amenity of these properties in respect of overlooking, nor would they be overbearing, considering the distances involved. In addition the works would not

impact detrimentally upon the privacy of the occupiers of these properties.

The Phase 2 development at this time is in outline, and therefore the principle of development, land uses proposed, and the parameters of development submitted are the only details provided. These give an indication of the scale of development proposed, but do not include the detailed design or finish of these development blocks.

Block B rises to a height of between 14.8m and 17.8m (where 14.8m indicates a maximum eaves level and the remainder available as a roof zone only, to allow for detailed design). This compares with a height of approx 12m for the existing multi-storey car park and Boots.

This block is set to the northeast of the existing residential properties along Water Street, with a separation distance of approximately 10m. The ground floor nearest to these properties will accommodate a retail Unit (Class A1), and the proposed residential access core to the upper floors. At the upper three floors, between 12-15 residential units are proposed.

It is considered that subject to detailed design that the block can be developed without resulting in any loss of privacy or overlooking, especially given the fact that they will face a proposed retail block and a service yard primarily, rather that residential development. Furthermore, the development can be sympathetically designed to minimise the massing of the building and thereby lessen any potential impact of overbearance, or overshadowing. The outlook to the properties to the northern end of the terrace is retained, overlooking the new public realm areas between Blocks B and D.

Block C is located along the northern side of the pedestrian access running between Orchard Street and Water Street. The development would screen the existing and reconfigured service yard presently serving Boots and Argos, and the proposed units to the ground floors of Blocks B and C.

The development would be set 10m off the boundary with the rear garden of the nearest residential property, and is proposed to be between 10m and 13m in height (where the maximum eaves level is 10m, and an allowance for a roof zone of 3m allows for detailed design). As previously this compares with the ridge height of approximately 7.5m for the residential terrace along Water Street.

The uses proposed along the ground floor of this Block are Retail/Food and Drink (Classes A1/A3). Whilst the provision of food and drink uses are appropriate to serve and complement the main retail function of the centre, care needs to be taken to safeguard an over proliferation of these uses, if concentrated in short frontages. It is considered therefore that a suitably worded condition, restricting the total number of A3 uses to a maximum of 2 of the 5 units, and ensuring that these should not be located adjacent to each other would prevent this occurring in this instance, and ensure that the amenity of adjoining properties are maintained and protected.

Above this floor are a further two floors of residential use, where between 10 and 15 units are proposed to be provided.

This block again is in outline, and it is considered that subject to detailed design, the development of the block can come forward in a way that considers the retention of privacy to the rear gardens of the existing properties, and does not overlook or overshadow to the detriment of the amenity of the occupiers. The use of articulation of the frontage, set back of upper floors, oriel style or angled fenestration, together with the internal arrangements of the units, can ensure the impacts are minimised, and integrated successfully into the scheme, without appearing contrived. Clearly this block would require careful and sensitive treatment to ensure that the design respects the amenity of adjoining properties, whilst providing an acceptable external appearance, in keeping with the overarching design of the new development proposals. Nevertheless this detailed design would be considered as part of the future reserved matters rather than at the outline stage.

In relation to the amenity of occupiers of the proposed residential units, care will need to be taken on the internal arrangements of the building to ensure that the proximity of the service yard does not impact heavily upon the amenity of occupiers of these dwellings.

Block D is located along the existing line of Water Street, in a similar location as the existing Magistrates court and temporary car park to the rear. It is set between 14m and 17m off the front elevation of the residential terrace on Water Street, and would form the north western side of the civic square fronting the Civic Centre. It rises to a proposed three stories, a height of between 11m and 13m (comparing to approximately 7.5m for the adjacent residential properties, and 12m for the existing magistrates court)

At ground floor commercial units are proposed, a mix of retail, office and hot food uses, with a proposed office/community use facility on 1st and 2nd floors. Servicing to these units is proposed off Water street, together with the provision of off street car parking for the residents of Water Street.

The development block is visible from the public realm on all four sides, and as such all elevations would require careful treatment to ensure active frontages are maintained, and that the views to and from the routes around the building are adequately addressed.

The impacts of this upon the amenity of the adjoining residential properties would also need to be addressed at the detailed design stage. The potential for overlooking and loss of privacy should be considered.

In relation to potential overbearing and outlook to these properties, the proposed development block is set between 14m and 17m off the front elevation of the terrace, and rises to a height of between 11m and 13m. As such it is comparable to the Magistrates Court in height, whilst extending along Water Street for a further distance, and of an alternate massing. As such, clearly there will be a clear change in the outlook for these existing residential properties. However, through detailed design of this block and the careful use of materials and fenestration, these issues can be adequately addressed.

The impacts upon amenity from the proposed traffic generation for the development should also be significantly different for those properties on Water Street. Water Street is presently a through route, and provides the only access route into the existing multi-storey car park, and surface car park, the amount of passing traffic is therefore significant. The proposed development removes this through route, and access to the proposed car park will be off Prince of Wales Drive. Water Street will therefore become "access only" for existing residents, and access for servicing only. This will significantly reduce the volume of traffic passing the properties, and therefore reduce the impacts of this upon their amenity.

It is considered that the detailed proposals set out within Phase 1 do not result in any unacceptable impacts upon residential amenity. The outline proposals set out within Phase 2 and beyond will require further detailed design and consideration at reserved matters stage. Nevertheless, it is considered that the parameters of development proposed allow for the Authority to consider the potential impacts of the overall massing and

location of the development blocks, and as such, it is considered that through the use of sensitive design, the development would not have a significant impact upon residential amenity of adjoining properties, and would therefore comply with Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan.

Transport and Accessibility.

The applicant has submitted a Transport Assessment, and Travel Plan in support of the application and this has been considered along with the submitted application drawings and supporting documentation.

The assessment sets out the potential traffic impacts of the proposals as a whole, including all phases of development if the works were all provided. Clearly, the development would be phased, and the phased approach to traffic management would need to be assessed upon submission of detailed proposals at reserved matters stage.

The submitted assessment considers the existing traffic generation and movements around key junctions within the area of the development, and uses this baseline data to assess the potential changes to these flows, to consider the impacts upon the capacity and free flow of traffic.

The assessment concludes that whilst there will be a need to consider the appropriate traffic management of the phasing of development and the servicing of the proposed units, there are no significant off site highway improvements required to facilitate the development.

The full planning application includes the proposed vehicular access arrangements off Prince of Wales Drive to the proposed multi-storey car park, and temporary service yard for the proposed retail unit.

For the outline phase 2 proposals, the applicant has provided an indicative scheme for potential improvements/alterations to Water Street and the junction of St. David's Street and Gnoll Park Road, including the potential for additional traffic light controls. These matters would need to be fully designed and assessed as part of a future reserved matters submission for each phase. However, these works are likely to require Water Street becoming for access, and service vehicles only, minor alignment alterations, residents only car parking and traffic regulation orders will be required to allow service vehicles the ability to pass and access the reconfigured service yard to the rear of the existing Boots and

Argos stores. There would thereby be a distinct reduction in traffic along Water Street through the re-siting of the car park, and the removal of the route for through traffic.

The Head of Engineering and Transport, (Highways Section), has considered the submitted details, including the Transport Assessment and Travel Plan. No objection is raised to the proposals, subject to appropriate conditions.

These include the requirement to suitably manage and design the service yards, to ensure that the new development proposals can be accommodated, without impacting upon existing users and in order to ensure that congestion does not occur.

As such it is considered that the proposals would accord with Policy T1 of the Neath Port Talbot Unitary Development Plan.

Ecology (including trees & protected species):

As part of this application the applicant has submitted an Ecological Assessment and Tree Survey, this information, together with the proposed plan and other documentation has been assessed by the Biodiversity Unit, having regard to the requirements of TAN 5, and they offer no objection to the proposals subject to conditions.

Whilst the surveys undertaken do not identify any protected species at this time, due to the phasing of the development, it is recommended that prior to any development requiring the demolition of the Greyhound Public House, that the building be given a further pre-demolition check for the potential for bats to be present, and this information be submitted to the Local Planning Authority, with any potential mitigation measures if necessary, and approved, prior to any works taking place.

In addition it is recommended that a scheme for the provision of artificial bird boxes, and bat boxes/bricks be provided, and including within the development proposals. The landscaping scheme should include native and wildlife friendly species, and that an appropriate wildflower mix is used. Subject to the control of these issues via the imposition of suitable conditions the proposal will not have an unacceptable impact upon ecology and therefore complies with the objectives of TAN 5 and Policy GC1 of the Neath Port Talbot Unitary Development Plan.

Drainage/Sewerage.

The applicant has submitted an indicative drainage/sewerage strategy that proposes to connect sewerage to the main sewerage system, and to remove the existing surface water going into this combined system.

The removal of the surface water from this combined system will reduce pressure on the capacity and surcharging of this system to the wider benefit of the area as a whole. It is proposed to attenuate surface water within the site, and discharges into the existing culvert at an agreed rate of flow.

Dwr Cymru Welsh Water offer no objection to the development proposals, subject to conditions. These conditions include the need to ensure that all foul and surface water be drained separately from the development site, and that no surface water discharge directly or indirectly into the public sewerage system.

Natural Resources Wales offer no objection to the development, and clarify that the overarching drainage proposals for the surface water disposal via the existing culvert at an agreed discharge rate requiring attenuation would be appropriate. Suitable conditions would be imposed requiring a detailed drainage scheme in accordance with this overarching strategy.

Affordable Housing.

Policy H4 of the Neath Port Talbot Unitary Development Plan refers to the requirement, where there is a proven need, to provide an element of affordable housing on sites. The Supplementary Planning Guidance entitled "Affordable Housing" requires the provision of affordable housing where residential development is proposed on sites of 3 or more.

In this case the outline Phase 2C and 2D include up to 31 residential properties. As required by the above planning policy and supplementary planning guidance a minimum of 20%, approx 6 units of the 31, would be required to be provided as affordable, as defined within the aforementioned policy documents. As this part of the development has been submitted in outline, at this time we are unable to determine the provision of affordable housing or the viability of any proposed development on these blocks. As such a standard condition would be imposed upon any permission issued, outlining the need to provide affordable housing on any phase of development including more that 3 or

more residential units. If the applicant at the time considers that the site is not viable to provide affordable housing, in line with the Authority's adopted procedures, the application would have to undergo an open book viability assessment to ascertain the appropriateness of any potential reduction in this provision.

Archaeology.

Glamorgan Gwent Archaeological Trust have clarified that there are no archaeological issues with the Phase 1 development proposals.

They do however require the imposition of a condition relating to the Greyhound Public House. This requires the historic recording of the building prior to its demolition, together with the submission and approval of an archaeological programme of investigation prior to any works being undertaken on any phase outside of Phase 1.

Air Pollution.

The applicant has provided an Air Quality Assessment on the potential impacts of the development upon existing air quality in the surrounding area.

The Authority's Air Quality Section confirm that;

"*Demolition is considered to be high risk so I would recommend daily visual assessments be carried out by a person designated with that responsibility. A log should be kept of these assessments and any action taken to mitigate problems. This will be helpful for Environmental Health should they become engaged by people affected by the work. All staff should receive appropriate training on dust minimisation in keeping with their roles. Ideally, such matters as described above should be covered by a suitable Environmental Management System agreed with the Council*"

These matters would be controlled through the submission of a Construction management plan, to be provided prior to any demolition or construction works taking place.

On Air Quality post construction;

"*The model indicates that PM10 is not likely to pose a problem. This*

is also largely true of nitrogen dioxide in the operational phase. However, there is a slight adverse impact at the junction of Victoria Gardens."

To mitigate this, the applicant proposes to ensure that all delivery vehicles will be routed into and out of the area by a different route, and that advance warning variable signs would be erected on main routes into the centre, to ensure that congestion in the centre is minimised, by directing traffic to car parks with availability prior to entering the town centre.

As such it is considered that the proposals, subject to these mitigating measures would not result in any significant impact on Air Quality, and would comply with Policy ENV15 of the Neath Port Talbot Unitary Development Plan.

Others (including objections):

As clarified earlier within this report, the matters raised on the potential restructuring of the Magistrates Court provision within the region are matters outside of planning control. It is clear that this development proposal does not preclude the relocation of the facility within any other site within the Borough, or within Neath itself, and that this is clearly a matter that has received consultation via the HM Courts and Tribunals Service Wales. This matter is therefore not considered to be a material planning consideration in the determination of this planning application.

The following section provides responses to those comments received via the consultation process.

The need for this type and scale of development, and the potential occupation of the retail units, when there are existing vacant units within the Town Centre.

The applicant has demonstrated the need for the development within their retail impact assessment, submitted in support of this application. These matters have been set out in detail previously within this report. The potential occupation, and "take up" of these units by retailers is clearly a matter for the market, however, the impact assessment clearly identifies that there is an existing shortfall of units of the scale proposed within the Neath Town Centre, and that this development would go some way in addressing the existing leakage of expenditure out of the Borough. The number of existing vacant units would hopefully decrease, if as predicted,

the development increased visitors to the centre.

The location of the uses including the relocation of the car park.
The proposed development as a whole will alter the existing highway pattern and pedestrian routes within this area, creating a new "street" and pedestrianised route from the multi-storey car park down towards Wind Street. This new route will be lined on both sides by new retail and other ancillary uses, and create an improved link between Water Street and Orchard Street. As such whilst the car park is to be relocated from its current location to the junction of Prince of Wales Drive and Gnoll Park Road, it is logical in the wider development scheme, and is located with access for vehicles off the main circulatory route around the centre itself. As such it is considered easily accessible to visitors from all surrounding areas, and relates well to the other uses proposed in the development. The improved public realm around these buildings will guide visitors to the area and ensure that the development links to the existing wider area via Orchard Street and Wind Street.

Potential for covered areas to be used by vagrants, and issues of security and crime.
The Authority has consulted the Architectural Liaison Officer as part of the consultation process, and has received observations, that are summarised previously within this report. As the scheme evolves through the detailed design of the phases, it is understood further consultation and advice will be provided. The provision of CCTV within the development, lighting, and the control on A3 uses and opening hours, together with natural surveillance and improvements to the public realm will all work together to reduce the potential for crime, or the fear of crime. The provision of covered walkways or areas where there may be potential for persons gathering out of hours have been minimised. Where there are entrance features, these are either at high level or not fully covered.

The wish to ensure that the design of the buildings adjacent to the Conservation Area, and Listed Buildings to be sympathetically designed.
The areas outside of Phase 1, that are located near to the Conservation area, and adjoining Listed Buildings. These phases are in outline only, and the detailed design is yet to be considered. However, it is clear that any development should be considered in design terms, notwithstanding its location. The proposed design of the Phase 1 elements, that are to be considered under this application are considered to be acceptable, and that the proposed palette of materials proposed to be used across the entire scheme are considered to be a suitable mix of modern and

traditional, to reflect both the modern design influences proposed, and to ensure full integration into the historic market town of Neath.

The need to retain privacy to the adjoining garden of remembrance and issues with the trees adjoining this area.
This is clearly a sensitive area, that again is proposed in outline only. The existing boundary to the Garden is in a poor state of repair, provided with a railing and evergreen tree landscaping. It is evident that the development of Block C will increase the activity along this route, and the potential disturbance to those visitors to the garden may be affected detrimentally. As such, a suitably worded condition would need to be imposed requiring a suitable screen wall separating the public realm from the Garden of Rememberance. This together with the sensitive design of Block C, including the fenestration, would hopefully adequately address these concerns.

Concerns that the press have stated work will commence in January 2014, when an application has yet to be determined.
If planning permission is granted, subject to the discharge of any pre-commencement conditions, the Phase 1 of the development could commence. Phase 1 as a full planning application would be granted subject to a condition limiting commencement of development to a period of 5 years from the date of permission, and the remainder of the development, as an outline planning application, would have a three year period imposed for the submission of the reserved matters. Whilst there may be an intention to commence development on Phase 1 in the new year, this would be subject to gaining all the necessary permissions, including planning permission.

There is no provision for a library, museum or heritage centre.
Block D has the provision at ground and first floor for a D1 use. This Use Class includes such things as museums, public halls, libraries, art galleries and exhibition halls. As such the development does offer the opportunity for such a use, nevertheless all the uses proposed within the scheme are considered to be uses which are suitable within a town centre.

Concerns over the design of the new buildings.
The applicant has provided a design and access statement in support of the application. The design process that has gone into the layout and design of the scheme is set out within that document. Only Phase 1 of the development proposals is made in full, with the detailed design proposals provided. This includes only the multi-storey car park, and one retail Unit (Unit A7). The multi-storey car park is a functional building, that needs to

provide a good quality parking provision for the town centre, to replace the outdated existing provision. Improved floor to ceiling height, wider spaces, good ventilation and lighting and access facilities dictate the overall scale and massing of the structure.

The external appearance and finishes proposed reflect the use of both modern and traditional materials, which work in harmony, having regard to the immediate context. To provide cladding and screening to the car park but allow for light and ventilation. It is therefore considered that the quality of external materials is appropriate, and that these will be reflected in future phases, to ensure that the proposals tie into the wider development area.

Potential detrimental impacts on the retail function of Queen Street and Windsor Road.
The proposed development boundary is defined, however, the function of the wider town centre has been considered in the Retail Impact Assessment. There are defined Policy areas within the Neath Port Talbot Unitary Development Plan, and these identify main and other shopping streets. Windsor Road is located within Policy TRL1 defining Neath's other shopping streets, and allows for ancillary uses. There has been a continual reduction in the number of purely retail uses along this road, and an increase in ancillary uses such as offices, hairdressers, and beauty treatment businesses. In addition Queen Street lies within the TRL1 policy area, and within the designated Conservation Area. There is little opportunity to create larger units within these already developed areas, without impacting significantly on the existing pattern of development and Conservation Area designation.

The proposed development provides improved linkages to the Bus Station via Water Street and Orchard Street, and provides the opportunity via the existing anchor destinations of Marks and Spencer and the Market to create a looped route through the town incorporating Queen Street. As such it is considered that the new development would potentially enhance the provision of retail in the centre to the overall improvement of the town centre as a whole.

The development would lead to the demolition of the Greyhound Public House.
The development of Phase 2B and 2C will require the demolition of the Greyhound Public House. Glamorgan Gwent Archaeological Trust require the historic recording of the building prior to its demolition.

The wish to see a covered walkway along Wind Street to the covered market.
This development does not provide for a covered walkway. Furthermore, this area lies outside of the application site.

Potential to increase traffic congestion.
The application has been submitted together with a traffic impact assessment, that has surveyed the existing situation around the development site, and predicted the proposed impacts of the development. The Head of Engineering and Transport (Highways Section), offers no objection, subject to conditions. The provision of advance signage that will give live data to visitors in relation to the availability of car parking within Neath. This will prevent traffic congestion by directing visitors to Milland Road, prior to entering into the town centre, if the proposed multi-storey car park is full. In addition the car park access and exit points can alter to deal with peak flows into and out of the car park. This would ensure that there would be two lanes available to access the car park in the morning, and two lanes to exit in the evening, dependant upon demand.

Existing surface water drainage issues.
The overarching strategy for drainage has been provided, and detailed previously within this report. Future phases of development will need to adhere to this strategy. As the strategy is to reduce the level of water entering the sewerage system, and attenuating the water to suitable rates of flow into the culvert adjoining the site, it is expected there would be an overall betterment from the existing situation.

Need for improvements to the façade of Boots.
There are no proposals to undertake these improvements at this time, however, It is understood that this may be undertaken in the future if all parties agree to these works, and that suitable funding was available.

The development would result in the demolition and loss of Wilkinson to the detriment of the Town Centre.
The Retail Impact Assessment submitted in support of the planning application clearly identifies the relocation of Wilkinson into Phase 1 (Unit A7). Phase 1 is the only part of the development that is proposed in full, with the remainder being outline only. As such the only buildings that can be demolished as part of the full application are the Magistrates Court, and adjacent demountable buildings. All other buildings, such as the existing multi-storey car park, together with the existing retail units to the ground floor, currently occupied by Tesco and Wilkinson; and the

Greyhound public house; are located within future phases that are submitted in outline only.

Clearly the new site for Wilkinson has to be constructed at the same time as the new multi-storey car park, as the car park over-sails this unit. In addition the new multi-storey car park would need to be fully operational prior to the demolition of the existing one, within which Wilkinson is sited. Phasing conditions will be imposed upon any permission issued, ensuring that this is the case, as without this logical phasing, the development of the site could lead to a significant detrimental effect on the town centre as a whole.

As such it is not considered that the proposed development, nor its phasing, would detrimentally effect the continued operation of Wilkinson.

Comments provided on accessibility
The comments provided in relation to accessibility for persons of all abilities are noted, and these comments have been provided to the applicant. It is considered that many of these matters can be addressed in the detailed design of the scheme, or as part of the detailed Building Regulations approvals for the site, which are outside of planning control.

Conclusion:

The proposed development sets out to address an identified need for a range of retail unit sizes within the Neath Town Centre, which through the existing retail studies undertaken has identified a shortfall within this location. The introduction of a larger department store size unit, opens the potential for a key anchor tenant to be secured, that would increase the potential spend that is currently leaking out of from the County Borough. The supporting units range in size and increase the potential for a range of retailers, attracting more national retailers, but will also allow for smaller local retailers, and supporting hot food and office uses to complement the main retail uses. This range of uses and unit sizes will accommodate a wide range of town centre uses and activities which will provide ancillary supporting and complementary uses that provide employment and activity into evening hours, and would make Neath more attractive to visitors, by complementing and enhancing the existing town centre, without impacting detrimentally upon the other centres in the borough.

In national and local planning policy terms, the provision of this type of retail led development, within an existing centre is encouraged, and the

provision of supporting office, hot food and residential accommodation would add to the vitality, viability and attractiveness of the centre.

In relation to the impact of the development on the existing surrounding area, including residential properties, it is considered that through detailed design, the proposal can be developed without impacting significantly upon the amenity of these properties through loss of privacy, overlooking, overshadowing or overbearance. The Phase 1 proposals, which are submitted here as a full planning application, have been designed to provide a high quality development and environment for existing and proposed residents, visitors and workers within the town centre. Those key elements will be carried through to future phases, including the improvements to the public realm, and landscaping, to ensure high quality finishes are provided in all future phases, via the imposition of suitable conditions.

The traffic generation, has been assessed, and through suitable management would not create unacceptable impacts upon the existing highway network, and the need for construction management plans for each phase will ensure that the impacts upon adjoining development and the construction phase of the development would not detrimentally affect the existing town centre.

As such it is considered that subject to conditions, that the development is acceptable, and would comply with Policies GC1, ENV16, ENV17, ENV19, ENV22, H3, H4, T1, T10, TRL1, TRL2 and TRL3 of the Neath Port Talbot Unitary Development Plan, and in accordance with the overarching National Policy contained within Planning Policy Wales (Edition 5 Nov. 2012) TAN 4: Retailing and Town Centres – 1996, and TAN 5: Nature Conservation and Planning 2009.

Recommendation:

Approval, subject to conditions.

CONDITIONS;

Planning Conditions for Full Planning Application, Phase 1 only.

(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)No development shall take place on the superstructure of any building until samples of the materials to be used in the construction of the external surfaces of the buildings and public realm hereby permitted and set out on Drawing No. P-AL(00)200 Rev A and within the Design and Access Statement 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.

(3) Prior to the first use of the multi-storey car park hereby approved a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the type and position of advance warning variable signs of car parking availability at the multi-storey car park. The variable signs should be able to redirect vehicles to other available car parks in the event that the proposed multi-storey car park is ar or nearly at capacity. The variable signs as approved shall be installed and working prior to the first beneficial use of the multi-storey car park.

Reason

In the interests of Highway and Pedestrian safety, and the free flow of traffic.

(4) No development shall take place, including any works of demolition until a Construction Method Statement and all necessary pollution prevention measures for the demolition and construction phases of the development has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:

-The parking of vehicles of site operatives and visitors, construction compounds and offices

-Loading and unloading of plant and materials

-Routes to be taken by delivery and Heavy Goods Vehicles to and from the site

-Storage of plant and materials used in constructing the development

-The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

-Wheel washing facilities;

-Measures to control the emission of dust and dirt during demolition, construction and transportation;

-A scheme for recycling/disposing of waste resulting from demolition and construction works

-Traffic management that takes into consideration the timing of deliveries to the site and the adjacent school opening and closing times, and deliveries to existing commercial development;

-Demolition methodology for any buildings to be demolished as part of the phase of development;

-Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface waters;

-Details of measures to ensure no polluting discharge from disturbed areas;

-Storage for all fuels, oils and chemicals;

-Identification of buried services, such as foul sewers, in order to ensure their protection;

-Details of emergency contacts, for example NRW Pollution Hotline 0800807060

Reason

In the interests of amenity, health and safety; protection of the environment and highway and pedestrian safety.

(5) Prior to any development taking place, including any demolition works, a site waste management plan for the control, management, storage and disposal of demolition waste/excavated material for that phase shall be submitted to the Local Planning Authority. The SWMP shall be fully implemented in accordance with the approved details.

Reason

To ensure that sustainability principles are adopted during the devleopment.

(6) Notwithstanding the details submitted, prior to any development taking place on the multi-storey car park, a scheme shall be submitted to and approved in writing by the Local Planning Authority, realigning the exit lane to the multi-storey car park to the north west, and the ability to alter the direction of traffic lane flow into and out of the car park at peak times. This scheme as approved shall be fully implemented prior to the first beneficial use of the car park

Reason

In the interests of Highway and pedestrian safety.

(7) The parking spaces, as shown on Drawing No.'s P-AL(00)100 Rev A, P-AL(00)101 Rev A, P-AL(00)102 Rev A, P-AL(00)103 Rev A, shall be marked out in accordance with the approved plans prior to the first beneficial use of the car park and Retail unit A7, and shall be retained as such thereafter.

Reason

In the interests of Highway and Pedestrian safety.

(8)Prior to the first beneficial use of Unit A7 and the associated temporary service yard for Retail Unit A7 commencing, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the provision of a screen boundary treatment to its perimeter. The service yard shall be constructed in accordance with the approved plans prior to the first beneficial use of Retail unit A7commencing and shall be retained as such thereafter. Prior to the first use of the service yard it shall be designed to prevent any surface water from the service area discharging onto the public highway, and shall be kept clear of all clutter (i.e. bins, rubbish, trolleys, etc.) and maintained as such thereafter.

Reason

In the interests of visual amenity, and highway and pedestrian safety.

(9) All existing vehicle access points not being used for the future development, along Water Street and Fairfield Way shall be made up as footway prior to the first beneficial use of any development hereby approved.

Reason

In the interests of Highway and Pedestrian safety.

(10) Prior to the first use of any development hereby approved within Phase 1, a scheme shall be submitted to and approved in writing by the Local Planning Authority, at a scale of 1:500 detailing any alterations to the existing street lighting and proposed street lighting. The scheme as approved shall be fully implemented on site prior to the first beneficial use of any development within Phase 1.

Reason

In the interests of Highway and Pedestrian safety.

(11) Foul water and surface water discharges must be drained separately from the site.

Reason

To protect the integrity of the public sewerage system

(12)No surface water and land drainage run-off shall be allowed to connect/discharge (either directly or indirectly) to the public sewerage system.

Reason

To prevent hydraulic overload of the public sewerage system and pollution of the environment.

(13)Unless otherwise agreed in writing with the Local Planning Authority the development shall be connected to the main sewerage system prior to the first use of any development hereby approved.

Reason

In order to ensure the provision of adequate foul drainage.

(14) Prior to any development taking place, excluding demolition, a scheme shall be submitted to and approved in writing by the Local Planning Authority for a drainage strategy of the site detailing connections, flow rates and attenuation, including supporting calculations, in addition to all surface water from both the public realm areas and that from the proposed buildings to the Gnoll Interceptor. This should include capacity for a 1 in 100 year event. The drainage strategy

as approved shall be constructed as such prior to the first beneficial use of any development within Phase 1.

Reason

To ensure proper drainage of the site.

(15) Prior to any development of the superstructure of any building hereby approved within Phase 1, a scheme for landscaping, which shall include planting of local provenance and wildlife friendly species, shall be submitted to and approved in writing with the Local Planning Authority. The approved scheme shall be carried out in the first planting season after completion of the development or its occupation, whichever is the sooner. Any trees or plants which within a period of five years 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, biodversity, and to accord with Section 197 of the Town and Country Planning Act, 1990.

(16) The permanent and temporary public realm proposals, as set out on Drawing No. P-AL(90)101 Rev A for Phase 1 shall be fully implemented prior to the first use of any development within phase 1 hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of visual amenity.

(17) Prior to any development on the superstructure of any building within this phase of development hereby approved, a scheme for artificial bird nesting boxes and bat boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority. These agreed schemes shall be fully implemented prior to first benefical use of the building upon which they are proposed.

Reason

In the interests of biodiversity.

(18) Unit A7 shall be constructed to achieve a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' and unless supported with justified written evidence and otherwise agreed in writing by the Local Planning Authority achieve the mandatory credits for 'Excellent' under issue Ene1 Reduction of CO2 Emissions where BREEAM 2008 applies to the development on registration under BREEAM, or the equivalent credits for 'Excellent' from BREEAM 2008 where BREEAM 2011 applies to the development.

Reason

To ensure that the development is sustainably constructed in accordance with the requirements of TAN 22.

(19) No development shall begin on Unit A7, or at an alternate timeframe to be agreed in writing by the Local Planning Authority, until details of a 'Design Stage' assessment and related certification 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 the Local Planning Authority shall otherwise consent in writing.

Reason

To ensure that the development is sustainably constructed in accordance with the requirements of TAN 22.

(20) Following practical completion of Unit A7, or at an alternate timescale to be agreed in writing by the Local Planning Authority. The building unit shall not be occupied until a 'Post Construction Stage' assessment has been carried out in relation to it, a Final Certificate has been issued for it certifying that 'Very Good' and unless supported with justified written evidence and otherwise agreed in writing by the Local Planning Authority achieve the mandatory credits for 'Excellent' under issue Ene1 Reduction of CO2 Emissions where BREEAM 2008 applies to the development on registration under BREEAM, or the equivalent credits for 'Excellent' from BREEAM 2008 where BREEAM 2011 applies to the development.

Reason

To ensure that the development is sustainably constructed in accordance with the approved plans and in accordance with the design stage assessment required by TAN 22.

(21) 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.

(22) Unit A7 shall be used for Retail (Class A1) only and for no other purpose in any other class or Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

In order that other changes of use can be assessed in the interests of amenity, and the vitality, viability and attractiveness of the Town Centre.

(23) All advertisements shall accord with the advertisement signage strategy, as set out within the Design and Access Statement Rev B September 2013.

Reason

In the interests of clarity and design and visual amenity.

Outline Planning Conditions Phase 2.

(24)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 phase of development is commenced.

Reason

The application was made for outline planning permission.

(25)Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale and appearance of any buildings within any specified phase 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.

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

Reason

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

(27)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.

(28) Prior to the submission of any reserved matters applications for any phase of development, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall indicate the development areas within each proposed phase, and provide indicative timing for the delivery of these phases.

Reason

In the interests of amenity, and to ensure that the phasing of the devleopment is undertaken in a manner that does not detrimentally impact upon the operation of the exisitng town centre.

(29) Together with the first reserved matters for each phase of development an addendum to the Design and Access Statement shall be submitted to and approved by the Local Planning Authority, setting out how the overarching design principles, uses, and parameters of development have been considered in the detailed design of the proposed future phases.

Reason

In the interests of clarity, and to ensure that the design of the phased development is undertaken in a cohesive manner.

(30) As part of the first reserved matters for any phase of development, a scheme for all temporary works for that phase which shall include and address the need for;

-Traffic and pedestrian management. To ensure that service vehicles for existing uses, and pedestrian visitors to the town centre are adequately provided for;

-Temporary public realm works.

Shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be undertaken in accordance with these approved details.

Reason

In the interests of amenity, highway and pedestrian safety, and to ensure that any phase of development considers the existing operation of the town centre.

(31) As part of the first reserved matters relating to Phases 2B, 2C or 2D, a scheme at a scale of 1:500 shall be submitted detailing alterations to the junctions of St David's Street/Water Street/ Victoria Gardens/Gnoll Park Road to allow two way traffic flows (including HGV) and provision of residents only parking for residents of Water Street, shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be fully implemented and constructed on site prior to the

first beneficial use of any building within that phase, or in accordance with a phased programme of works approved as part of this submission.

Reason

In the interests of Highway and Pedestrian safety.

(32) Unless otherwise agreed in writing by the Local Planning Authority, as part of the first reserved matters for each phase of development, the service yard provision for that phase shall be submitted to and agreed in writing with the Local Planning Authority, which shall include full details of its scale, layout, screening and landscaping. The size of the service yards shall be determined by the following criteria for each individual unit:

i)Shops (< 200m2) one commercial vehicle space

ii)Shops and small supermarkets (201m2 to 1000m2) two commercial vehicle spaces.

iii)Shops and small supermarkets (1001m2 to 2000m2) three commercial vehicle spaces.

iv)Super stores and supermarkets (predominately food) (> 2000m2) three commercial vehicle spaces.

The service areas for each phase of development shall be fully implemented in accordance with these approved details and shall be designed to ensure no surface water shall flow from these areas onto the adopted public highway and shall be maintained as such thereafter.

Reason

In the interests of highway ansd pedestrian safety.

(33)Customers shall not be permitted entry to any hot food and drink (Class A3) premises between 23.00 hours and 07.00 hours and shall not be served or remain on the premises between 23.30 hours and 07.00 hours.

Reason

In the interest of the amenities of residents living in the vicinity of the application site.

(34)Notwithstanding the details submitted, no more than 2 No. hot food and drink (Class A3) uses shall be permitted within Block C (Units C1-C5), and these uses shall not be located adjacent to each other.

Reason

In the interests of the amenity of neighbouring and proposed residential development, and the vitality, viability and attractiveness of the town centre.

(35) As part of the first reserved matters for any phase of development a drainage strategy for the adopted public highway detailing the type of drainage systems to be used to attenuate flows before discharging into the culvert shall be submitted to and approved in writing by the local planning authority prior to any work commencing on site. This scheme shall include and take account cumulatively the impact of all previous phases of development, including Phase 1.The scheme as approved shall be implemented prior to the first beneficial use of any building in each phase.

Reason

In the interests of Highway and Pedestrian safety.

(36)Prior to the demolition of the Greyhound Public House a scheme shall be submitted to and approved in writing by the Local Planning Authority for the implementation of an appropriate programme of building recording and analysis. This shall be carried out by a specialist and in accordance with an agreed written brief and specification. This record shall subsequently be submitted to and agreed in writing by the Local Planning Authority prior to any demolition works taking place on this building.

Reason

As the building is of local archaeological and cultural significance the specified records are required to mitigate the impact of its loss.

(37)Prior to any demolition works taking place of the Greyhound public house, the building shall be checked for Bats by a qualified specialist, and a copy of the report submitted to and approved in writing by the Local Planning Authority. If Bats are found, the report shall include full details of proposed mitigation measures. Any proposed mitigating measures shall be fully implemented in accordance with a written agreed programme of works.

Reason

In the interests of biodiversity and ecology.

(38)Unless otherwise agreed in writing by the Local Planning Authority as part of the first reserved matters for any phase of development, including any proposed demolition works, a written scheme of archaelogical investigation shall be submitted to and approved in writing by the Local Planning Authority to secure the implementation of a programme of archaeological work. This scheme as approved shall be fully implemented in accordance with these approved details.

Reason

In order to identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on any potential archaeological resource.

(39) As part of the first reserved matters for each phase of development hereby approved a site waste management plan for the control, management, storage and disposal and disposal of demolition waste/ excavated material for that phase shall be submitted to the Local Planning Authority. The SWMP shall be fully implemented in accordance with the approved details.

Reason

To ensure that sustainability principles are adopted during the devleopment.

(40) As part of the first reserved matters for any phase of development, including any works of demolition. A Construction Method Statement and all necessary pollution prevention measures for the demolition and construction phases of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

-The parking of vehicles of site operatives and visitors, construction compounds and offices

-Loading and unloading of plant and materials

-Route to be taken by delivery and Heavy Goods Vehicles to and from the site

-Storage of plant and materials used in constructing the development;

-The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

-Wheel washing facilities;

-Measures to control the emission of dust and dirt during demolition, construction and transportation;

-A scheme for recycling/disposing of waste resulting from demolition and construction works;

-Traffic management that takes into consideration the timing of deliveries to the site; and the addjacent school opening and closing times, and deliveries to existing commercial development;

-Demolition methodology for any buildings to be demolished as part of the phase of development.

-Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface waters

-Details of measures to ensure no polluting discharge from disturbed areas.

-Storage for all fuels, oils and chemicals

-Identification of buried services, such as foul sewers, in order to ensure their protection.

-Details of emergency contacts, for example NRW Pollution Hotline 0800807060

Reason

In the interests of amenity, health and safety; protection of the environment and highway and pedestrian safety.

(41) Foul water and surface water discharges must be drained separately from the site.

Reason

To protect the integrity of the public sewerage system

(42)No surface water and land drainage run-off shall be allowed to connect/discharge (either directly or indirectly) to the public sewerage system.

Reason

To prevent hydraulic overload of the public sewerage system and pollution of the environment.

(43)Unless otherwise agreed in writing with the Local Planning Authority the development shall be connected to the main sewerage system prior to the occupation of each associated commercial or residential unit.

Reason

In order to ensure the provision of adequate foul drainage.

(44) Each non-residential building hereby permitted shall be constructed to achieve a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' and unless supported with justified written evidence and otherwise agreed in writing by the Local Planning Authority achieve the mandatory credits for 'Excellent' under issue Ene1 Reduction of CO2 Emissions where BREEAM 2008 applies to the development on registration under BREEAM, or the equivalent credits for 'Excellent' from BREEAM 2008 where BREEAM 2011 applies to the development.

Reason

To ensure that the development is sustainably constructed in accordance with the requirements of TAN 22.

(45) No development shall begin on any non-residential building within any phase of development, or at an alternative timeframe to be agreed in writing by the Local Planning Authority, until details of a 'Design Stage' assessment and related certification 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 the Local Planning Authority shall otherwise consent in writing.

Reason

To ensure that the development is sustainably constructed in accordance with the requirements of TAN 22.

(46) Following practical completion of the final building in each defined phase, or at an alternative timeframe to be agreed in writing by the Local Planning Authority. A 'Post Construction Stage' assessment has been carried out in relation to it, a Final Certificate has been issued for it certifying that ‘Very Good’ and unless supported with justified written evidence and otherwise agreed in writing by the Local Planning Authorityachieve the mandatory credits for ‘Excellent’ under issue Ene1 Reduction of CO2 Emissions where BREEAM 2008 applies to the development on registration under BREEAM, or the equivalent credits for ‘Excellent’ from BREEAM 2008 where BREEAM 2011 applies to the development.

Reason

To ensure that the development is sustainably constructed in accordance with the approved plans and in accordance with the design stage assessment required by TAN 22.

(47) 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.

(48) No development of any dwelling hereby approved shall commence, or at an alternative timeframe to be agreed in writing by the Local Planning Authority until details of a Code for Sustainable Homes ‘Design Stage’ assessment and related certification certifying that Code Level 3 and 6 Credits under Ene1are 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.

(49) No dwelling hereby approved shall be occupied, or at an alternative timeframe to be agreed in writing by the Local Planning Authority. 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.

(50) As part of the first reserved matters for any phase of development, a scheme to assess the nature and extent of any contamination on the site, and confirmation of whether or not it originates on the site shall be submitted to and agreed in writing with the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006) and shall be submitted as a written report which shall include:

(i) A desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) identifying all plausible pollutant linkages to be assessed.

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

(iii) an assessment of the potential risks to:

• human health,

• ground waters and surface waters

• adjoining land,

• property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

• ecological systems,

• archaeological sites and ancient monuments;

(iv) an appraisal of remedial options, and proposal of the preferred remedial option(s).

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

(51) Prior to the commencement of work on site on any phase of development where contamination has been identified by the detials submitted under condition 50 of this permission a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason :

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

(52) Prior to beneficial use of the proposed development commencing within each phase where remediation has taken place, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 51 shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

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

(53) In the event that contamination is found at any time when carrying out the approved development within any phase 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.

(54) No works of demolition shall take place on the existing multi-storey car park, and the car park shall remain open for public use until such time that the proposed multi-storey car park and Unit A7 within Phase 1 have been constructed, and the car park open for public use, and the retail unit available for occupation.

Reason

In the interests of amenity, and highway and pedestrian safety.

(55) Unless otherwise agreed in writing, on the first beneficial use of the proposed multi-storey car park the existing multi-storey car park shall be closed and not open for public or staff use and retained as such thereafter.

Reason

In the interests of Highway and Pedestrian safety.

(56) The public maintained area of Water Street and Fairfield way shall be stopped along its section where any building is proposed prior to works being undertaken on any development within Phase 2a.. The diversion and stopping up order shall be carried out under section 247 and 248 of the Town and Country Planning Act 1990 (incorporating changes to application requirements following the Growth and Infrastructure Act 2013).

Reason

In the interests of Highway and Pedestrian safety.

(57) As part of the first reserved matters for each phase of development a management strategy for the operation of the service yards to ensure no HGV's are parked up on the public highway waiting to gain access to the service area shall be submitted to and approved in writing by the Local Planning Authority. The management strategy should also give the haulage route to be undertaken by HGV drivers gaining access and egress to Neath Town Centre, and ensure that the existing servicing arrangements to adjoining developments are considered and taken into full consideration.

Reason

In the interests of Highway and Pedestrian safety.

(58) As part of the first reserved matters for any phase of development involving the development of Phases 2B or 2C a scheme for the provision of screen boundary treatment to the existing garden of remembrance shall be submitted to and approved in writing by the Local Planning Authoirty. This scheme as approved shall be fully implemented prior to the first use of any development within these phases.

Reason

In the interests of amenity.

(59)As part of the first reserved matters for each phase of development hereby approved a phase specific Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This travel plan

shall follow the principles as set out within the site wide Travel Plan dated September 2013, and shall be specific to the uses and operations proposed within that phase of development.

Reason

In the interests of highway and pedestrian safety and sustainability.

(60) Within 3 months of the first beneficial use or occupation of each unit (or group of units), a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority, which shall include the name and contact details of the travel plan coordinator, reduction targets of vehicles accessing the site and a monitoring regime. Full monitoring shall take place in the 1st, 3rd and 5th year with an interim report in the 2nd and 4th year and submitted for the written approval by the Local Planning Authority. After five years of operating the first travel plan, a further travel plan shall be submitted for the approval in writing by the Local Planning Authority to reduce the use by staff/shoppers of the car and meet the agreed targets set out in the first travel plan. The assessment of these travel plans shall continue every five years and a new plan submitted every time to be approved in writing by the Local Planning Authority.

Reason

In the interests of Highway and pedestrian safety, and sustainability.

ITEM 1. 2	
APPLICATION NO: P/2013/904	**DATE: 04/10/2013**
PROPOSAL: Two storey leisure facility incorporating swimming pool, sports halls, changing rooms, café, ancillary club facilities, plant rooms, car parking, access road, landscaping including raising the roof of the existing bowling alley shell	
LOCATION: Land adjacent to Reel Cinema (including Bowling Alley Shell), The Princess Margaret Way, Aberafan Seafront, Port Talbot SA12 6QP	
APPLICANT: Mr Chris Mundow	
TYPE: Full Plans	
WARD: Sandfields East	

BACKGROUND INFORMATION

Planning History:

Application P2006/0061- two storey building to house ten pin bowling alley and bingo facilities – Approved 16/3/2006

Application P2006/501 – Agree materials conditions of permission 06/61 – Approved 1/9/2006

Application P2006/995 – Ten pin bowling facility – Approved 29/8/2006

Application P2006/1457 – Agree landscaping condition of permission 06/61 – Approved 7/12/2006

Application P2006/1458 – Agree landscaping condition of permission P2006/995 – Approved 7/12/2006

Application P2007/605 – Agree condition 5 of permission P2006/61 regarding revised levels – Approved 18/6/2007

Application P2007/860 – Agree condition 10 of permission P2006/995 with regard to noise mitigation scheme – Approved 9/8/2007

Application P2007/861 – Agree condition with regard to noise assessment of permission P2006/61– Approved 9/8/2007

Application P2007/958 – Agree condition with regard to permanent boundary structures of permission 06/61 – Approved 9/8/2007

Publicity and Responses if applicable:

The application was advertised on site and in the press as a major development.

7 neighbouring properties were consulted by letter 4 responses have been received. The objections can be summarised as follows:

1) The development will box me in, would be overbearing and cause over shadowing and loss of light.
2) Overlooking and loss of privacy.
3) Noise and smell from the plant room operating up to 24 hours a day.
4) Risk of hazardous chemicals being used and risk of spillage.
5) Overdevelopment of the site.
6) Why is the leisure facility being built here and not on the old Afan Lido site.
7) With regard to the traffic monitor has Celtic Leisure assumed this extra member of staff.
8) How can a document as critical as the travel plan refer to the city of Birmingham.
9) How can traffic be measured going to an unused building.
10) The developers are not familiar with our town
11) The developers are not recreational specialists.
12) The developers are trying to work around the inadequacy of the site.
13) The developers are working towards the point where a six court is probably not viable.
14) Why have these mistakes not been picked up by the relevant officers.

Natural Resources Wales: No objections to the proposal subject to conditions.

Head of Engineering and Transport (Highways): No objections subject to conditions.

Head of Engineering and Transport (Drainage): No objections

Biodiversity Section: No objections subject to conditions

Pollution Control (noise): No objections subject to conditions.

Contaminated Land: No objections subject to conditions.

Welsh Water Dwr Cymru: No objections subject to conditions.

Description of Site and its Surroundings:

The application site is located on previously developed land fronting Princess Margaret Way. The site which is largely flat in profile and approximately 1.2 hectares in area consists of three distinct areas including a car parking area immediately fronting Princess Margaret Way a large two storey building situated to the rear of the site which is presently unused but has extant planning permission for use as a bowling alley (P2006/0995) and a further area of land abutting the northern boundary consisting of semi improved grassland, spoil heaps and scrub.

The site is bounded to the north west by the Aberavon Beach Hotel to the north and north west by residential dwellings and a community hall fronting Golwg y mor and Bevin Avenue respectively, to the south east by the Reel Cinema and associated car parking area and to the south west by Princess Margaret Way and the Beach beyond. The larger surrounding area is predominantly residential with a number of large commercial uses fronting Princess Margaret Way and the beach frontage.

Brief description of proposal:

The application seeks full planning permission for the construction of a leisure complex which will incorporate the existing bowling alley building. The key components of the leisure complex are as follows:

- 8 lane, 25 metre long swimming pool
- Learner splash pool
- 100 seat spectators gallery
- 4 court sports hall with seating for 100 spectators
- 100 station fitness suite
- Combined dance studio/dojo
- Appropriate changing facilities for both wet and dry sports
- Youth club facility
- Community meeting rooms

- Indoor children's soft play area
- Cafeteria
- Circulation areas, reception, office accommodation
- Building Services Plant areas
- External works with hard and soft landscaping including a new public vehicular access and parking spaces.

The Existing building

The existing building has a gross internal area of 3801 square metres at ground floor level. Works to this building will involve re cladding with profile sheeting, re insulating and raising the rear section of the roof (an area measuring approximately 22 metres by 38 metres) in order to accommodate the height required for four badminton courts. This will be achieved by increasing the eaves height by approximately 1.4 metres and the ridge height by 1.36 metres. The resulting heights will be 9.62 metres to eaves and 10.61 metres to ridge. The remainder of this building will accommodate the wet and dry changing areas and youth club at ground floor level with the fitness gym rooms and administration offices at first floor level.

The new building

The new facility consists of an 'L-shaped' part single part two storey building located to the front (south elevation) and side (west elevation) of the existing building. The structure has a maximum width of 65 metres and maximum depth of approximately 50 metres. The single storey element projecting from side (west elevation) of the existing building measures 26.5 metres by 18 metres and will house the plant and machinery. The front element of the new facility contains the swimming pools, reception, play area, café, kitchen and meeting rooms at ground floor level and swimming pool spectator area balcony and fitness gym at first floor level. An undercroft containing plant, pipes and ducting is located below the swimming pool and has an area of 814 square metres.

The external elements of the development include the construction of 83 car parking spaces, service roads access roads off Princess Margaret Way and Golwg y Mor, landscaping and boundary treatment.

EIA Screening opinion:

With regards to Environmental Impact Assessment (EIA), it should be

noted that the proposal is a Schedule 2 type of development that requires the Local Planning Authority to determine whether an Environmental Impact Assessment needs to be carried out, and an Environmental Statement produced to accompany the application. This is called a 'Screening Opinion'.

A screening exercise was undertaken in accordance with Schedule 3 of the EIA regulations. It concluded that the development is not likely to have a significant effect on the environment by virtue of factors such as nature, size or location, and it was determined under delegated powers that an Environmental Impact Assessment was therefore not required.

Material Considerations:

The main issues for consideration with regard to the application are the principle of development at this site together with the impact of the proposal upon visual and residential amenity, highway and pedestrian safety, drainage and ecology in the context of prevailing planning policies.

Policy Context:

Technical Advice Note (TAN) 22: Sustainable buildings (2010).

Neath Port Talbot Unitary Development Plan.

Policy GC 1 New buildings/Structures and changes of use
Policy ENV17 Design
Policy T1 Location. Layout and accessibility of new proposals
Policy ENV 13 Brownfield derelict and waste ground
Policy ENV 16 Contaminated land
Policy ENV 5 Nature conservation
Policy EC3 Creation or expansion of businesses within settlement limits.
Policy RO2 New sports and recreational facilities.

Aberavon Seafront Strategy.(Revised 2005)

It is intended that the proposed facility will replace the Afan lido which was badly damaged by fire in 2009 and subsequently demolished. The site chosen for the replacement facility has been the subject of a number

of planning applications and developments in the recent past whereby the existing building on site was originally proposed for use as a bowling alley but the work was never completed and the building remains vacant.

With respect to planning policies it is noted that the site lies within the settlement limits of Aberavon for the purposes of the Unitary Development Plan. Policy EC3, encourages the creation and expansion of businesses within settlement limits and in the supporting text encourages the use of vacant derelict or unsightly buildings providing there are no unacceptable impacts on residents, highways or loss of open space.

Policy RO2 supports provision of new sports and leisure facilities providing preference is given to previously developed land which is well located in terms of existing and proposed development. The policy also states that any proposal should not create unacceptable impacts on amenity landscape, seascape or biodiversity and should provide appropriate parking and accessibility.

With regard to the Aberafan Seafront Strategy (revised 2005) the application site is identified within this document as being suitable for commercial and leisure development.

In view of the aforementioned it is considered that the proposed development complies with current Development Plan Policies and regeneration strategy for this area as it will provide high quality recreational facilities on a previously developed brownfield site. The remaining planning issues are addressed below.

With regards to compliance with the requirements of TAN 22, it should be noted that the applicant has undertaken a pre-assessment for the proposed building under BREEAM (Building Research Establishment Environmental Assessment Method).

This states that the development will achieve an "excellent" BREEAM rating. As the buildings will meet or exceed the TAN 22 minimum rating of "very good" and 6 credits under ENE1 (reduction of CO_2 emissions), it is considered that the proposal would comply with the requirements of TAN 22.

Nevertheless, suitably worded conditions will be imposed on the application to ensure that a design stage assessment and related certification, together with a post construction stage assessment and related certification are provided, to confirm that the development meets the necessary requirements of TAN 22.

Visual Amenity:

With regard to the visual impact of the development, the immediate surrounding area is characterised by large commercial buildings including the Aberavon Beach hotel and the Reel Cinema to the north and south respectively together with substantial open areas occupied by car parking. This open character is reinforced by the open vista to the south west including Princess Margaret Way beyond which are substantial areas of formal open ground and the promenade from which the development will be highly visible. The areas to the north and north east are predominantly residential in character consisting of bungalows, traditional two storey dwellings and blocks of three and four storey flats. The application site is presently dominated by the existing bowling alley building which is industrial in character given its unfinished state and a large area of unlandscaped car parking. An area of overgrown scrub to the northern boundary also lies within the application boundary. There will be differing impacts upon these two distinct areas which will be further explained and assessed.

With respect to the frontage, the proposed development will be highly visible from Princess Margaret Way and the open ground and promenade to the South West, as such the development has called for a distinctive and attractive design which will complement the Aberavon seafront.

The design of the main pool hall and reception area presents a modern and simple elevation to the seafront consisting of large areas of glass curtain walling contrasting with blue pennant sandstone facing and zinc cladding around the main entrance. A wave shaped roof which rises to the rear is to be finished in standing seam aluminium with a bull nosed aluminium fascia supported by exposed timber laminate (Glulam) beams. The prominent roof overhang is supported by steel columns. The south elevation features a mixture of white rendered walls with zinc and zinc coloured detailing to the windows at ground and first floor. The north and west elevations consists of a combination of white render, profile cladding and aluminium louvre doors. The remainder of the existing bowling alley structure will be clad in micro rib composite cladding panels which will be light grey in colour (albatross).

The addition of sympathetic landscaping utilising simple, appropriate and native species will further enhance the development of the site. It is considered that the design of this bespoke building which utilises a modern simple design, uses contrasting materials and is of an appropriate scale, will provide not only an attractive stand alone building, but will

also enhance the street scene and have a positive and beneficial effect on what is presently a vacant brown field site.

With respect to the visual impact to the rear of the proposed development, which is sited close to existing residential properties, it is acknowledged that these dwellings on Golwg y Mor are in relatively close proximity to the existing bowling alley building. It is however acknowledged that the existing building will be extended to the side and front in addition to an increase in the height of the rear section of the roof of the existing bowling alley. The maximum height of the rear section of the bowling alley structure will be raised from 9.25 metres to 10.61 metres, an increase of 1.36 metres. The nearest element of the new build will be the plant room located to the south west of the dwellings on Golwg y Mor. This single storey element is 4.7 metres in height, while the two storey element of the new build will be approximately 25 metres from the existing dwellings in Glwg y mor. Bearing in mind the relatively small increase in the height of the existing bowling ally roof and the height of the single storey element of the new build, it is considered that the overall visual impact of the development on the residential area to the north will be limited given the existing large commercial and residential buildings surrounding the application site.

As a result it is considered that the extended building will be of a similar scale to the surrounding commercial properties and when viewed within that context it will be in keeping with the character and appearance of the streetscene . Whilst it is acknowledged that the building is significantly larger than the adjacent residential bungalows, the increase in the building close to these properties is very limited, therefore the visual relationship between the two is relatively unchanged.

Residential Amenity:

With regards to residential amenity as described above there will be an increase in the height of the rear section of the bowling alley roof (22 metres in length). The raised section is located approximately 7 metres from the side (south east) elevation of number 12 Golwg y Mor and partially to the rear elevation of number 13 Golwg y Mor, with a separation distance of approximately 12 metres. Whilst it is acknowledged that there will be an impact upon both of these properties, it must be borne in mind that these properties are already affected by the existing buildings. The building will be increased in height by 1.36 metres which is fairly limited given the overall scale of the existing building. The increase in height will affect the side elevation of number

12 upon which there is a secondary window together with the rear elevation of number 13 which will only be partially enclosed by the building. This small increase in height together with the separation distance retained will ensure that the impact upon these properties will not be unacceptable in terms of overshadowing or being overbearing.

The single storey element of the new build is located approximately 7.5 metres to the south west elevation of number 13 Golwg y Mor. An existing wall and fence approximately 1.8 metres currently forms the boundary with the development site, as part of the proposal a further security fence 2.4 metres in height is proposed. By virtue of the separation distance, existing boundary treatment, proposed height of the building together with the absence of habitable windows to this elevation of the dwelling, it is considered that there would not be an unacceptable overbearing impact on this property.

With respect to noise, there are two potential sources. Firstly noise from plant associated with the running of the building, and secondly noise from music associated with the gymnasium, dance studio and spin studio.

The plant room is located to the rear of the new building adjacent to number 13 Golwg y Mor. The leisure centre will operate from 6a.m. to 10p.m (weekdays) and 8a.m. to 6p.m. (weekends) which will require some plant such as boilers to operate outside of these times. As a result of noise levels indicated in the original acoustic study, the chiller units have now been relocated from the rear of the building to the front south west corner of the building away from the dwellings. The design of all plant room extraction louvres to be located on the west elevation of the plant room have been carefully designed to reduce noise impact and ensure any noise is within acceptable environmental noise limits. For these reasons, the Noise Control officer has raised no objection to the development subject to conditions.

With regard to noise created music from within the building, the applicants noise assessment has provided evidence that the sound insulation applied to the rooms where music is played will not result in unacceptable levels of noise being emitted. Furthermore, the restricted times of use of the building will ensure that there is unlikely to be any detrimental impacts upon residents of adjacent dwellings. Nevertheless, in order to ensure minimal impact the Noise Control Officer has requested that a condition is imposed to secure the submission and implementation of a noise monitoring scheme.

With regard to potential odours the flue from the boilers is located above the pool hall roof at a significant distance and height away from residential properties and therefore odours, if any, would be minimised.

With regard to overlooking issues, as part of the development it is proposed to insert two windows in the north west first floor elevation of the existing building to serve the dance studio. The windows are high level and non opening but may give oblique views of the garden areas of properties on Golwg y Mor. As there may be a likelihood of overlooking it is recommended that a condition is imposed to obscurely glaze the windows in question which will ensure privacy is maintained.

In respect to overshadowing, the applicant has submitted a solar study model which has been used to calculate the impact of shadowing from the existing and proposed buildings. The study shows that during the Spring Equinox, Summer Solstice and Autumn Equinox there is little or no change to the shading to the property at number 13. During the Winter Solstice the property at number 13 is already predominantly shaded by the existing building and as a result of the proposed development, there will be an increased impact, but not to an unacceptable degree.

Highway Safety (e.g. Parking and Access):

The submitted application shows that there will be a total of 83 car parking spaces including 5 disabled spaces, operational space together with a suitable access off Princess Margaret Way. In addition there will be an emergency and service access off Golwg y Mor and two additional pedestrian accesses from the Reel Cinema site and from the Aberavon Beach Hotel. Additional car parking is available in the immediate area to accommodate any additional overspill traffic generated by the development, this is located close by on Princess Margaret Way and provides adequate pedestrian routes to the development.

The applicant has submitted a travel plan and travel statement in support of the planning application. In line with Planning Policy Wales maximum parking standards have to be applied for all developments together with the promotion of alternative modes of transport. In line with this ethos of promoting alternative modes the travel plan outlines how the development will endeavour to promote and monitor these alternative methods. An essential requirement for this will be the appointment of a travel plan coordinator who will monitor and revise the travel plan to ensure that the use of sustainable forms of travel for both staff and visitors is maximised where possible.

The site is located in a sustainable, central location close to existing public transport, such that users will have a realistic alternative to access the facilities by means other than private car. In addition, the Head of Engineering and Transport (Highways) has offered no objection to the proposed development, it is considered therefore that the proposal would provide suitable vehicular and pedestrian access and sufficient levels of parking. As a result the development would not have an unacceptable detrimental impact upon highway or pedestrian safety.

Ecology and Landscaping:

As indicated above the application site is predominantly a brownfield site in the form of a disused car park a large disused building located to the rear of the site and an area of scrub and spoil heaps located to the northern boundary of the site.

The applicant has submitted a Phase 1 habitat survey which concluded that the site can be classified as being of 'low ecological value' due to the absence of any protected species. The Biodiversity Unit has offered no objections with regard to the findings of the survey.

With regard to the landscaping of the site, the biodiversity unit requested a revised planting scheme in view of the unsuitability of a number of the species proposed. The revised scheme includes areas of pollinator friendly grassland mixes together with the removal of all trees and replacement with appropriate native species of shrub. Appropriate maintenance of the landscaped areas has also been submitted. The Biodiversity unit has offered no objections to the revised scheme subject to conditions. It is considered therefore that subject to the imposition of suitable conditions the proposed development would have no detrimental impact upon the existing landscape or ecology of the area and as such complies with the requirements of TAN 5.

Drainage:

A Drainage Strategy has been submitted in support of the application, which details foul water and surface water disposal. Natural Resources Wales, Dwr Cymru Welsh Water and the Head of Engineering and Transport (Drainage) have offered no objections to the proposal subject to conditions being imposed. As such it is considered that there would be no detrimental impact upon the drainage of the land.

Land contamination:

A Phase I Desk top study and Phase II Ground investigation report produced by Delta Simons (Project No. 13-0224.01) has been submitted in support of this application.

The Phase II investigation has highlighted elevated levels of Arsenic, Copper and Zinc. Whilst the values are high they are below the screening values for a commercial development. One out of the six soil samples showed elevated Benzo(a)pyrene above the screening values for a commercial development. As outlined in the report further investigation will be required to fully characterise the site and it is intended to impose conditions which will require this work to be carried out.

The Phase II investigation did not sample the spoil tips located on the undeveloped land to the north of the site. These stockpiles are a potential source of contamination and will need to be investigated. It is intended to impose a condition should the application be approved requiring further investigation and remediation if required prior to commencement of works on site. It is considered that providing appropriate conditions are imposed there would be no risk to human health resulting from the development. With regard to groundwater contamination NRW have not raised any objections to the development, however a condition with regard to pollution prevention will be imposed in order to minimise the risk to controlled waters.

Others (including objections):

A number of the objections received have been addressed in the above report including issues in relation to overbearing, overshadowing, overlooking loss of privacy and noise.

The following part of the report covers the areas of concern which have not already been covered.

In respect to the use of hazardous chemicals, the low levels of chemicals are for use in the pool filtration system, these are strictly controlled and would be stored in compliance with relevant regulations, Natural Resources Wales (NRW) have not raised any concerns with regard to this issue. With regard to chemical spillages and the possibility of ground contamination as above there are strict regulations with regard to such chemicals which will be adhered to. There will be no decanting of chemicals outside the building so there would be no risk of spillages into

any water courses or ground contamination.

With regard to comments expressing concern about the overdevelopment of the site, it is considered that the site is of sufficient size for the scale of development proposed. The buildings have been carefully designed to reflect the scale of similar developments within the area, there is adequate space for access, parking, servicing landscaping and for movement within the site for both vehicles and pedestrians. Furthermore, as addressed in previous sections the development will not result in any unacceptable overbearing impact or loss of residential amenity, and accordingly it is considered that the site is of adequate size to accommodate a development of this scale.

Concerns have been expressed with regard to the choice of this site as opposed to the old Afan Lido site. The choice of this site over another site, however, is not a material planning consideration, and as such the Local Planning Authority must consider the application as submitted. Nevertheless it is evident that this site was identified by a Task and Finish group which took into account the opinions of a large group of stakeholders, including the local community. The issue nevertheless is not a material planning consideration.

With regard to inaccuracies in the travel plan and the assumption that Officers have not picked these up, Officers have identified a number of typing errors within the transport assessment as opposed to the travel plan, however, these do not alter the outcomes of the report. The reference to Birmingham is one such typing error but is not material to the outcome of the assessment. In respect to measuring traffic generation for an unused building, it is standard practice to use nationally recognised data from the Trip Rate Information Computer System (TRICS) data base. This database identifies the likely traffic generation for the bowling alley. Despite the fact that the bowling alley is not currently operational it has an existing permission in place which allows the bowling alley to be completed and become operational at any time. Therefore officers cannot disregard the traffic which could be generated by this facility. This is referred to as the fall back position within planning legislation.

Concern has been raised with regard to the developers being ‘unfamiliar with our town’ and ‘probably not being recreational specialists’. These matters are however immaterial to the outcome of the planning application as the company are using nationally recognised methodologies to identify traffic generation and potential impacts upon the local highway network.

Conclusion:

It is considered that the principle of the proposed development by virtue of its design and location would not have an unacceptable detrimental impact upon residential amenity or upon the character and appearance of the surrounding area and would provide a substantial, attractive, modern recreation facility which will meet the needs of residents of Port Talbot now and in the future. Furthermore, the development will provide a sensitively-designed building located on a presently unattractive, prominent brownfield site. It is considered that there would be no adverse impact upon highway and pedestrian safety, ecology, landscaping and drainage. Hence the proposed development would be in accordance with Policies GC1, ENV17, T1, ENV 16, ENV 13, RO1 and ENV 3 of the Neath Port Talbot Unitary Development Plan and National Planning Policy Guidance in the form of TAN 5 and TAN 22.

Recommendation: Approval with conditions.

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) Prior to their use within the development hereby approved, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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.

(3) Foul water and surface water discharges shall be drained seperately from the site.

Reason

To protect the integrity of the public sewerage system

(4) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

(5) Unless otherwise agreed in writing with the Local Planning Authority prior to work commencing on the construction of the proposed junction and footway alterations onto Princess Margaret Way a scheme shall be submitted to and approved in writing by the Local Planning Authority showing:-

i. Longitudinal and vertical carriageway alignment.(max gradient for the first 15 metres 1 in 20)

ii. Surface water drainage proposals including gully positions pipe sizes and gradients.

iii. Street lighting proposals.

Reason

In the interests of Highway and pedestrian safety

(6) Unless otherwise agreed in writing with the Local Planning Authority prior to first beneficial occupation of the development, details of the implementation, maintenance and management of the sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and thereafter managed and maintained in accordance with the approved details. Those details shall include:

I. A time table for the implementation of the scheme.

II. A management and maintenance plan for the lifetime of the development.

Reason

To prevent the increased risk of flooding by ensuring the provison of a satisfactory means of surface water disposal.

(7) Prior to constructing the junction access onto Princess Margaret Way a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing a revised layout for the bus drop off and removal of the existing taxi rank. This scheme shall be implemented as approved prior to first beneficial use of the leisure centre.

Reason

In the interests of highway safety

(8) Notwithstanding dwg P1-01 Rev0 prior to first use of the facility a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing a tactile paved crossing point on the proposed junction onto Princess Margaret Way, this scheme shall be implemented as approved prior to first use.

Reason

In the interests of highway safety

(9) Notwithstanding the submitted plan number P3-01 Rev 1 the proposed windows shown at first floor level to the west elevation of the existing bowling alley building serving the dance studio do not form part of this planning permission and shall be replaced with light grey (Albertros) cladding to match the remainder of the Bowling alley building.

Reason

In the interests of residential amenity.

(10) No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The agreed Method Statement should be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

The Method Statement shall identify as a minimum;

- storage facilities for all fuels, oils and chemicals construction compounds, car parks, offices etc

- details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off

- details of measures to ensure no polluting discharge from haul roads/disturbed areas

- details of the nature, type and quantity of materials to be imported on to the site

- measures for dealing with any contaminated material (demolition waste or excavated waste)

Reason

To prevent pollution to controlled waters

(11) Prior to the first benefical use of the leisure centre a travel plan coordinator shall be appointed to monitor and revise the travel plan hereby approved by the Local Planning Authority. The appointment shall commence from first beneficial use of leisure centre. Full monitoring shall be undertaken in the 1st , 3rd and 5th year, with an interim report in the 2nd and 4th year. After five years of operating the first travel plan, a further travel plan shall be submitted to and approved in writing by the Local Planning Authority addressing any issues that have failed to reduce the use of the car and meet the agreed targets set in the travel plan. The assessment of this travel plan shall continue every five years in accordance with the above monitoring.

Reason

In order to encourage use of more sustainable modes of transport, and in the interests of highway safety

(12) Unless otherwise agreed in writing the landscaping and planting scheme shall be implemented in accordance with the details of the scheme submitted on 30/10/2013 (Drawing no. 5308 L-101C) in the first planting season after the first benefical use of the development hereby approved.

Reason

In the interests of biodiversity and visual amenity

(13) Unless otherwise agreed in writing with the Local Planning Authority prior to work commencing on the construction of the car park details shall be submitted to and approved in writing by the Local Planning Authority detailing a cross section of the permeable paving system and granular sub base including permeability calculations, and marking out all parking bays. These details shall be implemented as approved on site prior to first beneficial use of the leisure centre.

Reason

In the interests of highway safety

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

(i) A desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) identifying all plausible pollutant linkages to be assessed.

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

(iii) an assessment of the potential risks to:

• human health,

• ground waters and surface waters

• adjoining land,

• property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

• ecological systems,

• archaeological sites and ancient monuments;

(iv) an appraisal of remedial options, and proposal of the preferred remedial option(s).

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

(15) Prior to the commencement of work on site a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason :

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

(16) Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition (Please insert the condition number requiring remediation to be carried out) shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

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

(17) 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.

(189) The noise rating level of plant/machinery at the development shall not exceed the existing background noise level by 5 dB or more. The noise levels shall be determined at the nearest noise-sensitive premises or at another location that shall be submitted to and approved in writing by the Local Planning Authority within three months of the first beneficial use of the leisure centre. 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 interests of residential amenity

(19) Prior to commencement of use of the leisure centre all parking areas shall be constructed and marked out in accordance with details approved under condition 14 of this permission. Such car parking spaces shall be retained thereafter for the benefit of the development.

Reason

In the interests of highway safety

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 principle of the proposed development by virtue of its design and location would not have a significant detrimental impact upon residential amenity or upon the character and appearance of the surrounding area and would provide a substantial, attractive, modern recreation facility which will meet the needs of residents of Port Talbot now and in the future. Furthermore, the development will provide a sensitively designed building located on a presently unattractive prominent brownfield site. It is considered that there would be no adverse impact upon highway and pedestrian safety, ecology, landscaping and drainage. Hence the proposed development would be in accordance with Policies GC1, ENV17, T1, ENV 16, ENV 13, RO1 and ENV 3 of the Neath Port Talbot Unitary Development Plan and National Planning Policy Guidance in the form of TAN 5 and TAN 22.

2. PLANNING APPLICATIONS RECOMMENDED FOR REFUSAL

ITEM 2. 1	
APPLICATION NO: P/2008/24	**DATE: 17/01/2008**
PROPOSAL: Revised Scheme For Wind Energy Development Comprising 9 (Previously 14) Turbines With A Maximum Height To Blade Tip Of 125m, Access Tracks, Cable Trenches, Substation, Anemometer Mast, Crane Hardstanding. Temporary Construction Compound And Associated Infrastructure - Additional Ecological Survey Work And Report Addressing Cumulative Visual Impacts Received 28/11/08 -Mining Subsidence And Risk And Mitigation Assessment Report Received 22-3-13- Technical Review Of Mining Subsidence Risk Assessment Report July 2013	
LOCATION: Farmland Adjoining Forestry, East Of Crynant And South Of Seven Sisters, Neath	
APPLICANT:	**Wind Ventures Ltd**
TYPE:	**Full Plans**
WARD:	**Seven Sisters**

BACKGROUND INFORMATION

Planning History

P2005/1650- Installation of 47m high anemometry mast for the collection of wind speed data –Withdrawn 12/12/05

P2005/1889 – Installation of 47m high anemometry mast for the collection of wind speed data – Approved 23/2/06

P2008/0236 – Retention of 47m high anemometry mast for a further 2 years until 23/2/10 – Approved 28/5/08

P2009/0429- Extension of underground planning boundary –Approved 23/11/10

P2010/0062 – Variation of Condition 1 of planning permission P2008/0236 granted on 28/05/to retain the 47m high temporary wind monitoring mast for a further 2 years until 28/05/12 – Approved 3/3/10

P2010/0712 – Re-profiling of valley side and associated drainage works to Nant Cwm Bryn – Approved 10/9/10

P2010/1008 – Notification under Part 22 Class B of The Town and Country Planning (General Permitted Development) Order 1995 proposed surface seismic exploration proposals for Aberpergwm Mine – Prior Notification Required 20/10/10

P2010/1119 – Submission of details under Condition 4 of planning permission P2010/0712 (approved on the 10/9/10) in respect of a scheme for landscaping aftercare – Approval of details 17/11/10

P2010/1125 – Submission of details under Condition 2 of planning permission P2010/0712 (granted on 10/9/10) in respect of the treatment of surface water – Approval of details 15/12/10

P2010/1161 – Submission of details in respect of condition 3 of planning permission P2010/0712 scheme for the storage of materials, oils, fuels and other hazardous materials –Approval of details 17/1/11

P2011/0284 – Notification under Part 22 Class B of the Town and Country Planning (General Permitted Development Order) 1995 – Proposed surface exploration boreholes – Prior Notification Not Required 24/5/11

P2012/0490 – Variation of Condition 1 of Planning Permission P2010/0062 granted on 3/3/10 to retain the 47m high temporary wind monitoring mast for a further 2 years – Approved 18/6/13

P2012/0613 – Request for Scoping Opinion under Regulation 10 of The Town and Country Planning (Environmental Impact Assessment) (England &Wales) Regulations 1999 (as amended) proposed Nant Crynant Opencast Coal Site.

P2012/0772 – Details to be agreed in association with condition 6 (monitoring of groundwater and mine discharge flows) of planning permission P2009 as approved 23/11/10

P2013/0879 – Variation of condition 1 (time limits) of planning permission P2009/0429 granted on 23/11/10 to allow the extension of time for operations until 30/9/2018 – Currently invalid.

Publicity and Responses (if applicable):

A series of public exhibitions have been held by the Applicant. During the development of the design scheme events at Crynant Community Centre and Seven Sisters Community Centre were held in June 2007, together with a leaflet drop to 8,725 residences and businesses within the locality of the proposed wind farm. Following submission of the application 2 exhibitions at the above locations were held in February 2008 and March/April 2011 following receipt of an amended proposal. This approach is in accordance with the requirements of the Authority's Supplementary Planning Guidance for Wind Farms.

<u>The Authority</u>

The proposal has been advertised by means of a press notice and the posting of 19 site notices.

Following the submission of additional information in relation to ecological matters, visual impacts and reduction in the number of turbines proposed further consultation was undertaken by means of a press notice and site notices.

38 individual letters and 3 petitions (571 signatures) have been received objecting to the proposal for the following summarised reasons:

- The siting of Turbines 4,5,6,7 and 12 on ridges is unacceptable and should be deleted.
- Turbines are in close proximity to villages, 1 mile from Treforgan and 2kms from Crynant and Seven Sisters. Wind farms should be viewed from a distance and not close up.
- Turbines 1,2 and 3 which are also sited on ridges will also have an impact on Seven Sisters.
- Loss of biodiversity.
- Impact on cultural sites.
- Impact on tourism.
- Impact on birds i.e red kites and Nightjar
- Dominant.
- Prominent.
- Overwhelming.
- De valuation of property.
- Noise.
- Wind farm developments are not cost effective or efficient.
- The access to the site is at a dangerous place on the A4109 and the

proposal will impact on road safety.

- The highway network through the villages will be unable to cope with the type of vehicles associated with the proposed wind farm.
- The proposal conflicts with the Authority's strategy for the valleys with the emphasis being placed on tourism and small business.
- Consent has already been given for a wind farm at the top of the valley
- Poor publicity in relation to the public exhibitions.
- The turbines will cause shadowing and flickering.
- The Hirfynydd area has been granted open access to the public which will be restricted both during construction and operation of the wind farm.
- Then turbines should be sited on a plateau instead of ridges.
- Detrimental impact on local employment.
- The site is located on bog. A recent case study in Scotland, where a wind farm was constructed on bog caused major land and mudslides in the area.
- Interference with television reception in the area.
- There are more efficient means of alternative energy which should be pursued.
- The visual impact of the turbines will be major.
- Impact on landscape.
- The date of the public exhibitions fell outside the consultation period for members of the public to submit representations in respect of the application.
- The area has already been scarred by extensive mining which has previously taken place in the area.
- The benefits of the development would not improve the wellbeing of its residents.
- The proposal will have an impact on the local housing market by detracting people from moving into the area.
- The grant of planning permission for the wind farm may lead to further applications to either increase the height of the turbines or extend the life of the development.
- Increase in pollution due to the required ground works.
- Disagree with the requirements of TAN 8.
- Request the siting of both the proposed substation and anemometer mast be relocated towards Turbine 13.
- The site lies outside the TAN 8 area.
- Overbearing due to their excessive height of 420 ft.
- Impact on bats and request a bat survey.
- The Welsh Assembly has over subscribed Wales for the siting of these turbines in relation to the rest of the UK, which is unfair.
- Loss of a significant amount of BAP priority habitat.

- New housing developments have improved the area, such improvements may cease if this proposal goes ahead.

Two letters have been received from Gwenda Thomas AM enclosing an objection letter from a local resident and a copy of the original representations made by Crynant Community Council in accordance with the requirements of the Authority's Supplementary Planning Guidance for Wind Farms.

Two letters of support have been received on the grounds that the proposed development will provide short and long term employment to the local and regional community.

In addition to the above, letters and supporting documents have been received from Walter Energy . Whilst a summary of their objections are provided below, more detailed information in respect of the existing and future operations at the Aberpergwm mine together with an assessment of the likely impacts of the proposed wind farm would have on this mine is provided later in this report.

The objections raised are summarised as follows:

- The proposal will sterilise a significant portion of the Aberpergwm mine underground coal reserves and also potential surface mine future prospects.
- Place in jeopardy the investment by Western Coal in the colliery and therefore the contribution to the local community
- There has been a strong mining tradition in the locality of this mine for over 200 years which is still being carried on today.
- The presence of exploitable coal reserves within the vicinity of the potential wind farm should be a prime determinant in the deciding factor of any such application whose subsequent development would impinge on the future ability to mine any coal resource.
- Since 1993 work at the mine has concentrated on the development of new underground tunnels which will gain access to resources, they have invested £1.5 million in the submission of planning applications with planned life of the mine being in excess of 20 years.
- Approved mining systems are designed to ensure no detrimental surface influences, however future mining methods may have to be used and the presence of wind turbines in the area of influence may mean that any such proposals are preclusive
- The mining activities associated with Aberpergwm Colliery serve to secure an existing 300 jobs with the capacity for further increase in manpower. By virtue of its activities sustains 900 jobs, the vast majority

of which are held by people living within a 12 mile radius of the site.

Following the submission of a Mining Subsidence Risk and Mitigation Assessment Report (March 2013)by the applicant a further letter from Walter Energy (formerly Western Coal and Energybuild) has been received:

- Energybuild holds planning consent to mine 9ft and 18ft seams directly beneath the proposed development. The consent is for a multi entry working system which includes the implementation of pillar reduction techniques . As a consequence the proposal will impinge on the viability of these consented mining areas and the wind farm proposition will again serve to throw doubt over the commercial viability of the mining project;
- Alternative and more productive systems of work such as the shortwall and longwall systems has been under consideration for several years;
- A scoping document concerning the renewal of our planning consent has been submitted and outlines our mining proposals for the next 25 years. It identifies the longwall system of mining as the primary method but recognises that there may be requirements for complementary shortwall and/or pillar and room extraction if geological conditions make it necessary;
- For the future viability of the mine it is vital that we maintain flexibility on systems, mining locations and timings;
- The mine has recently lost 240 well paid jobs which can be partially attributed to the potential loss of mining resource resulting from the wind farm proposal;
- Operations at the mine may resume at a reduced capacity and in a phased manner pending the outcome of the wind farm application;
- If the mining plan is allowed to come to fruition it could result in 500 jobs;

Following the submission of an independent report (Golders) commissioned by the Department to assess the URS Report referred to above a further letter of objection was received by Walter Energy which is summarised as follows:

- The proposal will if implemented ahead of our underground development in the 19 and 9 ft seams would seriously hinder and commercially sterilise the working of these coals due to significant financial cost implications having to either resolve subsidence related claims from the wind energy developers or employing subsidence mitigation measures through mine design;
- Our business plan is predicted on maximising longwall mining methods in association with multi entry gate road development. This approach is technically feasible and reflects past effective usage of this system in the

locality;

- The above method will maximise coal recovery and result in higher levels of subsidence;
- The proposal extends over a considerable area of our planned extraction and these structures are highly susceptible to mining induced movements;
- A report commissioned by us highlights the need for a comprehensive remedy for subsidence damage associated with coal mining operations in accordance with The Coal Mining Subsidence Act 1991(as amended by The Coal Industry Act 1994);
- Under the 1994 Act the Coal Authority requires mine operators to provide security for all subsidence claims from past mining activities and potential damage arising from mining within the forthcoming 12 months;
- The Report referred to above highlights that the wind farm overlaps significant proportions of Zones Z2 and Z3, where longwall mining is proposed. As turbines are highly sensitive to 'tilt', mining induced movements would significantly impact on the operation of the wind farm over a prolonged period of time;
- Given the likelihood of subsidence the mine operator has to consider protection though mine design, partial extraction can be adopted whereby a balance of mine panels and intervening pillars provided for reduced subsidence. This method could result in the sterilisation of coal up to 50%. This method would only be justified under extensive built up areas;
- Abandoned mine plans have been provided to demonstrate the proliferation of historical long wall mining methods within the areas surrounding the mine namely, Treforgan Colliery, Seven Sisters Colliery, Cefn Coed Colliery and Aberpergym Colliery which have similar geological and mining conditions as our mine;
- The proposal needs to be judged against prevailing planning policies namely GC2 of the UDP, TAN 8 MPP Wales and Interim Planning Guidance and the emerging Policy M1 of the LDP;
- The Proposals Map of the LDP specifically identifies the coal at the mine as safeguarded. Therefore, to permit a permanent surface development that would sterilise or seriously hinder the extraction of these coals would be contrary to policy;
- The policy evidence supports the protection of the mine which outweighs the more general support for the wind farm;
- We do not have a blanket objection to the proposal, but consider that the development should be timed and phased to follow the mines coal extraction programme to proceed unhindered and the surface subsidence effects to pass which will secure major future investment in the mine.

Pollution Control Section (Air) – No objection subject to the imposition of conditions

Pollution Control Section (Land Contamination) – No objection

Head of Housing and Public Protection (Noise) – advises that the data given for the construction phase of the proposal clearly indicate that there will be some disturbance from noise. However, the predicted levels given are the worst case scenario and all are well within the government recommended limit for construction noise. The predicted noise levels from the proposed wind turbines fall within the guidance levels suggested by ETSU. Consequently, no objection is raised.

Ancient Monuments Society – No reply, therefore no observations to make.

Breacon Beacons National Park – Raises an objection on the grounds that the proposal would have a detrimental effect on the special qualities of the National Park.

British Telecom – No reply, therefore no observations to make.

CADW – No objection

Countryside Council for Wales (now NRW) – No objection, subject to the imposition of conditions to deal with the following matters:

1. Construction Management Plan
2. Habitat Species Monitoring Plan
3. Peat Depth Mapping Survey
4. An assessment of the impact of the development on hydrological regimes where the depth of peat exceeds 300mm
5. Method for dealing with extracted peat

Seven Sisters Community Council – No reply, therefore no observations to make

Head of |Engineering and Transport (Structures) – No reply, therefore no observations to make

Head of Engineering and Transport (Highways) – No objection

Environment Agency Wales (now NRW) – No objection, subject to the imposition of conditions

Economic Development (Tourism)– No reply, therefore no observations to make

Biodiversity Unit – This section advises that the additional information submitted is not satisfactory. A clear idea of what mitigation and compensation measures are to be put in place to off set the ecological impacts of the scheme. Detailed methods and timings are not necessary at this stage and can be addressed in the Ecological Management Plan (EMP) which would be a condition of any consent. Details of what is to be done needs to be provided and committed to prior to determination. The additional information provided by the applicant adds more commitment to undertaking the proposed mitigation but the information is still vague to inform the determination of the application. It is recommended that the EMP proposals should aim to accommodate both mitigation/ compensation for habitats lost through creation/replacement of those lost as well as enhancement measures.

The proposal will result in a significant loss of UK and NPT BAP habitat. They have identified a loss of 2.4 hectares of marsh grassland and 0.1 hectares of wet heath/acid grassland and Purple Moor Grass and Rush Pasture under S42 . Therefore, it is recommended that this development is not granted permission unless suitable mitigation for such loss is provided. The submitted mitigation put forward by the applicant is considered to be too vague.

Whilst the section welcomes the submission of further information in respect of Honey Buzzards it acknowledges that due to the lack of study and information about how Honey Buzzards react to wind farms it is difficult to come to a suitable conclusion on the potential impacts and therefore recommends a precautionary approach. Appropriate mitigation should be provided that encourages the birds to forage away from the site, such as the provision of ponds and scalloped woodland edges.

In respect of reptiles it is suggested that a receptor site should be located and mapped to provide confidence that this mitigation can be delivered and advises that an assessment of the reptile population has been undertaken.

Royal Society for the Protection of Birds – Raises an objection due to the potential collision risk to honey buzzards. The amendments to the application have not resolved the issues raised as the proposal still contains turbines on the ridge and little in the way of detail or mitigation has been provided.

Forestry Commission (now NRW) – Advises that the proposed access is

through Crynant East Forest and the applicant currently has no access agreement with the Forestry Commission to use this route to construct and maintain the wind farm.

Mid Wales Fire and Rescue Service – No reply, therefore no observations to make

Glamorgan Gwent Archaeological Trust – No objection, subject to the imposition of a suitably worded condition requiring the applicant to submit a detailed programme of archaeological investigation.

The Coal Authority – No objection

Ramblers Association – No reply, therefore no observations to make

OFCOM – No reply, therefore no observations to make

Civil Aviation Authority – No reply, therefore no observations to make.

Swansea Airport – No reply, therefore no observations to make

Welsh Assembly Government – No reply, therefore no observations to make
Crynant Community Council – Makes the following observations:

- The proposed access along a forestry road will be a public safety issue as it is used by many people
- Three of the turbines are close to a Roman fort
- One turbine is close to Sarn Helen
- Five of turbines will be close to the Nant Celyn area of Crynant
- The nearest turbine is 1.5 km from Crynant
- The wind farm at Maesgwyn has received planning consent
- There are issues regarding mitigation for Schedule 1 bird species
- No reference is made to the effect on the footpaths at Gellibenuchel or the path to Nant y Cafn
- Insufficient notices were issued
- Loss of Biodiversity Action Plan Habitats
- A bat habitat could be lost
- The full effects of noise on public health has not been fully explored
- Impact on tourism
- Substantial time, money and effort has been put into the removal of old coal tips with forest walks and woodland developments for the benefit of the public the proposed development would create new eyesores to the local environment

Description of Site and its Surroundings:

The application site is located on an extensive upland plateau, between the Vale of Neath and the Dulais Valley. The site is in an elevated location approximately 370-450m AOD. It consists of a mix of improved grassland, and marshy grassland which is used for upland grazing. To the north of the site there are areas of commercial coniferous woodland, with an opencast working adjacent to Seven Sisters. To the south lies the village of Crynant and the extensive Rheola Forest. Immediately surrounding the site to the east is Sarn Helen Roman Road and Rheola Forest, to the west is the A4109.

The turbines are located within Strategic Search Areas (SSA) E, as defined in Technical Advice Note (TAN) 8.

Background Information

Members will be aware that it is not uncommon for the department to seek revisions to planning applications where the proposal can be improved or where particular elements of the proposal are considered completely unacceptable.

Therefore as part of the normal determination process the department indicated that the detrimental visual effects of the proposal could be significantly reduced. This involved the removal of turbines 1, 2, 4, 6 and 7 together with their associated infrastructure. As a consequence, the applicant submitted an addendum to the ES which reflects the reduction in the number of turbines proposed from 14 to 9 and to address issues raised by consultees and members of the public since the application was originally submitted in 2008.

Brief description of proposal:

This is a proposal to construct and operate a maximum 27 MW wind farm generating station comprising 9 wind turbines to a maximum height of 125m. The development consists of the following :-

1. 9 wind turbines with a blade tip of 125m and a hub height of up to 80m;
2. The colour of the wind turbine rotor, blades, nacelle and towers would be either pale grey or off white with semi matt finish;
3. Internal access tracks running between the turbines, with a finished width of 5 metres;
4. An anemometer mast, up to 81 metres in height, with concrete bases and guy wires to continuously monitor meteorological conditions at the site. A second temporary mast would be installed for 6 months immediately

prior to the erection of the turbines;

5. Underground cable trenches, generally following the route of the internal access tracks;
6. Substation and control room with a compound measuring 30m x35m;
7. Access to the site during construction and operation of the wind farm is via existing Forestry Commission tracks leading from A4109;
8. A temporary compound, occupying an area of approximately 2500m² which would include site offices, monitoring of vehicles, welfare facilities, wheel wash facilities, parking for around 20 cars;
9. construction vehicles and storage area for materials.

The application is accompanied by an Environmental Statement (ES) which deals with a range of issues, but primarily deals with the following :-

1) Introduction.
2) Description of development
3) Alternatives/Site selection
4) Planning Framework
5) Landscape and visual amenity
6) Noise
7) Ecology (including)Ornithology
8) Archaeology and cultural heritage
9) Geology, soils and water
10) Traffic and transportation
11) Land use, amenity and community

Supplementary Environmental Information (SEI) has also been submitted to support the application which provides amendments to the scheme and additional information in respect of landscape and visual, noise, ecology (including ornithology) archaeology and cultural heritage, geology and soils, traffic and transportation , land use, community and amenity benefits.

This additional information was the subject of additional publicity under Reg 19

The Applicants submission in the ES and other submissions

This section summarises the applicant's submission. The Department's comments on the issues are set out later in the report.

Planning Framework

This section identifies the energy and land use planning policy and legislation against which this proposal is assessed.

The conclusions in the ES are that policy at a national level fully supports the development of large scale renewable energy projects through TAN8 whilst ensuring that any detrimental environmental effects on local communities are minimised. The proposal falls within the Strategic Search Area E as defined in TAN 8 which has an indicative capacity of 152 MW and as such will make a valuable contribution to WGs 2020/2025 indicative energy targets.

Landscape and Visual

This section presents the findings of a landscape and visual assessment that has considered the potential effects of the proposed wind farm and associated works on the landscape character and visual amenity of locations at a considerable distance beyond the site boundary. The study area for the Landscape Visual Impact Assessment was based on a 20 km study area.

The baseline conditions include a number of operational wind farms, wind farm sites under construction, or consented wind farms within the landscape of the study area and beyond. These sites include the following:

- Ffynnon Oer
- Maesgwyn
- Mynydd y Betws

The assessment pre dates the Pen y cymoedd and Mynydd y Gwair Wind Farms.

The assessment has taken account of the potential cumulative or additional effects on landscape and visual amenity arising from the proposal, in conjunction with the known baseline of operational and/or consented wind farms and in conjunction with this baseline all of the submitted stage wind farms as identified above. In addition, the assessment considers the entire period of the development which includes the site preparation and commissioning phases, the operation of the wind farm, final decommissioning and reinstatement of the site.

A viewpoint analysis of the potential effects on both the landscape and visual amenity arising from the proposal at each of the selected viewpoints was carried out. This analysis involved the production of computer generated wire frames and photomontages. In addition, an interactive virtual reality computer generated model produced for the original application has been up dated to illustrate the amended application.

Whilst the nature and scale of the development and constrained nature of the site have limited the extent of potential mitigation. The development has gone

through a design process which has seen the number of turbines reduced from fourteen to nine.

Visual receptors within the study area are considered principally to consist of residents, workers, users of the Brecon Beacons National Park , users of informal outdoor recreational facilities including long distance walking routes, public footpaths and bridleways as well as cycle routes, and users of the road and rail networks.

The visual effects of the proposal have been assessed from 12 viewpoints.

The table below lists all the view points within the County where a significant effect has been identified:

VP REF	LOCATION	DISTANCETO NEAREST TURBINE	POTENTIAL VISUAL EFFECTS			SIGNIFICANT YES/NO
			Receptor Sensitivity	Magnitude	Significance	
A	Nant y Cafn	1.3km	Office workers, road users and residents Residents: high Other users: Low	Medium	High-moderate	Yes
B	Seven Sisters	2.4km	Residents; High	High-medium	Substantial – high moderate	Yes
C	Cwmllynfell	8.7km	Residents and road users : Medium	Medium	Moderate	No
D	Pen-Rhiw Fawr	7.4 km	Residents;High	Medium	High-moderate	Yes
E	Disused Quarry(adjacent to A4069 Brecon Beacons National Park)	12.5km	Road users and walkers :High	Low	Moderate	No
F	Fforest Fawr , Brecon Beacons National Park	13.3 km	Road users and walkers :High	Low	Moderate	No
G	Cimla, Neath	10.7 km	Road users and park users:medium	Low	Slight	No
H	Cefn Ffordd	6.0 km	Walkers and forestry	Medium	Moderate	No

			workers: Medium			
I	Crynant opposite Nant Celyn	1.8km	Residents:High	Low	Slight	No
J	Coelbren	5.4km	Residents: High	Low	Moderate	No
K	Rhigos	9.6km	Residents:High	Low	Moderate	No
L	Llolrfa, Brecon Beacons National Park	7.4km	Walkers :High	Medium to low	High-moderate	No

Visual effects resulting from the development is judged as having a potentially significant effect upon views/ viewpoints up to 3km from the nearest wind turbine for High sensitivity visual receptors within this range the development is assessed as having a potential visual effect significance of Moderate to High (significant). The significance of the identified effects for Medium sensitivity receptors is reduced, and the area within which they would be experienced is considerably more limited. Within the approximate range 6-9 km from the nearest turbine the effect would drop below the threshold for significant visual effects to arise (Moderate).

Landscape Fabric

The application site comprises an extensive upland plateau. Large blocks of coniferous plantations are dominant within the character area with the remaining areas consisting of grazing land. The area of land to the north of the site has been degraded through open cast mine workings, which has left the landscape scarred with little vegetation cover. Consequently, views from the nearby settlement of Seven Sisters towards the northern fringes of the application site are unrestricted due to the lack of vegetation and the steep topography within the area.

Assessment of Landscape impacts and significance

A Zone of Theoretical Visibility (ZTV) analysis has also been submitted as part of the ES outlining visible Tip and hubs for the development and other developments up to a distance of 20km.

The analysis shows significant changes in the amount of the development that

is visible depending primarily on distance, elevation and intervening landforms. It should be noted that the actual visibility on the ground would be considerably less than predicted by the ZTVs due to the screening effects of localised topographical features, vegetation and buildings.

The ES identifies that the following conclusions can be drawn from the analysis of the ZTV:
-There is a significant difference in potential visibility between the north western and south eastern half of the study area. The potential visibility is greatest to the high exposed land, within the Breacon Beacons National Park;
- Within the south eastern half of the study area, predominantly within the large forest areas, the potential visibility dramatically reduces. Only isolated pockets of visibility are shown within this area;
- The extent of turbine visibility along valley floors is negligible. While potentially 2-3 turbines will be visible from the Dulais Valley floor. However, the potential visibility increases on the upper slopes of the eastern side of the valley;
- Visibility to the south of the study area, between the Swansea and Dulais Valley is of no significance. The potential zone of visibility increases to the north east of the site, within the Breacon Beacons National Park.

The main source of landscape and visual effects from the proposed wind farm would originate from the turbines, largely due to their size, related blade movement and potential extent of visibility. The ES accepts that there will be landscape change albeit not significant. Within the ES a cumulative landscape assessment which includes the two operational wind farms Ffynon Oer and Maes Gwyn together with the consented Mynydd y Bettws (it should be noted that the Mynydd y Bettws is now complete and operational) concludes that the proposal would be viewed as a separate wind farm development, which in combination with landform and vegetation assists in reducing the number of turbines, from both wind farms that can be simultaneously viewed at anyone time.

Whilst identifying the significant effects generated by the proposed wind farm the ES acknowledges the sites location within Strategic Search Area E as set out in TAN 8 and concludes that the proposal is unlikely to have a significant material bearing on the local and wider landscape.

Noise Assessment

A baseline noise survey was conducted at five locations between November 2006 and December 2006 to determine noise levels in the area of the wind farm. Noise measurements were made at each location for a period of 18 days.

The properties selected included nearest residences to the development. The noise monitoring data was correlated with wind speed data taken from various anemometry locations around the site.

For the quiet daytime periods, the suggested external noise limits at low wind speed are 36 to 40 dB La90 and at high wind speed 45 to 48 dB La90 . For night time periods; the external noise limit is 36 to 41 dB La90 at low wind speed and 44-50 at dB La90 and at high wind speed. In most rural environments that are away from busy roads, the background noise near properties depends on the wind speed unless there are other natural features such as streams. At high speeds, noise from wind in the trees and flowing over local features such as roofs can be considerable and is often sufficient to mask the sound of the wind turbine. Therefore, it is often during lower wind speeds that the turbines are more audible.

The ES concludes that the noise levels associated with the construction and operation of the wind farm are within the ETSU limits . Noise during the construction period will arise from the construction of the turbines, the excavation of trenches for cables, the construction of associated hardstandings, new access tracks, construction compound and concrete batching plant and noise from vehicles on local roads and access tracks due to the delivery of the turbine components and construction materials. Noise will also arise during decommissioning from the removal of the turbines and breaking of the exposed part of the concrete bases.

The ES concluded that given the separation distance of a minimum of 0.5km between construction areas to the nearest residential dwellings, there is unlikely to be noise that exceeds existing background or ambient noise levels to a significant degree. However, to further mitigate construction noise, the hours of operation would be limited to daytime hour's i.e 7.00to 19.00 hours Monday to Friday and 7.00 to 13.00 on Saturdays.

Ecology

The assessment provides baseline information, identifies potential impacts of the proposal on the ecology of the area, assesses the significance of those impacts, describes mitigation measures to avoid, reduce, remedy or compensate for those impacts, assesses the significance of the residual effects based on the magnitude of the impact and the sensitivity of the receptor. This section also discusses ongoing management, monitoring and mitigation measures that may be required.

The Assessment includes :

- Bat Survey
- Wintering bird survey
- Breeding/Summer Bird survey
- Extended Phase 1 Habitat survey

Mitigation of possible impacts includes the following:

- A construction code of practice to be prepared and enforced;
- Appropriate environmental site supervision to be provided during construction;
- Habitat enhancement by blocking grip drains to create more extensive wetland areas;
- Creation of hedgerow corridors along the lower edges of the hillside (e.g from the wooded valley at Coed du Farm to Crynant River) for the benefit of bats and breeding birds;
- Creation of fenced areas of rough grassland /wet heath mosaic on the hill for the benefit of reptiles, amphibians and breeding birds;
- Appropriate number of barn owl boxes in suitable habitat;
- Appropriate numbers of bat roost boxes;
- A reasonable annual contribution will be made for the lifetime of the project towards funding of the existing Honey Buzzard research project within the Neath Valley;
- Post construction monitoring would be undertaken of the behaviour and nesting patterns as well as the collision mortality rate of the following target species:
    - Honey buzzard
    - Peregrine
    - Red kite
    - Hen harrier
    - Merlin
    - Kestrel
    - Nightjar
    - Short-eared owl

<u>Impact on Habitat</u>

The E.S. identifies the majority of land take (approximately 2.4ha) during construction will occur within areas of marshy grassland which would have a minor adverse effect due to the diversity of species it supports. Approximately 2 ha of improved and semi improved grassland will be lost during construction. These improved grasslands are heavily grazed and have a poor species assemblage, and their loss during the construction phase of the development is considered negligible. Approximately 0.1 ha of wet heath/acid

grassland mosaic would be lost during construction, which equates to 0.3% of the total amount of habitat present within the site boundary.

The E.S. concludes that any effect on habitat as a result of the proposed development would be negligible.

Impacts on bats

Three species of bats were observed along wooded corridors. There are no known bat roosts which would be affected during construction.

The E.S. concludes that the proposal will have a negligible impact on the Bat population.

Impacts on Mammals, Reptiles Amphibians and Invertebrates

A habitat survey has been undertaken on the site. Common lizards were the only reptiles recorded on and around the site within the wet heath /acid grassland mosaic and marshy grassland and along the edges of the access track.

The habitat within the site is largely unsuitable for use by otters, as such the construction of the wind farm is considered to have a negligible impact on this species.

In respect to Pine Martins, these were found to be using the forestry within and surrounding the site. For this reason, the impact of the construction works on this species is considered to be negligible.
No badger activity has been recorded within the site boundary

The E.S. concludes that the proposed development will have no significant impact on reptiles, mammals, Invertebrates and Amphibians.

Impacts on birds

There are three key potential impacts on birds from wind farm construction and operation. These are disturbance, loss of habitat and death or injury from collision with turbines, especially turning blades.

The conclusion in the ES is that as the proposed development will only have a negligible effect on the total habitat available in the area, the impact on the local bird populations from habitat loss is therefore negligible. It is also considered that there will be no significant disturbance from the development

during the construction and decommissioning phases. However, there remains a collision risk to all species during the operational phase. The ES indicates that in the two (Kestrel and Peregrine juvenile) out of the nine species studied the predicted collision per year at a 95% avoidance rate are between 0.051% and 0.8%. The predicted mortality at a 98% avoidance rate is between 0.003% and 0.143%. As mortality rates are below 5% for all of the species studied it is considered likely that collision risk will have a minor adverse to negligible impact on the local bird populations.

Archaeology and Cultural Heritage

The ES concludes that there are 21 cultural heritage sites within the boundaries of the application site, and a further 64 sites within a 1km study area.
During the operational phase and having regard to the proximity of turbines to the Coed du ring Cairn (SAM Gm 592) and medieval settlement (SAM Gm 593) the significance of the effect was assessed as major or moderate respectively. Similarly the significance of the effect on the regional value cairn cemetery at Gelli –benuchal was assessed as being moderate adverse due to the fact that these features would be situated more or less in the centre of the development as a whole.
The removal of turbines 4 and 6 and re-routing of some of the attendant site infrastructure has the consequential effect of increasing the distance between the nearest turbines and the Coed du ring cairn and the medieval settlement. The closest turbine to these features is now turbine 5 which is more than 500m away. Similarly the removal of turbine 7 has the consequential effect of placing the cairn cemetery at Gelli benuchal on the edge of the development as a whole and opening up vistas to the west and south.

The ES concluded that with appropriate mitigation, by way of an archaeological watching brief, recording and protective fencing, impacts on archaeological and cultural heritage features was minor adverse to negligible during construction and decommissioning phases.

Geology, Soils and Water

The ES describes the baseline conditions for geology, soils and water, impact from construction and decommissioning of the wind farm.

The ES concluded that with the adoption of suitable technical solutions, construction and decommissioning activities would give rise to minor adverse or negligible impacts on geology, soils and water.

Traffic and Transportation

The preferred route for the abnormal load deliveries is:

- Swansea Docks (or Port Talbot)
- A483
- A48/M4 (Junction 42)
- A465 Aberdulais
- A4109 Aberdulais to Crynant
- Forestry Commission Tracks

The ES concluded that with successful implementation of an appropriate Traffic Management Plan impacts were assessed to be minor to moderate adverse during the construction phase of the wind farm. This assessment applied in relation to abnormal loads and HGV movements, mostly concentrated during the 3 month period of the highest activity. The impact of light vehicle movements during the same phase was assessed as negligible. Similar or lesser levels of impact could be anticipated during decommissioning activities. No significant traffic or transportation impacts were anticipated during the operation of the wind farm.

Land Use, Community and Amenity

The ES concludes that the proposed wind farm is expected to have a negligible to minor adverse effect on the land use of the site during construction.

<u>Economic benefits</u>
In terms of economic benefits, the ES states that between 20 and 60 people will be employed on site at any one time during the 12 month construction period, with indirect benefits to local communities. During operation of the wind farm the potential for direct employment is fairly low.

<u>Tourism</u>
There are no tourist facilities within the application site . Walking is the key attraction with the Sarn Helen Roman Road which runs alongside the eastern boundary of the site. However, facilities exist to the south in Resolven-Melincourt waterfalls (4km) , to the east (6km) at Glynneath Waterfalls and south west (7km) at Aberdulais Waterfalls.

The ES confirms that the access route to the site crosses the long distance footpath St Illtyds Walk, requiring some localised modifications to the track. No other footpaths, paths, bridleways or byways would be directly affected by

the development. The overall effect is assessed as minor adverse significance.

The ES concludes that the development is not expected to significantly affect tourism demand at these locations.

Shadow Flicker

The E.S. includes a shadow flicker assessment undertaken for two properties in the locality of the development which fall within 900 metres and 130 degrees either side of north from the turbines.

The ES concluded that no significant impacts were predicted.

Electromagnetic Interference and Aviation

The ES includes a study in to the potential for interference with domestic radio and TV reception. No disruption to services is expected.

ASSESSMENT

It is considered that the main issues in the determination of this application are whether the proposal is consistent with the aims and objectives of relevant Development Plan policies together with National Planning Policy and planning policy guidance; whether it would have an adverse impact on ecology, mineral resources, whether there would be noise or traffic implications; whether it would meet sustainability objectives; whether the proposal would have an adverse impact on landscape, visual amenity socio-economic and cultural issues.

Policy Context:

National Guidance Wales Spatial Plan (2008)

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. 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*".

It is considered that the natural landscape and built environment has an effect on the quality of life experienced by individuals.

Therefore within the context of the Wales Spatial Plan, development should not prejudice the deliver of a high quality of life. Where core objectives compete, in this case the need to deliver a sustainable environment and high quality life a balancing exercise must be undertaken.

This issue will be assessed in greater detail later in the report where the issue of exploiting both wind and mineral resources potentially conflict.

"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.

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

"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-3 (July 2011)

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

" 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.

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."

The policy documents accepts that in relation to wind turbine development

" - there will always be significant landscape and visual effects from their construction and operation for a number of kilometres". As such sensitive

design and siting is critical.

" The arrangement of wind turbines should be carefully designed within a site to minimise effects on the landscape and visual amenity while meeting technical and operational siting requirements and other constraints."

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"*

Planning Policy Wales Edition 5 (2012) sets out the strategic framework for the effective operation of the planning system in Wales.

Biodiversity and landscape considerations must be taken into account in determining individual applications contributing to the implementation of specific projects. The effect of a development proposal on the wildlife or landscape of any area can be a material consideration. In such instances and the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs of local businesses and communities. Where development does occur it is important to ensure that all reasonable steps are taken to safeguard or enhance the environmental quality of land.

The Welsh Government recognises the need to tackle climate change

Para 4.5.1 "Tackling climate change is a fundamental part of delivering sustainable development. Climate change is one of the most important challenges facing the world and the Assembly Government has made a commitment to tackling climate change, resolving that the Government and people of Wales will play the fullest possible part in reducing its carbon footprint (see 1.4.4). Our commitment to action on climate change is based on a scientific imperative to act and to act urgently to reduce greenhouse gas emissions and deal with the consequences of climate change."

Whilst establishing the need to address climate change the Welsh Government recognises the need to properly consider proposals.

Paragraph 5.5.2 goes on to highlight that "*when considering any development proposal Local Planning Authorities should consider environmental impact, so as to avoid, where possible adverse effects on the environment. Where other material considerations outweigh the potential adverse environmental effects, authorities should seek to minimise those effects and should, where possible,*

retain and, where practicable, enhance features of conservation importance."

Section 12 outlines the Welsh Government's commitment to playing its part by delivering an energy programme which contributes to reducing carbon emissions.

12.8.1 The Assembly Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change (see 4.2). The Welsh Assembly Government's Energy Policy Statement (2010) identifies the sustainable renewable energy potential for a variety of different technologies as well as establishing our commitment to energy efficiency

Within Planning Policy Wales (2012) the Welsh Government outlined that 0.7 GW of capacity is operational or consented and set an aspiration target of 2GW (2000 mega watts) by 2015/17. This position has been further endorsed by the Minister for Environment and Sustainable Development in a clarification letter dated July 2011.

In delivering the target the Welsh Government sets out a framework for Local Authorities to work within

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 Section 4.4.3) to help to tackle the causes of climate change (See Section 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 control 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; 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*

Whilst acknowledging the need for renewable resources and the potential resources within Wales the Welsh Government recognises that

Paragraph 12.8.12 "the introduction of new, often very large structures for onshore wind needs careful consideration to avoid, and where possible minimise their impact."

Paragraph 12.8.14 recognises the potential of cumulative impact within SSA and importantly outlines that

"Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations."

Paragraph 7.2.2 states that "Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh the social and environmental considerations. "

Mineral Planning Policy Wales (2000)

Technical Advice Note (TAN) 8 : Renewable Energy (2005)

TAN 8 provides technical advice on renewable energy proposals and is relevant in the determination of planning applications.

Section 2.2-2.5 of TAN 8 recognises that in the short term, onshore wind provides the greatest potential to increase renewable energy in Wales. In order to meet the renewable energy targets, large scale on shore wind farms should be concentrated within Strategic Search Areas and sets indicative targets for each.

The application site falls within the Strategic Search Area (SSA) E which has an indicative target capacity of 100MW.

In accordance with paragraph 2.9 the SSAs each display the following characteristics, which make them suitable development locations:

- *extensive areas with a good wind resource (typically in excess of 7 metres per second);*
- *upland areas (typically over 300 metres above ordnance datum which contain a dominant landform that is flat plateau rather than a series of ridges);*
- *generally sparsely populated;*
- *dominated by conifer plantation and/or improved/ impoverished moorland;*
- *general absence of nature conservation or historic landscape designations;*
- *of sufficient area to accommodate developments over 25MW, to achieve 70MW installed capacity and to meet the target capacity; and*
- *largely unaffected by broadcast transmission, radar MOD Mid Wales Tactical Training Area (TTA) and other constraints.*

Section 2.10 of the TAN suggests that ;

"Local planning authorities should take an active approach to developing local policy for SSAs in order to secure the best outcomes."
This section goes on to highlight that consideration be given to:

- minimising the amount of clear felling in forested areas;
- the creation of alternative wildlife habitat;
- geotechnical implications;
- the impact on tourism and recreation, with consideration given to making positive provision for visitors;
- historic and landscape issues;
- safeguarding wind farm sites from sterilisation by other uses;
- access, particularly during construction; and decommissioning.

It further states onshore wind power offers the greatest potential for an increase in the generation of electricity from renewable energy in the short to medium term. In order to try to meet the target for onshore wind production the Assembly Government has commissioned extensive technical work, which has led to the conclusion that, for efficiency and environmental reasons amongst others, large scale (over 25MW) on shore wind developments should be concentrated into particular areas defined as Strategic Search Areas (SSAs).

It further states in Annex D that within and close to the SSA's, the implicit

objective is to accept landscape change and change in landscape character from wind turbine development.

Community Involvement and Benefits

Developers, in consultation with local planning authorities, should take an active role in engaging with the local community on renewable energy proposals. This should include pre-application discussion and provision of background information on the renewable energy technology that is proposed.

Experience has shown that there are opportunities to achieve community benefits through major wind farm development. Some benefits can be justified as mitigation of development impacts through the planning process. In addition, developers may offer benefits not directly related to the planning process. Local Planning Authorities, where reasonably practical, should facilitate and encourage such proposals. The Welsh Government and others can support and advise on community involvement in developing renewable energy and benefiting from it. Local Planning Authorities should make clear in their development plans the scope of possible "planning contributions". However such contributions should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms

Technical Advice Note 5: Nature Conservation and Planning (2009) provides supplementary advice to the policies set out in PPW in respect of nature conservation issues. It sets out the criteria against which a development will be judged having regard to the relative significance of international, national and local nature conservation designations. Paragraph 6.2.1 advises that the presence of protected species is a material consideration when a local planning authority is considering a development proposal that, if carried out, would be likely to result in disturbance or harm to the species or its habitats.

Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) provides practical guidance on the role of the planning system in supporting delivery of sustainable rural communities in particular to local authorities in rural economies and agriculture. Paragraph 2.1.1 acknowledges that the planning system must respond to the challenges posed by climate change, for example by accommodating the need for renewable energy generation.

Paragraph 2.2.1 states that 'new development can help to generate wealth to support local services ensuring that communities are sustainable in the long term'. A key question for local authorities when determining applications is whether the proposed development enhances or decreases the sustainability of

communities.

Paragraph 3.1.2 confirms that planning authorities should support diversification of the rural economy as a way to provide local employment opportunities. Paragraph 3.7.2 recognises that many economic activities can be sustainably located on farms.

Technical Advice Note 11: Noise (1997) identifies the need to ensure that noise generating developments (such as wind farms) do not cause unacceptable levels of disturbance. In relation to wind farms, TAN 11 refers to the more detailed guidance set out in TAN 8 and the need to comply with ETSU guidance on noise.

Technical Advice Note 12: Design (2009) calls for a holistic approach to design in order to contribute to the objectives of sustainable development. In doing so, good design should balance the protection of the environment with prudent use of resources and economic growth. It calls for an interactive approach involving a proactive planning system with consideration given to such issues as landscape setting, layout, density, scale and appearance.

Technical Advice Note 15: Development and Flood Risk (2004) sets out the responsibilities and requirements of the various parties in the development process and seeks to ensure that flood risk, surface water and foul water drainage arrangements are properly considered during the planning process.

Technical Advice Note 19: Telecommunications (2002) explains that there can be two types of radio interference from the proposed development; electrical interference and physical interference that:

'Large prominent structures such as tower blocks, cranes, warehouses or wind farms, can cause widespread disruption to television and other telecommunications services due to the physical obstruction or reflection of the wanted signals. Digital television signals are far more robust than analogue and, as viewers change to digital over time; offer the prospect of the elimination of such problems as interference caused by reflections from structures. Local planning authorities will need to satisfy themselves that the potential for interference has been fully taken into account in the siting and design of such developments, since it will be more difficult, costly and sometimes impossible to correct after the event.'

Technical Advice Note 23: Economic Development (Draft): (2013): provides guidance on planning economic development at a strategic level;

working with neighbouring authorities and relevant stakeholders; identifying and assessing economic benefits of development proposals and establishing an evidence base to help prepare economic development policies for LDPs

Mineral Technical Advice Note 2: Coal (2009)- sets out detailed advice on the mechanisms for delivering the policy for coal extraction, through surface and underground working, by mineral planning authorities and the coal mining industry.

Development Plan Policy

Neath Port Talbot Unitary Development Plan

POLICY 1
The countryside, seascapes and landscapes of Neath Port Talbot will be enhanced where appropriate and / or protected from proposals that would have unacceptable impacts on their character and appearance.

POLICY 2

Wildlife and habitats, including those within urban areas, will be enhanced where appropriate and protected from proposals that would cause unacceptable impacts. Particular emphasis will be placed on species and habitat areas that are designated as being of international or national
importance.

POLICY 3
The area's minerals and other natural resources, both finite and renewable will be conserved and safeguarded, and when exploited the most prudent use of them will be sought.

POLICY 4
The creation of pollution or risks to health and amenities that would have unacceptable impacts upon the environment, communities or individuals will be resisted.

POLICY 6
The County Borough's historic environment including archaeology, ancient monuments, listed buildings, conservation areas and historic parks, gardens and landscapes will be protected and proposals that would aid its preservation and enhancement will be supported.

POLICY 11
Social needs and aspirations of communities and groups within communities will be taken fully into account when planning applications are considered.

POLICY 14
Proposals will be resisted which would be likely to cause unacceptable adverse impact in terms of: -

a) traffic generation and highway safety;
b) poor accessibility by public transport, cycling and walking including people with disabilities and
c) preventing the use or re-use of docks, harbours, wharfs or routes of railway lines.

POLICY 18
The plan will encourage the best and most efficient use of infrastructure and resources, but proposals which would place unacceptable demands on existing and programmed resources and facilities will be resisted.

POLICY 19
Opportunities to create energy from renewable resources will be encouraged provided that unacceptable impacts are not created.

POLICY 21
Mineral resources will be conserved, and the efficient use of aggregates and the use of byproducts and recycled materials as alternatives to primary aggregates promoted.

Policy GC1 - New Buildings /Structures and Changes of Use
Policy GC2 – Engineering works and operations
Policy ENV1 – Development in the countryside
Policy ENV3 – Impact on the Landscape
Policy ENV4 – Proposal affecting International and National sites for Nature Conservation and Species Protected by European or UK Legislation.
Policy ENV5 – Nature Conservation
Policy ENV6 – Agricultural Land
Policy ENV12 – Proposals affecting water resources
Policy ENV14 – Unstable Land
Policy ENV17 – Design
Policy ENV18 – Listed Buildings
Policy ENV19 – Proposals within Conservation Areas or which would affect the setting of a Listed Building
Policy ENV 22 – Archaeological Remains
Policy ENV23 – Archaeological Evaluation

Policy ENV24 – Archaeological Recording
Policy ENV29 – Environmental Quality and Amenity
Policy EC5 – Employment within the countryside
Policy CS1- Community Facilities and Services
Policy M7 – Borrow pits
Policy T12 – Footpaths, Cycleways and Bridleways
Policy RO4- Access to the Countryside and Coast

Policy IE6 – Renewable Energy 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"

The supporting text to this policy recognises the importance of addressing climate change and the potential which the area has to exploit renewable energy resources as a means of diversifying the rural economy. The text rather than the policy, goes on to identify a range of impacts including cumulative impacts which need to be assessed and reference is made to the Environment Chapter of the Development Plan. The text identifies that supplementary guidance will be prepared to provide additional guidance on landscape, biodiversity and community issues.

Supplementary Planning Guidance – Landscape

Supplementary Planning Guidance – Biodiversity

Interim Planning Guidance : Wind Turbine Development (2008)

UDP Policies ENV1 – Development in the Countryside; ENV3 Impacts on the Landscape and IE6 Renewable Energy are especially relevant in the consideration of this proposal. The latter in particular supports renewable energy projects provided that their impacts are acceptable and where appropriate, they include measures to reinstate the land. The supporting text notes the considerable potential for projects within the area, but draws attention to possible direct and indirect adverse impacts that should be taken into account.

In addition to TAN 8 and UDP Policies, the Authority has produced Interim Planning Guidance (IPG) July 2008 following a refinement study undertaken by ARUPs. The application site is outside the refined area.

This IPG document and the UDP policies sit within the National policy framework laid out in Planning Policy Wales (PPW) and Technical Advice

Note (TAN) 8 as referred to earlier.

Planning Policy Wales (PPW) 2012 sets out the Welsh Governments land use planning policies and confirms in paragraph 12.8.12 that:

The potential for renewable and low carbon energy in Wales as established in the Energy Policy Statement demonstrates that strategic scale wind energy continues to offer the greatest potential (for activities within the control of the planning system in Wales). Wales has an abundant wind resource and power generation using this resource remains the most commercially viable form of renewable energy. The Welsh Government accepts that the introduction of new, often very large structures for onshore wind needs careful consideration to avoid and where possible minimise their impact. However, the need for wind energy is a key part of meeting the Welsh Government's vision for future renewable electricity production as set out in the Energy Policy Statement (2010) and should be taken into account by decisions makers when determining such applications.

Whilst it is recognised that TAN 8 identifies the most appropriate location for large scale wind farm development to be within the defined Strategic Search Areas. TAN 8 confirms that the identification of SSAs is a consequence of a "broad Brush" approach and the location of a development within a SSA does not convey its acceptability.

As a consequence of the above this Authority together with Swansea, Bridgend and RCT undertook a refinement process to refine Strategic Search Areas this resulted in a document which was subsequently adopted by this Authority as IPG. It aims to guide development to the best areas in order to minimise detrimental effects and to provide a reasonable contribution to the national targets.

The IPG has been based on a refinement process undertaken by ARUP. There have been a number of appeal cases which have cast doubt over the refinement process and questioned the relevant weight to be attached to the conclusions of the process which are contained within the IPG. However, in his decision on the Fforch Nest Appeal A/11/2147835 the Inspector referred to the Arup report as " useful advice relating to refinement of the "broad brush" scale of the boundaries of SSA's as shown in TAN8 maps" this was on the basis that the report was not adopted policy or guidance.

The IPG is however adopted guidance within this authority and is therefore a material consideration. Notwithstanding this, given the concerns over the refinement process the application will be considered from first principles.

However, it should be noted that in a recent appeal for Mynydd y Gelli wind farm the Inspector expressed concerns over the refinement process undertaken by Arup which informed the IPG. In relation to the Arup study she determined that it was " rudimentary and arcane". Her concerns reflect those of other Inspectors in other wind farm appeals.

Turning to the IPG in detail as indicated above the Arup Report has resulted in concerns over the weight that should be attributed to this guidance. This concern has been further amplified following the publication of the Ministers letter in July 2011. In the Mynydd y Gelli appeal the Inspector concluded that as the capacities set out in the IPG had been increased following the Ministers letter the weight afforded to the IPG was considerably less.

The proposal would have a maximum generating capacity of 27MW, and falls within the refined Strategic Search Area E which complies with the broad thrust of government advice in respect of renewable energy.

As indicated previously the SSA's contained within the TAN are "broad brush" Boundaries. Paragraph 2.4 goes on to accept that not all land within an SSA may be developable for a number of technical and environmental reasons. Within that context paragraph 2.9 sets out seven criteria which characterise a SSA.

- *extensive areas with a good wind resource (typically in excess of 7 metres per second);*
- *upland areas (typically over 300 metres above ordnance datum which contain a dominant landform that is flat plateau rather than a series of ridges);*
- *generally sparsely populated;*
- *dominated by conifer plantation and/or improved/ impoverished moorland;*
- *general absence of nature conservation or historic landscape designations;*
- *of sufficient area to accommodate developments over 25MW, to achieve 700MW installed capacity and to meet the target capacity; and*
- *largely unaffected by broadcast transmission, radar MOD Mid Wales Tactical Training Area (TTA) and other constraints*

It can be seen that the criteria fall into two broad categories:

1. The suitability of the site in respect of wind resource and generating

capacity.

2. The suitability of the site to accommodate a development having regard to the impact of the proposal on matters of importance.

Criteria 1 is a technical matter and it is therefore unlikely that a development would be proposed if it cannot produce sufficient energy because of wind speed or limited capacity. In respect of criteria 2 these are matters relating to impact.

It is evident that the application site is within an area which contains a dominant landform that is flat and is in a sparsely populated area. Therefore the area is within a designated SSA and contains those key characteristics, defined by TAN 8, which would render it suitable for windfarm development.

A number of key sustainable development objectives are embodied in the Welsh Government policies which primarily relate to the environment, the economy and society and public participation.

In relation to the environment, the proposed development uses a natural renewable resource, wind, to generate electricity. It will enable local people to benefit from the scheme through community benefits. The generation of renewable energy is also recognised as making a contribution to the avoidance of harmful emissions associated with climate change, acid rain and environmental pollution.

The original ES outlined details associated with the generating capacity of a wind farm with 15 turbines. The revised scheme which proposes 9 turbines would generate up to approximately 27 mega watts, which equates to 3.3% of the TAN 8 target for 2010 which is 800MW for all the SSA's. The new target as stated in the Ministerial Letter by John Griffiths 2011 is 1700MW.

As originally indicated previously, the maximum capacity for SSA E is 152MW.(Up dated in Ministerial Letter by John Griffiths 2011) Including this proposal there are currently 2 wind farms which are either operational or consented . The two operational wind farms within SSA E is Maesgwyn and Mynydd y Bettws which have installed capacity of 26MW and 37.5 MW respectively. Even allowing for this wind farm, at the capacity presently indicated there will be a need for a further 88.5 MW of installed capacity to be in place and operating by 2015/17 in order for SSA E to provide its share of the Planning Policy Wales (2012) and Energy Policy Statement (2010) target. Therefore, it can be argued that the proposal would make a significant contribution towards the current shortfall in the SSA E target.

Whilst the proposal continues to meet the broader sustainability and other criteria set out in the TAN, the development has to be balanced against the potential Environmental Impacts associated with the proposal.

In addition Development plan policy requires an assessment of the impacts of a proposal with the criteria set out in all relevant development plan policies. National Planning policy and guidance is also a material consideration. The following section of this report considers the proposal against these specific criteria.

Landscape and visual effects

The visual impact of the development has overlapping influence in relation to a number of factors. The development has the potential to affect people within the vicinity of the proposal, whether living, working, travelling through or undertaking leisure activities. In addition the development has the potential to affect the landscape in relation to its visual, Cultural, Historical, Habitat and Geological character.

The acceptability of the current proposal must be influenced by an assessment of its impact upon the landscape character and the area's visual amenity. The key to assessment is to consider whether the impact will unacceptably dominate a particular landscape and the degree to which people would be affected by that impact.

The Supplementary Planning Guidance differentiates between the level of effects – prominent, dominant and overwhelming. Prominent means something that can be seen and identified in the landscape without the need for closer examination. The word 'dominant' may describe the situation where that object draws the observer's eye to the extent that little else is seen, even in an attractive landscape. 'Overwhelming' might describe a situation where the wind energy development is so close and of such a size as to be likely to make the observer feel uncomfortable and want to move away.

The latter two impacts are likely to result in a proposal being refused. In addition, the Guidance further emphasises the effects on communities, and where proposals surround a community i.e. more than 180 degrees then this is likely to be unacceptable.

<u>Key expected effects and Landscape Visual Impact Assessment (LVIA)</u>

The wind farm is large scale in terms of extent, number of turbines and size of

turbines. Overall the main landscape and visual effects are considered to be caused by the turbines. Tracks, borrow pits, hardstandings and other structures being less prominent.

The Landscape and Visual Impact Assessment (LVIA) consider the projects likely significant environmental effects. It expresses visual significance in varying degrees.

The department broadly agrees with the LVIA's conclusions on significant effect on the landscape and sensitive receptors. This section will examine whether the extent of those effects are acceptable

It is considered that the key visual effects are on the settlements of Crynant and Seven Sisters.

Landscape Effects

The effect on the character and appearance of the area

The application site is located in LANDMAP visual and sensory area NPTV357 and is considered as having a moderate landscape value and is described as:
" an extensive upland plateau situated between the Vale of Neath and the Dulais Valley. Its elevation ranges from 481m AOD adjacent to the Roman Road of Sarn Helen to approximately 50 AOD in the Neath Valley and 150 AOD in Dulais Valley. The upland plateau is visually dominated by woodland stretching from the Vale of Neath over the shoulder to Dulais Valley. The cover is almost entirely coniferous plantation with localised areas of upland grazing and moorland …..The open land is less visible from adjacent valleys, but is a contrast to the dense enclosure of the wood land. The absence of dwellings reinforces the remote character of the area."

An extensive assessment was used to identify the SSA's and TAN8 sets out all the characteristics that they are said to display, including that they are upland areas which contain dominant landform that is flat (plateau) rather than a series of ridges and are generally sparsely populated. The site occupies an upland moorland plateau.

PPW says that the SSA boundaries have been drawn to allow for some local refinement however, in defining such locations or criteria it will be important to ensure that they do not differ significantly, without local evidence from the indicative boundaries of the SSAs. Annex D of TAN 8 provides advice relating to the refinement of the 'broad brush' scale of the boundaries of SSAs

shown on the TAN 8 maps. A refinement study of SSAs E and F has been carried out by a consortium of South Wales Valleys Authority's including this Authority. When the refinement study was undertaken the indicative generating capacity for SSA E set out in Table 1 of TAN 8 was 100 MW . The Ministers letter has subsequently confirmed that the maximum capacity for SSA as increased to 152 MW.

The refinement exercise was undertaken in the context of lower indicative capacities than those contained in the Minister's letter of July 2011 and it has not been up dated accordingly.

Interim Planning Guidance (IPG) –Wind Turbine development was adopted by the Authority in 2008 and is a material consideration in the determination of this application. The guidance draws upon the findings of the refinement exercise, providing advice on how the Council is likely to assess wind turbine proposals and aims to deliver the indicative capacity set out in TAN 8. However, as stated above the indicative capacity for SSA E has subsequently been increased to 152 MW.

The LVIA accepts that the proposal would give rise to moderate landscape effects. The LANDMAP visual and sensory evaluation of the area is that the remote plateau is dominated by woodland stretching from the Neath Valley over the shoulder to Dulais Valley.

The Interim Planning Guidance in Appendix 4 states that large windfarms should be located on large scale landforms with simple smooth skylines. Turbines should be set back from skylines, valley sides and hill fringes. Where possible, turbines should be sited a distance of 5 times its height from the top of break of slope. Other reports related to the SSA refinement work state that, if possible, turbines should be no more than half the height of the landform onto which they are placed.

From the north of Seven Sisters the wind farm is viewed in a linear arrangement. While there are existing elements within the landscape together with evidence of open cast mining to the lower slopes of Hirfynydd the open nature of the landscape within the area ensures that the turbines would be prominent in the horizon. The removal of turbines 1,2,4,6 and 7 together with the siting of the remaining turbines being set back from the valley sides would mean that the turbines would not alter the existing land form, pattern or topography of Hirfynydd or the surrounding area. It is considered that the proposal is related to the scale and grain of the landscape.

Visual Effects

In determining the visual impact of windfarm developments on settlements neither TAN 8 or the IPG give guidance or advice on appropriate separation distances from residential receptors. Whilst a distance of 500m is outlined in paragraph 3.4 of Annex D of TAN 8 this is with specific regard to noise impact on residential properties.

A tool used by Rhondda Cynon Taff to help assess the effects of wind farm proposals indicates that in order to prevent settlements of more than 10 dwellings from experiencing being in a wind farm landscape. Settlements should not have close/surrounding views of wind turbines i.e. turbines within 2km occupying more than 60˚ of field view. These were considered as helpful criteria in the assessment of the Pen y Cymoedd development.

The 2km threshold criteria for settlements is intended to prevent a settlement feeling as if it is in a wind farm landscape. In broad terms, turbines which fall within the 2km threshold have the potential to be dominant /overbearing features depending on the number of turbines, landforms and intervening land cover. Beyond 2km the turbines are considered to be potentially prominent features ie. easily seen and identified without the need for close examination of the landscape. However, the settlement would be less likely to feel in a wind farm landscape.

There are a number of factors that influence the effect of a wind farm development on visual receptors. These may include, but are not considered to be exhaustive:

1. The size, number and layout of the turbines and associated works
2. The separation distance between the development and receptor, including elevation.
3. The changes in the composition of the view and its landscape character eg relationship of the development to landform and landscape patterns landform
4. The sensitivity of the receptor eg resident, walker, road user etc

Residential receptors

The original ES concluded that the visual impact of the development was of major significance when viewed from the nearby settlements of Crynant and Seven Sisters, as demonstrated by Viewpoints A, B and I between 1.3 and 2.2 km away together with D and L both 7.4km away. As a consequence, the application has been revised by the removal of 5 turbines together with their

associated infrastructure.

In terms of the visual effect on Seven Sisters the assessment includes three photomontages and wire frames (A, B and I):

Viewpoint A – Taken from the southern edge of the settlement at Nant y Cafn the nearest turbine is 1300m. Turbines 1, 2,4 and 6 have been removed resulting in the proportion of the view which is occupied by the turbines decreasing from 81.7 % to 41.3 % . Of the 4 remaining turbines which are visible, 3 will be visible from upper tower level, with an additional 1 visible at nacelle level only. The magnitude of effect decreases from high to medium. The significance of effect reduces from substantial to high-moderate.

Viewpoint B– Taken from the north eastern edge of the settlement at Heol Heddwch the nearest turbine is 2478m. Of the 11 turbines originally visible, 5 have now been removed from view, including the previously visually prominent turbines 1,4 and 6. Following their removal, the proportion of field of view in which the turbines occupy decreases from 51% of the view to 30.9% providing a significant reduction from that originally proposed. Furthermore, the removal of turbines 1 and 2 results in a reduction in prominence of the wind farm within the northern portion of the site and the removal of turbines 4 and 6 reduces the prominence of turbines to the west. Of the 6 turbines that remain visible, 4 will be visible to tower height and 2 at nacelle height. Due to the open nature of the view from this residential location the turbines are likely to remain a relatively prominent, though reduced, linear feature along the ridgeline. Therefore, the magnitude of effect on visual amenity decreases from high to high medium. The resultant significance of effect on visual amenity will therefore reduce from substantial to substantial – high-moderate.

Viewpoint I – Taken from the entrance of Nant Celyn at the northern end of Crynant . The turbines which were originally considered to have the most significant effect on visual amenity (turbines 4, 6 and 7) have now been removed from the proposed turbine layout. As a result only 2 of the original 5 turbines that were visible from this location are now predicted to be within the view and the proportion of the view which the turbines occupy decreases from 30.9 % to 12.2%. However, the visual effects resulting from the 2 turbines now visible are significantly limited given that one is visible to nacelle height only and the other to blade tip height only. Whilst the blade movement of the 2 turbines is likely to be perceptible, it is not considered that the turbines would be a prominent feature within the landscape.

Changes in effects on visual amenity during the operational phase of the wind

farm as a direct result of amendments to the turbine layout will be the most significant from locations immediately adjacent to the proposed site ie. Nant y Cafn, Seven Sisters and Crynant. This is predominantly due to the most visually prominent turbines (1,2,4,6 and 7) from close distance locations being removed from the site layout.

Though effects when viewed from Seven Sisters (Viewpoint B) are still considered to be major, as unobstructed views of the turbines including the towers will remain from residential areas, the removal of the 5 turbines from view is predicted to result in a reduction in the significance of effects on visual amenity. This is achieved through the removal of the most visually prominent turbines along the skyline and through the subsequent reduction in the proportion of turbines which are visible.

The most significant reduction in the effects on visual amenity is in Crynant (Viewpoint I). Two turbines will be visible at nacelle and blade tip level.

In conclusion, it is considered that due to the separation distance and position of the tubines set back from the plateau edge, the development of a wind farm at this location would not appear ‘dominant’ or ‘overwhelming ‘ for residents of Crynant and Seven Sisters.

Cumulative Views – including Ffynnon Oer , Maesgwyn and Mynydd y Bettws

Viewpoint A – the nearest Maesgwyn turbine is 3.53 km. As the proposed turbines will be the only turbines in view from this location there will be no cumulative impacts.

Viewpoint B – the nearest Maesgwyn turbine is located some 2.1 km to the north . Due to the landform obscuring all but 1 of the Maesgwyn Turbines, simultaneous views of the two wind farms will be severely restricted from this location.

Viewpoint I –the nearest Maesgwyn turbines is 5.84 km. As the proposed turbines will be the only turbines in view from this location there will be no cumulative impacts.

There are 10 locations a minimum distance of 1.3 km from the site where at least part of the Hirfynydd and Maes Gwyn wind turbines will be simultaneously visible, given the proximity of the two wind farms . From the remaining three locations only the proposal will be visible.

From the Beacons Way within the National Park the proposed turbines together with Maes Gwyn, Mynydd y Bettws and Ffynon Oer may be viewed simultaneously. However due to the distance and extent of separation between them they are unlikely to be prominent features .Cumulative effects on visual amenity are greatest from Coelbren where there are relatively unrestricted views of the proposal and Maes Gwyn. However, due to the closer proximity to Maes Gwyn these turbines would be more prominent. There are 3 locations (Viewpoints A, G and I) where there will be no cumulative effects, as the proposed turbines will be the only turbines visible.

It should be noted that whilst the cumulative assessment does not include the Pen y cymoedd Wind farm it is considered that due to the separation distance and intervening topography the impact would not be significant.

Recreational and Tourism receptors

There are no tourist facilities within the site or within close proximity of the site. The access route to the site crosses the long distance footpath St Illtyds Walk, where modifications to the track may be required. No other identified footpaths, paths, bridle ways or byways will be directly affected, although Sarn Helen Roman Road lies outside the sites boundary along the eastern edge. Whilst users of this path will experience significant change with the introduction of large structures, this would be transient as walkers move through the area.

It is acknowledged that broader impacts with occur further from the site along the routes within the study area however it is considered that the any adverse impact resulting from the development would not be sufficient to warrant a refusal of the application.

National Landscape Designations

There is an implicit commitment in TAN 8 to maintain the integrity and quality of the landscape within the National Parks and AONBs within Wales i.e. that there should be no change in landscape character from wind turbine development.

The Brecon Beacons National Park lies c8 km to the north-east of the proposed turbines. The Gower Area of Outstanding Natural Beauty is situated outside the study area There are no landscape designations applicable with respect to the site.

Viewpoints E, F, L and M are located within the National Park, and represent

views of the proposed turbines which would be experienced by walkers visiting these summits. From these areas, it is considered that the proposal would be perceived as a minor feature on the distant horizon and in the context of the broad spread of settlements in the Neath and Swansea valleys.

The LVIA assesses the impact of the proposal on the Brecaon Beacons National Park with the ZTV indicating the potential for visibility from the national park through viewpoints ranging from 7.5 km to 13km, predicting the significance of effects to be moderate to high. Whilst it is acknowledged that the proposal would impact upon users of the Park, this needs to be balanced against other considerations in order to determine whether the effect would be acceptable. The Welsh Government recognises that onshore wind has a key role to play in meeting its renewable energy potential to 2015/17 and beyond. The proposed scheme would contribute towards meeting these targets. As the proposal would not alter the immediate land form, pattern or topography of Hirfynydd and as such would not compromise the purposes of the National Park's designation to warrant a refusal on visual amenity grounds.

It is therefore considered that the proposed development would not compromise the remote and exposed nature of the landscapes within the National Park, nor would it effect the character of the landscape.

The elevated position of the northern end of Seven Sisters means that the majority of the views are wider and more open and from some locations there would be views of other operational and consented wind farms. Whilst the proposal would add further to the number of turbines that would be seen there are few vantage points where more than one wind farm would be seen extensively in any single view. Given the degree of separation from and between the operational, consented and proposed wind turbine developments, the intervening topography and the fact that there would be extensive, open skyline visible from these areas it is not considered that the residents would feel surrounded by wind turbines.

<u>Overall assessment of development in relation to Policy criteria</u>

With regards to the acceptability of the proposal in terms of policy, the application site falls within Strategic Search Area E as identified in TAN 8 but outside the refined Strategic Search Area.

TAN 8 advises that within SSA's the implicit objective is to accept landscape change ie. significant change in the landscape character from wind turbine development.

Planning Policy Wales (PPW) states that the 'introduction of new, often very large, structures into the open countryside needs careful consideration to minimise the impact on the environment and landscape'.

As outlined previously the turbines are located in a plateau area, where their siting away from the break of slope would reduce their impact.

PPW further advises that sites should be "generally sparsely populated" and 'any potential detrimental effects on local communities are minimised'.

The application site is within a sparsely populated area with the settlements of Crynant and Seven Sisters located 2km away to the north and west. The removal of 5 turbines from the scheme has significantly lessened the visual impact of the proposal on these nearby settlements and the existing landform. Moreover, the ES concludes that the cumulative effects as a result of the development in association with the existing and consented wind farms would not be so significant to warrant a refusal of the application on these grounds.

It is therefore considered that the proposed development does accord with TAN8, Neath Port Talbot Supplementary Planning Guidance – Landscape, Neath Port Talbot Interim Planning Guidance: Wind Turbine Development (2008) Policies GC1, GC2, ENV1, and ENV3 of the Neath Port Talbot Unitary Development Plan.

Noise

Noise issues relating to the potential impact of this Wind Farm Scheme have been assessed in the Environmental Statement and the methodology is described above.

The Head of Public Protection and Housing (Noise) has confirmed that the operational levels fall within the guidance levels specified in the DTI document ETSU-R-97 – The Assessment and Rating of Noise from Wind Farms.

In addition, construction and decommissioning noise levels have been predicted and are also well within the government guideline limits.

Ecology and Ornithology

The ecological assessment of the EIA and SEI provides baseline information as referred to above. In addition it sets out monitoring and mitigating measures through the provision of an Environmental Management Plan which

includes the following:

- Measures for the restoration and minimisation of habitat disturbance.
- A construction code of practice
- Habitat enhancement
- Creation of hedgerow corridors along the lower edges of the hillside (e.g. woodland valley of Coed ddu Farm to Crytnant River) for the benefit of bats and breeding birds
- Creation of fenced areas of rough grassland/wet heath mosaic on the hill for the befit of reptiles, amphibians and breeding birds
- Appropriate number of bat and barn boxes
- A reasonable annual contribution will be made for the lifetime of the project towards funding the existing Honey Buzzard research project within the Neath Valley(the amount will be proportionate to the predicted effect on the species)
- Post construction monitoring would be undertaken of the behaviour and nesting patterns as well as the collision mortality of target species such as Honey Buzzard, Peregrine, Red Kite, Hen Harrier, Merlin, Kestrel, Nightjar and Short eared owl

The proposed development will have a direct effect on Local Biodiversity Action Plan Habitat. The revised scheme indicates that 2.4 ha of marshy grassland, 2 ha of semi improved acid grassland and improved grassland and 0.9 ha of wet heath would be lost during the construction of the development. This represents approximately one third of a reduction from what was reported in the original ES and 2.8 % of the total amount of this habitat type present within the site boundary. The SEI concludes that whilst upland heath is listed on the UKBAP and has relatively diverse species the impact of land take on it is considered to be negligible. The Biodiversity Officer considers the loss of habitat to be significant and the mitigation scheme provided by the applicant is too vague. However, NRW advises that suitable mitigation can be provided as part of a Habitat Management Plan. (HMP) to ensure that the impacts on BAP species can be protected.

In relation to Reptiles, Mammals, Invertebrates, Amphibians the survey indicates the absence of low numbers of species across the site. It is considered

that any species identified within the construction process can be adequately dealt with through detail within an agreed Construction Environmental Management Plan (CEMP) and Habitat Management Plan (HMP).

In relation to bats NRW have indicated that they are satisfied with the assessment within the ES and the mitigation and enhancement proposed. They have indicated that this proposal should for part of the HMP.

In relation to ornithology the ES identified some bird species of high conservation status including red kite, hen harrier, peregrine, short eared owl and honey buzzard. Following comments received from NRW, RSPB and the Biodiversity Officer, Supplementary Environmental Information was received and confirms that the baseline data remains the same as the ES i.e during the 2 years of surveying for honey buzzards flight activity, only one flight in 2007 out of at least 60 and 11 flights in 2008 out of 149 were confirmed to be crossing Hirfynydd near to the position of the proposed turbines which equals 6% of the combined flights observed in 2007 and 2008. The collision risk models were updated using the same flight data as previously used by reducing the number of turbines from 14 to 9. The SEI refers to Scottish Natural Heritage (SNH) guidance which specifies specific avoidance rates . A default avoidance rate of 98% is recommended. The collision risk prediction demonstrates that the impact through collision was reduced for honey buzzards from minor adverse to negligible.

The SEI states that the limited number of flights observed in the direction of the proposed site compared to the vast number over the forestry to the east suggests that the proposed site is not frequently used flight corridor for this species and the flight activity of the individual nesting and attempting to nest in the Neath Valley is predominantly restricted within and above the forestry areas during the breeding season.

As noted earlier in this report concerns have been expressed by RSPB that some of the proposed turbines are on what they consider to be the ridge and as such may pose a threat to Honey Buzzards flying up from Neath valley. In respsonse to this concern it should be noted that the proposed turbines would be sited approximately 400 metres from the steep crag edge to the south east. Therefore, any birds flying up the steep escarpment would have sufficient distance to divert its flight.

All other impacts during the construction phase of the development were reduced for peregrines, red kite and non target breeding birds. The impacts associated with the operational phase were also reduced for short eared owl. In respect of kestrels and peregrines the SEI indicates that the impact is minor

due to the available evidence.

The main concerns with wind farms and birds are the potential for fatality if colliding with turbines and/or displacement of birds from the wind farm area due to the disturbance caused by the wind turbines. Both of these potential concerns are hard to design around, however the removal of five turbines represents a significant change in the proposal and as such the SEI concludes that the impact on the ornithological resource of the site would be minor. RSPB and the Biodiversity Officer have been consulted on the SEI and whilst acknowledges the lack of study and information on this subject considers that insufficient evidence has been put forward to support the view that the siting of the turbines is a sufficient distance to allow birds to move out of the way. It is suggested that a precautionary approach is adopted and appropriate mitigation measures such as the provision of ponds and scalloped woodland edges.

NRW have noted that the development will not have a significant effect on bird populations and agree that habitat enhancement should be delivered via an appropriate HMP.

In conclusion, it is considered that the original ES and the subsequent SEI demonstrates that the proposal will not have a significant impact on ecological interests to warrant an objection to this proposal. Therefore, subject to the imposition of suggested conditions and the signing of a S106 Agreement appropriate mitigation measures and positive habitat management will outweigh any negative ecological effects of the proposal.

Archaeology and Cultural Heritage

The Historic Environment assessment has considered the impact proposal on the historic environment within the site boundary and within a study area of 1km . A total of 85 cultural heritage sites were identified.

There are 2 Scheduled Ancient Monuments (SAMs) within the application site, the Roman signal station on Sarn Helen (SAM GM274) and Coed ddu Ring Carn (SAM GM 592). The 1km study area around the scheme boundary contains two further SAM's. One is Carn Cornel Bronze Age (SAM GM 275) and the other is Coed Ddu House (SAM GM 593). In total there are 17 SAM's within a 5 km radius of the boundary.

There are no Listed Buildings within the application site. In total there are 56 Listed Buildings within a 5km radius. There are 19 non-statutory archaeological sites identified within the application site.

The ES concluded that with appropriate mitigation, by way of an archaeological watching brief recording and protective fencing impacts on archaeological and cultural heritage features was minor adverse during the construction and decommissioning phases.

Glamorgan Gwent Archaeological Trust (GGAT) acknowledges that whilst a reduction in the number of turbines will lower the impact of the development on the historic resource and in particular on the setting of the Roman Signal Station the possibility that archaeological features could be affected could not be eliminated. Consequently, GGAT offers no objection to the proposal subject to the imposition of a condition requiring the applicant to submit a programme of archaeological investigation.

The ES identified that during the operational phase and having regard to the proximity of the turbines to Coed du ring Cairn (GM 592) and the medieval settlement (GM 593) the significance of the effect was assessed as being major and moderate respectively.

Originally CADW recommended that Turbine 1 be removed in order to addresses their concerns about the impact upon the setting of Hirfynydd Roman Earthwork (GM 274). In addition, they also expressed concerns about the unacceptable impact Turbine 6 would have on the setting of Coed Ddu Ring Cairn (GM 592) and Coed Ddu House (GM 593).

The revised scheme includes the removal of turbines 4 and 6 and the re-routing of the attendant site infrastructure has the consequential effect of increasing the distance between the nearest turbines and the Coed Ddu Ring Cairn (GM 592) and the medieval settlement (GM 593). The closest turbine to these features is now Turbine 5 which is more than 500m away. Similarly, the removal of Turbine 7 has the effect of placing the cairn cemetery of Gellibenuchal on the edge of the development as a whole and opening up vistas to the west and south. In addition, the removal of Turbines 1 and 2 has addressed the concerns raised by CADW who have confirmed that the revised scheme will have no significant impact on the setting of the monuments.

In relation to other historic features within the study area, given the separation between the feature and the proposed development there is unlikely to be a detrimental effect on the character, appearance, setting or historical importance of these features to warrant a refusal of this application.

Geology, Soils and Water

The wind farm has the potential to alter the hydrology and hydrogeology regime within the site during the construction, operational and de-commissioning phases. Impacts are possible as a result of the construction of tracks, hardstandings, buildings and turbine foundations, including possible increased run off, chemicals and sedimentation.

It is proposed that potential impacts will be managed through measures which would be fully detailed in a Construction Environmental Management Plan(CEMP),

In relation to Hydrogeology, it is recognised that wind farm developments have the potential to derogate private water supplies. The ES identifies one property which has a private water supply, and one surface water abstraction in the Dulais catchment located downstream to Crynant. Major surface water abstractions occur at the confluence with the Neath River. The proposal will not have an adverse impact upon these water supplies.

In respect of the impact of the proposal on peat, the revised scheme minimises the impact on peat through the amendment of track layout. Further reductions can be made through micrositing of turbines.

Natural Resources Wales has raised no objection to the development in principle. However, to prevent groundwater pollution of the environment and to reduce further the impact on peat a number of conditions are suggested to address these issues.

It is therefore considered that the proposed development will not have a detrimental effect on hydrology, hydrogeology and water quality.

The proposed wind farm site falls partly within a defined Coal Mining Referral Area. The ES identifies that the area has been subject to coal mining in the past and The Coal Authority have confirmed that mining legacies likely to effect the development take the form of mine entries and historic underground workings at shallow depth. There are no current workings beneath the site, however the Authority is aware of future proposals to work the areas.

The ES proposed further ground investigation to assess the risk and the Coal Authority has raised no objections to the proposal.

<u>An assessment of the implications of the wind farm on mining</u>
In order to assess the potential conflicts in respect of subsidence on the construction and future integrity of the wind turbines a series of technical

reports and specific advice has been provided, the detail of which is provided below.

Following a request by the Authority for further details to substantiate Energybuilds objection, a mining subsidence assessment report was commissioned by Energybuild and submitted to the Authority in August 2011 to address the implications on the underground coal resources and permitted underground coal mining proposals at Aberpergwm Mine of the proposed construction of the wind farm.

The application site stands directly within and above the area granted planning permission for underground coal extraction in the 6ft and 9ft coal seams and also contains coal resources in at least 3 possibly 4 of the additional seams of coal.

Planning permission for the extraction of coal was granted by the Authority under Code Ref: P2003/1500. Two of the principal seams of coal which are planned to be mined are the 6ft and 9ft. In 2010 the Authority granted planning permission for a westerly extension of the area within the 6ft and 9ft seams. Data on the geological structure and seam continuity is described as sparse within the underground extension, although geological studies and seismic surveys and physical exploration programme has been initiated to address the lack of geological information and to enable an assessment of the minable resources and for the purpose of planning a mining layout and mining methods. This includes creation of 3 D models, surface seismic surveys, deep drilling and down-hole geophysical logging.

The underground development roadways, together with the extensive multi million pound surface seismic and deep surface borehole exploration programme, will inform the mining layout design and mining methods in the 6ft,9ft and overlying and underlying coal seams within the western sector of the mine. The nature of the coal mining operations means that the mine design needs to be flexible to accommodate geological conditions and commercial demands, which is the reason why the mine layout can not be confirmed.
Subject to the geological and coal seam exploration results, potentially therefore 6 seams of coal could be exploited and extracted using underground coal mining methods over a 25 year period.

No mining operation is currently taking place within the area providing support to the proposed wind farm. Two underground development roadways are currently being driven in the 9ft seam to access and explore the extensive coal mining resources within the 2010 planning permission area and within the area providing support to the wind farm.

The assessment confirmed that while no specific mine design has yet been prepared it is likely that the following mining options will be considered in each of the 5 or 6 principal seams:

- Low extraction rates utilising room and pillar techniques;
- Higher extraction rates (smaller pillars and larger road ways) utilising room and pillar techniques;
- Shortwall panels, working panels (100m width)
- Longwall panels, working panels (300m width)

Energybuild argue that due to the significant investment in the mine that the highest rate of extraction is paramount and the use of longwall panels can not be discounted. However, based on preliminary exploration results to date and coal production objectives, a notional shortwall panel (100ft width) mining layout for the purposes of this assessment is adopted.

Relationship between wind farm and mining area

The application does not provide any confirmation that the turbines have or will be designed to accommodate mining subsidence. However, each turbine will rely on a conical-shaped support area to provide support from ground movements. Mine workings entering within the support area represent a risk to the stability of the turbine and the risk increases as the extent of mining within that area increases. The support areas vary between 815m diameter and 905m, which gives a cumulative of some 2.6m square metres at the 9ft coal seam and each of the additional overlying and underlying coal seams under and within influencing distance of the proposed wind farm.

The assessment concluded that the geology of an area has a significant impact on the resultant mining induced ground movements and the cumulative effect of extracting additional overlying and underlying coal seams would also progressively increase the risk of damage to the turbines. If a longwall design was adopted the subsidence would be expected to significantly increase. As a consequence, the mine operator in accordance with the provisions of the Coal Mining Subsidence Act 1991 would be responsible for any costs associated with remedying damage. Such costs could jeopardise the commercial viability of the mine and sterilise coal reserves in the 9ft seam, 6ft seam and additional overlying and underlying coal seams.

In response to the above assessment , a letter was received from the applicant In November 2011 which included the following comments:

- Energybuild's letter of objection was submitted 3 years after the application was received;
- This application preceded planning consent for the extended underground mining area;
- It is acknowledged by both parties that the wind farm and the Energybuild scheme could co-exist without any difficulties;
- Energybuild's proposals are only at a preliminary stage.

The starting point for consideration of the objection is the adopted Unitary Development Plan which does not define Hirfynydd area as a defined aggregate resource area and as such Policy 22 does not apply and there is no requirement to safeguard aggregate resources.

The site is not located within a primary or secondary coal resource designation within the emerging LDP. However, the area is designated as a Strategic Search Area for wind farm development in line with TAN 8- Renewable Energy.

The wind farm is not a permanent development, but would have a lifespan of 25 years. Therefore, the coal resource would be available for extraction any time in the future.

Energybuilds plans are purely speculative and should be a material consideration in the determination of the application.

The applicant would build in tolerance to the foundation design, providing Energybuild could provide robust information on the area to be mined and by what methods.

The worst case scenario put forward by Energybuild is that due to the employment of a different mining method to that currently consented, coal extraction beneath the area of the wind farm would be unable to proceed for the life time of the wind farm. However, if the currently approved method of working is maintained or there is potential to accommodate an element of tolerance in the wind turbine foundation design this could mean that the two developments could co-exist.

The applicant is open to discussions with Energybuild regarding turbine design.

Para 3.17 of PPW states that the planning system does not exist to protect the private interest of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land

and buildings in the public interest. The objections raised by Energybuild relate to potential costs resulting from development, potential impact on the site's value whilst the third relates to cost implications. These all concern private interests which are not material planning considerations in the determination of a wind turbine application which have not been substantiated.

In order to fully assess the implications of mining under the proposed wind farm the Applicant was requested to provide further information in respect of new geological information obtained to show that mining can be extended west and south, details of new mining equipment, changes to surface arrangements and underground working practices/methods required to adopt the new mining method and evidence that an alternative mining method would give rise to greater surface effects than those previously predicted.

A response was received in February 2012 and stated that:

Energybuild have carried out substantial exploration works focused on the Aberpergym –Treforgan Extension area, which is on going. In 2011 the company commissioned the drilling of 2 deep exploration boreholes, totalling 1157m of drilling in which specialist contractors carried out specialist downhill geophysical surveys. Samples of coal from the 9ft seam have been sent to the laboratory testing. 25 kms of seismic surveying have been carried out, the results of which are being used to understand the sub surface geological structures. All this new geological information is being integrated with previous information from the 1970sCoal Authority records of abandoned mines in order to generate 3 dimensional geological models from which detailed mining plans will be prepared.

Wardell Armstrong on behalf of Energybuild recommends use of shortwalls 76m in length as they are more able to be changed to take account of local geological anomalies and a lot less in capital investment terms. An indicative mining layout is based on 6m wide main and tail roadways, 76m wide shortwall panels and 34.5 coal pillars.

The shortwall equipment to be used is the same as the longwall panel using a shearer to cut the coal, conveyor to transport the coal along the face. Existing continuous miner equipment will be used to develop the access roadways underground but new equipment will be required to carry out the shortwall mining. It is not anticipated the existing surface arrangements will need to be changed to accommodate the new method. The costs associated with developing shortwall faces is over £11.4 million.

The shortwall mining method removes support from the overlying strata and

results in greater amounts of subsidence than associated with the room and pillar technique, where the remnant pillars of intact coal afford support to the overlying strata. In order to demonstrate the greater surface effects associated with the adoption of the current indicative shortwall mining layout, an estimate has been prepared, for comparison purposes, associated with the extraction of the 9ft seam.

The computer modelling results based on the indicative layout and shortwall workings predicted maximum subsidence of 1.6m. However, the report acknowledges that the level of extraction is unlikely to be achieved consistently due to geological anomalies and the overall subsidence would be in the region of 1.0m. The maximum degree of tilt would be 1.88 (0.6˚).

The planning application for the underground extension of the mine in 2009 was accompanied by a Subsidence Appraisal. The assumed mining method in this report was room and pillar. The summary indicated that mining depths consistent with those now proposed beneath the wind farm, could result in a maximum subsidence of 0.057m and a peak ground slope (tilt) of 1.2736

The report concludes that the short wall technique would result in significantly increased subsidence and levels of tilt.

The Applicant provided the following comments in respect of the above Mining Subsidence Report:

- Many statements within the report are contradictory, non-committal in nature, very general and imprecise;
- The simplified presentation of geological information differs from that previously provided with the 2009 Energybuild application and as such does not provide a plausible portrayal of the geological conditions likely to be faced by mining operations in the area;
- The recommendation that it would be prudent to employ a shorter face length than that previously used at tower Colliery is a token reflection of the more complicated geological setting being faced at Aberpergwym and a recognition that a longwall method can be virtually ruled out;
- Although there is confirmation that the capital investment necessary to develop shortwall faces is considerable the Wardell Armstrong Technical Report March 2009 alludes that this could render the method uneconomic. Alongside the investment requirements stated consideration also needs to be given to other factors;
- Other than very general statements no details are given of the findings from the exploration work and it appears to be still on-going. Without

access to the raw data from the recent/on-going exploration work it is impossible to judge how effective (if at all) that work has been in refining understanding of the geological setting beneath the area of the proposed wind farm;

- Energybuild to date has not carried seismic survey work on the area of the proposed wind farm. The applicant was advised in October 2011 that Energybuild would defer the work;
- The potential for overlying wind farm developments was a material planning consideration for Energybuild at the time of the April 2009 planning application for the extended underground area. Virtually all of the underground area is within Strategic Search Area E. The EIA which accompanied this application concluded that: 'due to the proposed depth of the workings below the surface the mining operation will have no readily identifiable negative impacts. Assessments have demonstrated that no foreseeable problems are likely to be experienced with regard to any subsidence which may potentially occur.' Specifically in relation to the wind farm it found that by …' adopting the currently proposed methods of working i.e pillar and stall, there are not likely to be any significant effects at surface and therefore no impacts upon the proposed wind farm development.'
- Notwithstanding the absence of evidence supporting the possibility of extraction by long/shortwall methods, these mining options also represent an increasing departure from the duty to use the best practicable means to reduce the impacts of coal working, and would increase the risk of impacts in relation to other issues including hydrology, scheduled ancient monuments and Sarn Helen by failing to adopt the Best Available Technology;
- The area of the Coal Authority Conditional Mining Licence has little if any relevance in planning terms to the wind farm planning application since it lies to the west of the site and is outside the presently permitted underground mining area;
- The overriding issue is that the present planning permission will only allow mining in two seams by a specific method which gives rise to negligible surface ground movements;
- The report is contradictory in respect of the method of mining. On one hand arguing for flexibility to choose the mining method but on the other hand seeking to suggest it can use methods which are inherently less flexible in dealing with the variable ground conditions which will be encountered;
- As the Report confirms that they are still in the process of independently reviewing the mining method to be adopted and is clearly not in a position to state that the shortwall methodology is a viable option;

- No rationale is given for choosing the arbitrary 1.0m subsidence figure. Also there is a contradiction here since there is an acknowledgement that the geological setting is still not known but that the proposed mining layout takes faulting into account.

A Mining Subsidence Risk and Mitigation Assessment Report (March 2013) – URS was commissioned by the applicant to assess the change in mining methods i.e short and/or longwall, the range of subsidence and strain resulting from the various methods of mining, the feasibility of implementing various mitigation measures in terms of foundation design and construction of the turbines in order that the mine and the wind farm can co exist and the potential mitigation measures that the mine could adopt.

The Report states that the currently consented room and pillar workings are not anticipated to present a risk of noticeable surface ground subsidence, as the design of the pillars to a conventional factor of safety against failure and the requirement to maintain open rooms through the workings will in effect prevent subsidence. However, the anticipated effects of mining associated with either shortwall or longwall panel workings involving quick collapse of the roof strata into the mined void, can be categorised as follows:

* Vertical subsidence [lowering] of ground surface
* Lateral ground movement potentially leading to undue compressive forces and associated shears
* Lateral ground movement potentially leading to undue tensile forces and associated shear strains on the foundation
* Curvature of the ground surface and underlying strata, potentially leading to differential settlement of the foundation and consequential tilt of the turbine tower assemblage.

The progress and sequence of movements which a surface structure may experience will vary depending on the rate of progress of the panel working face, and the sequence and timing of working in the adjacent panels. The structure may experience a series of subsidence "waves" over time. Reversal of tilt movements could also be experienced.

The main design requirements for tolerating ground subsidence are therefore that the foundation should perform its normal function and should also be flexible enough to accommodate ground movement originating from the mining activities particularly compressive and tensile lateral strain, whilst remaining serviceable.

The design of turbine foundations can follow the general principles set out above, and taking account of the guidance given from case studies.

The Report identifies the conventional foundation design criteria and measures which can be used to tolerate mining induced ground movement. The measures which can be taken and which are established in UK engineering practice include the following.

Re-levelling by hydraulic jacking combined with adjustable threaded bars

Re-levelling by grout injectionlevelling by shim insertion

The potential amount of ground tilt which could be transmitted to the turbine foundation base can be broadly estimated from inspection of predicted contours of ground subsidence. The finished panel layout condition the ground curvatures at the currently proposed turbine positions vary from negligible tilt at turbines 3 and 11, to the order of 1 in 650 at turbine 13, to 1 in 125 at turbine 8. The maximum tilt quoted by Wardell Armstrong in their report is 1 in 88 which is likely to relate to the location of the closest contours, in the region north west of turbine 3. The most acute tilt estimates affecting turbine positions are of the order of 1 in 125 [Turbine 8] and 1 in 150 [Turbine 12], these being located close to the south eastern limit [panel width] of groups of panels where differential subsidence is therefore most acute.

In comparison with the broad estimates of ground tilt given above for the completed group of proposed shortwall panels, it is understood that the upper limit for the verticality of the turbine tower will be in the range 1 in 125 to 1 in 230. It is again noted that individual towers may appear to be within tilt tolerance if compared with the estimated panel subsidence pattern at completion. However, a more critical stage may exist when the progress of working the panel face beneath or close to an overlying turbine causes an interim maximum tilt which is subsequently reduced as the panel, and later adjacent panels, are progressed through the locality. However, the critical stage may approximate to the most acute conditions adjacent to a panel face or series of in-parallel faces, such as the conditions beneath turbine 8 and turbine 12 noted above. If the amount of tilt was of the order indicated above then some turbine towers located in critical areas may marginally exceed the tolerance limit but others would remain within tolerance without the need for remedial re-levelling.

A more detailed assessment of potential tilt affecting specific turbines would be made at detailed design stage taking into account any firm proposals and planning consents for the mine panel layout, the proposals and consents for working in the Six Feet seam, and the timing and sequencing of the panels so that critical locations can be distinguished from those likely to remain within tolerance limits throughout the mining phase.

At the time of the 2009 planning application the mine owner originally proposed to continue to operate and extend the mine in the Nine Feet and Six Feet seams using the existing room and pillar type layout. Assessments of pillar stability carried out on behalf of the mine had indicated that pillar stability would be maintained with an acceptable factor of safety such that there would be no discernible subsidence or lateral strain at the surface. The extraction ratio for the pillar and stall system is relatively small and the overall stability of the mined seam is then controlled by pillar strength and stiffness.

The report and drawings issued by Wardell Armstrong on behalf of the mine owner in August 2011 presented an alternative shortwall panel working layout The panels were 100m wide separated by pillars at least 70m wide. The increased extraction ratio as compared with pillar and stall and the inevitable roof closure expected into the mined panels leads to predicted maximum ground subsidence of the order of 0.7 – 1.0m. However the ground curvature derived from the subsidence contours on the drawing indicate maximum tilt of the order of 1 in 350, well within the reported tolerance limits for the turbines. This order of tilt is limited because the support pillars between the shortwall panels are relatively wide, as compared with the later proposals and subsidence predictions depicted in Wardell Armstrongs Report of February 2012 where the support pillars are far narrower.

The later WA report of February 2012 refers to the possibility of working by longwall methods with panel widths of 200m or greater. By comparison, a longwall method would be expected to cause greater vertical subsidence and potentially greater lateral strain at the surface depending on the widths of intervening support pillars. However later in the report there is reference to constraints due to geological complexity such as faulting which would prevent even shortwall working in some areas and a reversion to pillar and stall. Therefore at this stage the longwall method of working is not considered to represent a realistic proposal for the purpose of addressing mitigation measures for the wind farm.

In addition to the measures which can be taken in the form of foundation design, and additional remedial re-levelling where required, other measures are considered feasible and practicable which will enhance the level of mitigation available to maintain the function and stability of the turbines, as set out below. Such measures could reasonably include the engineering of the wind farm and the planning, development and operation of the mine itself requiring close liaison between the developer and the mine owner.

Whilst the locations of turbines will be dictated to a large degree by

operational and planning factors including topography, wind pattern and visual impact, there may be scope to consider micro-siting particular turbines to avoid the critical zones of predicted lateral strain /ground
curvature. Confirmation in advance of the intended mine panel layout would be required before micro-siting could be considered, however this type of consideration has been part of conventional practice in the UK coalfields generally. Detailed numerical assessments of subsidence patterns and the timing of subsidence waves passing through the turbine footprint could be made once the panel layout was confirmed.

In cases of predicted or anticipated severe ground movements which are predicted to be well beyond the tolerance limits for operation of the turbine it may prove necessary to temporarily decommission and dismantle the turbine to allow a subsidence episode to take effect through the particular location. Although the information presented by the mine owner currently does not suggest that an extreme [severe] subsidence event is expected, there may arise exceptional circumstances such as a change in the method of working necessitated by difficult geological conditions [faulting, roof instability and the like] in the mine panel which result in localised acute ground strain. Some prior notice of such changes could be anticipated allowing for such an operation to be properly planned and executed. It is noted that the typical turbine assemblage including the tower, turbine blades and mechanism is brought to site in modular / kit form and can be assembled and built over a period of one to two days; similarly the dismantling of the turbine can be achieved within a similar timescale. Whilst this is a relatively costly measure it can reasonably be considered as a possible contingency for exceptional events.

The Report advocates that it is considered feasible, and in accordance with conventional UK practice, for the mine owner to consider the potential effect of the mining operation on surface structures, to liaise with those potentially affected and to vary where necessary the working method to limit subsidence and lateral strain.

In response to the above report Walter Energy submitted a further letter dated March 2013 re-affirming their objection to the proposal on the following grounds:

- Energybuild holds planning consent to mine the 9ft and 18ft seams directly beneath the proposal, operating a multi entry working system which includes the implementation of pillar reduction techniques within the area covered under planning permission P2009/0429. The company holds consent to mine on a multi seam basis and by unrestricted systems of work within the area designated with P2003/1500. The proposal will impinge on the viability of these consents and the commercial viability

of the mine. It should be noted that these consents have since expired and a resubmission is expected at the end of November;

- Having regard to the high levels of past and future capital investment to secure the long term mining operation we have consulted with the Authority for several years in relation to our intention to instigate alternative more productive systems of work such as short and longwall;
- The scoping document submitted on March 28th 2013 outlines the mining proposals for the next 25 years and identifies longwall system of mining as the primary method with complementary short wall and/or pillar extraction if geological conditions make it necessary;
- Operations at the mine have recently been scaled back with the loss of 240 well paid jobs. This was influenced in part by the uncertainty in the potential loss of a mining resource and consequential negative impact on the value and viability of the project resulting from the proposed wind farm.
- It is proposed to resume operations at the mine at reduced capacity for maintenance purposes pending the outcome of this application. An incremental re-employment is proposed if the mining plan reaches fruition resulting in the employment of 500 people;

In support of their objection Walter Energy requested independent comments from Wardell Armstrong (April 2013) on the matters covered by the URS report for further consideration by the Authority. The comments are as follows:

In essence, the URS report addresses the relevant issues with varying degrees of competence but openly acknowledge that, despite inclusion of mitigation measures, there is the potential for high cost remedial works and/or the need to sterilise significant reserves of coal. The mitigation measures proposed by URS are highly theoretical and lacking in proven and practical application, furthermore they concede that such measures could be of limited benefit. Accordingly, the developer cannot be regarded to have satisfactorily discharged their responsibility and liabilities as set out in the planning guidance to demonstrate safe development and secure occupancy of the proposed wind farm.

Contrary to URS views it is important to note that the ground movement parameters that we have presented and those associated with the more intense overall mining intentions suggest that an extreme subsidence event is to be expected (when considering a sensitive structure such as a wind farm). It is acknowledged by URS that despite incorporating mitigation measures '.... it may prove necessary to temporarily decommission and dismantle the turbine ...' Such a requirement fully endorses the concerns and basis of objection

submitted by Walter Energy.

The remedial works described by URS, including temporary de-commissioning of turbines, re-levelling of turbines and dismantling of turbines are works for which a statutory remedy would be available to Wind Ventures UK under the provisions of the Coal Mining Subsidence Act 1991 being damage as described in Section 1(1)(b). This would place a major financial burden on Walter Energy who would have a statutory duty to pay for the costs of rectifying the damage, unless a private indemnity were to be provided by the developer to recover such costs. Alternatively, Walter Energy would need to sterilise a major proportion of commercially viable reserves of coal to avoid such prohibitive costs from being incurred. In either instance this could place an untenable burden on the commercial viability of the mine.

URS state that reversal of tilt movements could also be experienced the likelihood of this occurring is extremely remote and could not be relied on to suggest that remedial works to rectify tilt induced movements will not be required.

Precautionary measures are for the purpose of this submission regarded to be those measures that could be incorporated in the design of the turbines to mitigate subsidence and preventive measures are those measures that could be introduced into an existing structure to prevent damage occurring. Such measures are fine in theory but have often been identified to be of no real practical benefit in avoiding damage. URS outline various measures that could be incorporated in the design of the turbines but these are highly theoretical and there is no proof or examples of their effectiveness.

Whilst it is accepted that inclusion of such measures would be good practice as an integral part of the design of sensitive structures in a mining area, Unfortunately and particularly in the case of tilt neither Wardell Armstrong nor URS have been able to identify any such measures that would avoid the occurrence of damage as defined by the Subsidence Act. As such despite best endeavours of the wind farm designers, Walter Energy would still be at serious risk from a substantial claim for damage from the wind farm operator.

URS make negative assertions regarding the ability to adopt long wall panels which we are unable to accept. The main point is that it is impossible for anyone at this stage to identify a definitive mine layout, having regard to geological faults etc, but Walter Energy need to be free from unnecessary third party impositions to carry out mining in such a manner as determined appropriate at the time that the reserves are accessed and it cannot be discounted at this stage that this could include for the inclusion of longwall

panels. It is not clear from their report as to what experience, if any, the author of the URS report has (as a Geo-environmental Scientist) in relation to designing mine layouts.

URS also make assumptions regarding the design of pillar and stall mining operations suggesting that such workings would cause negligible ground movements. Their assumptions appear to be based on the design of the pillars being such to provide long term stability. This is not necessarily the case; the primary consideration would be to provide a safe mining environment during the advancing mining phase and could include working of the pillars themselves as the mining operation retreats. Again, Walter Energy need to have the flexibility to undertake mining operations to ensure the commercial viability of the mine which may well not include adoption of low extraction rates associated with pillar and stall mining operations designed to provide for long term stability.

There is a significant proportion of the URS report which refers to and discusses the estimation of subsidence movements. The observations and comments made by URS indicate a primitive understanding of mining practices and subsidence estimation. Their assessments are confined to minimal mining events and fail to recognise the overall movements that could arise associated with the complex permutation of multi-panel and multi-seam workings along with the influence of the geological structure and previous workings of the area. URS appear to regard subsidence estimation as conforming to an accurate assessment as provided by the model within the Subsidence Engineers' Handbook. This clearly demonstrates their lack of experience and knowledge of this subject.

Subsidence estimation has been described as an art and not a science, that is, it does not conform to any proven mathematical formula or model and indeed it is recognised that significant variations occur from coalfield to coalfield. In particular, it is to be noted that no observations from South Wales are included within the Subsidence Engineers' Handbook (SHE) due to the erratic nature of the observed results and lack of conformity with observations within the remainder of the coalfields in the UK. Dr Charles Shadbolt, the former leading authority on mining subsidence at British Coal stated at the Conference held at the University of Wales Institute of Science and Technology, Cardiff in July 1977 that 'I have gained the impression that some Engineers consider Subsidence Engineering to be a purely mathematical operation and as such can in all cases be computer programmed. This approach ignores variations in site conditions and assumes the development surface to be a continuum with homogenous and isotropic properties. Such assumptions are erroneous and dangerous since they can often result in errors of judgement'.

These circumstances hardly provide an appropriate basis for estimating ground strains to three places of decimals as promoted by URS. Published documents over the years have highlighted the limitations of subsidence estimates derived by use of the Subsidence Engineers' Handbook including reports on monitoring identifying movements some 600% higher than estimates derived from the Handbook, and technical articles entitled 'Predicting the Unpredictable'. Local geology is considered to be a major factor in the variation of resultant subsidence and the rather more complex structure of the South Wales coalfield was considered to be a reason for the disparity of results compared with the rest of the UK. Further complications arise in that the Subsidence Engineers' Handbook only provides for estimates to be derived in a direction transverse to a single panel and does not include for estimation around panel ends which is necessary to identify an overall subsidence profile associated with mine layouts.

Additionally, no facility is available to account for the impact of previous workings such as exist at the site . URS assume that the MULPAN model referred to by Wardell Armstrong provides for estimates derived by super-position of estimates associated with single panels; this is not correct and again demonstrates URS' lack of knowledge and experience in the field of mining subsidence. By limiting their estimation of subsidence to a single panel and a single seam, URS grossly understate the potential magnitude of subsidence movement and draw ill-conceived conclusions regarding the ability of the turbines to accommodate mining induced tilt.

David Wilshaw, as the author of the previously-submitted Wardell Armstrong's reports on mining subsidence to the Council, was directly involved in the development of the MULPAN method of prediction and the developers of the software were informed of the requirement to address the impact of intervening panels of varying size between mine panels so contrary to URS' suggestion MULPLAN does take this into account which provides for more subsidence than compared with estimates derived from the super-position technique. This possibly helps explain why URS derive lower subsidence values based on a misunderstanding of the use of the prediction techniques.

The reliability of the Subsidence Engineers' Handbook was the subject of expert evidence in the High Court in the matter of Meadows and Others versus Nottinghamshire County Council (1st Defendant) and British Coal Corporation (2nd Defendant). In this instance British Coal provided estimates of subsidence which Nottinghamshire County Council relied on in constructing flood defences but the subsequent subsidence exceeded the estimates by 100%.

The point of the foregoing comments is that extreme caution needs to be adopted in preparing subsidence estimates particularly when dealing with sensitive structures such as wind farm turbines and inevitably professional judgement has to be applied based on experience; URS have only considered a minimalist mining layout and made no allowance for the limitations of the available methods of estimating mining subsidence.

It must be recognised that the Wardell Armstrong subsidence values referred to by URS are confined to a single seam working based on a notional mine layout. This grossly understates the ground movements that could in reality be experienced based on multi-seam working, adoption of more intense mining activities in localised areas and the impact of geological faulting.

It is accepted that it would be good practice to incorporate design measures in the wind turbine construction such as those referred to by URS but the adequacy of such measures precluding damage warrants extensive and detailed consideration and appraisal. It appears common ground that mere lowering of the surface is not in itself a problem, the most important parameters are damage associated with ground strain and tilt and our emphasis to date have been with regard to the tilt.

URS suggest the inclusion of a 'slip' plane at the base of the turbine pad to avoid transfer of ground strains into the overlying structure. This has merit in theory but in practice the high loads seriously question whether this would provide an effective means of precluding the transfer of ground strains into the overlying structure and cannot therefore be relied on to prevent the potential for structural damage.

URS also suggest use of compression trenches which are referred to in the Subsidence Engineers' Handbook. This facility has by experience only been shown to be beneficial in limited circumstances. Where buildings are surrounded by hardstanding such as concrete slabs, then compression forces can result in lateral forces being exerted to the buildings causing a shear type movement to the surrounding walls; in such an instance compression trenches can help reduce the magnitude of damage indeed this was adopted at a chemical works at Widnes but it did not eliminate damage it merely reduced the magnitude of damage. However, a compression trench for a wind farm base would not have any material benefit in avoiding damage as the compressional forces do not just derive from compression of the near surface materials they derive from the underlying rock head on which the turbine is to be founded. As such the inclusion of compression trenches around the turbine base cannot be relied on to prevent the potential for structural damage.

As previously indicated, no design measures have been promoted that will avoid the need for remedial works with regard to mining induced tilt and this remains the primary area of risk. URS make reference to the presence of geological faults within the coal measures in the vicinity of the wind farm . These faults can be expected to continue to surface and it is widely accepted that reactivation of geological faults by mining activities often results in abnormal (extreme) surface movements at the surface which defy any reasonable means of prediction in regard to both magnitude and duration. Should such movements occur within the footprint of the base of a turbine, there are no recognisable design measures that can be adopted to preclude damage which in reality can escalate to demolition type damage with extremely high remediation costs.

URS mention the benefits of monitoring and a close working arrangement between the mine and wind farm operators. Again, this would be good practice but it is questionable as to whether it would result in the avoidance of damage or avoid the sterilisation of coal reserves. Indeed the methodology advanced by URS would result in coal reserves being sterilised. URS refer to micro-siting particular turbines as a solution but by implication this seems to suggest that this would not apply to all turbine locations. Reference is made to monitoring to provide advance warning of the need for intervention which again seems to accept that remedial works may be required. It is accepted that verticality of the turbines could be monitored but it would be naive to suggest that this would necessarily mean that remedial works could be avoided as mining induced movement 'wave' can continue even when the causative mining has ceased. URS outline reduced mining activities to mitigate subsidence impact but this endorses Walter Energy's concern that coal reserves would need to be sterilised to avoid damage. URS refer to a more detailed assessment of potential tilt affecting specific turbines would be made at detail design stage taking into account any 'firm mine panel layouts' suggesting this may be a solution but this approach is flawed by the fact that mine panel layouts cannot be confirmed until the time of mining which would be after the wind farm is constructed and as such does not constitute a solution.

URS concede that the magnitude of movement which any particular turbine may experience is not known. They justifiably identify good practice design measures but recognise that these would not necessarily avoid damage and acknowledge that as the tolerance to tilt could be exceeded it is necessary to consider remedial measures that could be required to remedy the tilt. URS outline a number of options to rectify tilt but qualify this by stating that this would require prior dismantling to allow the works to take place. The remedial works referred to by URS to correct for tilt would provide for a claim for damage against Walter Energy and thereby incur prohibitive subsidence costs.

There is a distinct absence of any conclusions by URS to indicate that the wind farm can withstand the effects of the future mining. Conversely, there are a number of comments within their report to indicate acceptance that damage, particularly in relation to tilt is a distinct possibility. Even based on their ill-conceived and minimalistic estimates relating to a single seam working, URS accept that damage could occur to the wind farm. Reliance is in part placed on unproven design measures and the need to amend the mining activities to avoid damage to the wind farm but nevertheless concede that mining induced tilt could exceed the turbine tolerance. The concessions made by URS (potential for high cost of remedial works and sterilisation of coal reserves) represent an unacceptable risk to Walter Energy.

In response to the above URS on behalf of the applicant offers the following comments:

- Recognises the experience of WA Technical Director;
- Disputes the claims in respect of their competence and experience;
- Agrees that ground subsidence associated with the proposal to operate shortwall extraction is likely to occur. Their remit is to address the likelihood of ground surface movement taking into account the mines own predictions;
- At no point of our report are we suggesting there is potential for high cost remedial works and/or need to sterilise significant reserves of coal. The Report deals with a wide range of mitigation measures given the available information;
- Our assessment takes into consideration predictions made by WA for the shortwall method of mining and that practicable mitigation is possible;
- We do not imply that reversal of tilt is a beneficial restoration of the verticality of the turbine tower, merely that reversal of the direction of tilt can occur as a mining progresses;
- The proposed measures are not theoretical, but have been widely used over the decades and recorded in the relevant literature;
- WA acknowledges that it is good practice to include mitigation measures in the design of turbines. We consider that the mitigation measures proposed are feasible given the subsidence predictions currently available;
- If Walter Energy disclose the full extent of information it holds on geological conditions and its mining intentions then a reasoned assessment can be made;
- Our comment on long wall working is given in the light of circumstantial evidence currently available;
- Our comments on the subsidence effects from room and pillar mining

take into account the assessments made in earlier reports including WA. In their Report (Feb 2012) they state that they have assessed potential subsidence from continuance of the room and pillar mining, based on a conservative assumption that the support pillars will yield, to reach an estimated maximum of 57mm vertical subsidence and a peak ground slope (tilt) of 1.2736. In the context of a wind turbine we consider this to be negligible;

- We acknowledge the geological complexity, and do not aim to dispute the expertise of WA nor dispute the basis of the WA subsidence estimations but present proposals for mitigation on the basis of recognising and accepting as valid the predictions provided for the shortwall layout presented by WA.
- We do not regard the subsidence estimation methods as any more accurate than is already indicated in the guidance available (SEH) and we are well aware of the particular geological conditions setting South Wales apart from other coalfields yet WA has provided a contoured estimate for this site using the MULPAN model which has been and continues to be used in other coalfields;
- Our conclusions are not based on anything other than various sets of estimations available to us including those from WA which we do not dispute;
- We recognise that caution is due when making subsidence estimates, nevertheless we assume that WA consider their own predictions for the shortwall layout have reasonable credibility and we do not dispute them;
- Our report makes clear that the estimates are recognised as applying to a single seam. However, this is the only firm proposal for mining disclosed and available to the applicant;
- It is agreed that ground strain and tilt are the critical factors influencing the application of mitigation measures, however a detailed appraisal should be matched by full disclosure by WE recently acquired geological data and its intentions with respect to seams to be mined, mine layout and working methods including subsidence estimates for the intended sequence of working;
- 'Slip plane' beneath foundations would be addressed as the design is developed;
- Compression trenches are recommended in the literature;
- We acknowledge that tilt is the primary risk factor to the functioning of the turbines but a range of measures would be considered;
- We acknowledge that geological faults can complicate subsidence and strain patterns at the surface, but disclosure of geological information and mine layout can ensure that a detailed appraisal can take place;
- We agree that a monitoring regime and a close working arrangement

between the 2 parties is good practice and essential;

- Micrositing would be beneficial in cognisance of the mines intended working methods, mine panel layout and working sequence and the measures stipulated in our report are practices by other mines in other coalfields and see no reason why they should be dismissed;
- A range of mitigation measures would be taken to a greater level of detail once the mines proposals are fully disclosed;
- We do not question the expertise of WA or their ability to make reasonable assessments of mining subsidence but do object to an attempt to discredit us or our expertise. The matter requires a balanced and reasonable exchange of opinions, information on the conditions affecting the potential for subsidence and the establishment of a working relationship between the mine and the wind farm operators.

In order to independently assess the above Mining Subsidence Reports, Golder Associates UK Ltd were commissioned by the Authority. The baseline data comprised the geological information relating to the proposed site and the nearby previous and potential mining activity, and proposed mining plans and methods. As a consequence the geological information in relation to the depth of working etc was considered to be reasonably accurate, and sufficient information to allow estimates of surface subsidence to be made.

The Report confirms that the mining methods and mining layouts adopted are the biggest factors influencing the potential subsidence. At the time this report was produced, Walter Energy proposed a change in mining methods from room and pillar to shortwall in order to improve percentage of extraction and productivity.

Providing the mine pillars are large enough to stable, the room and pillar method does not cause significant subsidence. Shortwall mining will however result in subsidence, the magnitude of which depends on a number of factors namely number, position and dimensions of proposed shortwall panels which may be limited to a single seam or multiple seams.

In general the surface, subsidence strains and profiles calculated by URS for single and multiple shortwall operations in one seam are found to be within +/- 10% error range of values predicted by Golder. However, Golder Report concludes that as with the URS Report the predictions fall well below those provided Walter Energy. One explanation put forward by Golder for this discrepancy between the results is that Walter Energy has assumed workings in multiple seams rather than one.

The URS Report notes that the mine owners could modify their proposed

mining operations and mine layouts to limit subsidence damage to surface structures. However, such restrictions would limit the amount of coal recovery which may be both impracticable and uneconomic.

Golder undertook its own calculations using the methodology adopted by URS but has followed the history of the predicted changes in subsidence and tilt of an individual turbine tower as a series of shortwall panels approach, pass under and move away from its position. Golder believed that this would be more representative of the range of subsidence levels and tilts the foundation of a turbine would have within a single coal seam. The predicted values generated by both URS and Golder are within the +/- 10% error range.

With regard to the peak ground strains which are more critical than pure vertical subsidence for the turbine foundations would indicate that even with the elevated strains predicted by Golder a typical turbine foundation of 15-25m in diameter would give rise to 'very slight to negligible' damage.

The Report identified that neither the URS or Wardell Report indicated over what period the mining operations were planned and the effect that strong strata in the overburden may have on the delay of residual subsidence and the maximum subsidence experienced on the surface. Therefore, taking these proposed time dependent, multi seam extractions and local geology into consideration it is recommended by The Subsidence Engineers Handbook (SHE) that permanent repairs should not normally be carried out if a damaged property is due to be undermined again in another seam or by another face in the seam lying within the critical area. Therefore, temporary repairs are considered satisfactory in the short term but the design tolerance for the proposed wind turbines could be adversely affected over a long period.

In terms of engineering and operational mitigation measures, the Report recommends that detailed turbine foundation designs are provided and verified by a third party. The costs should be borne by the developer.

The Report advises that URS has addressed the main issues that would be applicable to consider with regard to the effect of the mine operations on the turbine foundations. However, the ability of the turbine to continue to operate efficiently, if at all when it has been tilted has not been addressed in detail, but considered only the worst case scenario for tilt.

The applicant has submitted a letter dated July 18th 2013 following their meeting with the Coal Authority which sought confirmation of their role in licensing and related regulation of the operations at Aberpergwm Mine. The letter is summarised as follows:

- The Coal Authority who owns the coal on behalf of the country has confirmed they would not support the mining company's position on the application and would not object to the proposed wind farm;
- The Coal Authority expect to have discussions with the mine operator shortly regarding the need or otherwise for a fresh 12 month notice (s47 of The Coal Mining Subsidence Act 1991) to be issued in the light of the current low level activity at the mine;
- Despite it being a requirement of the licence that 12 month interval plans are provided by the mining company showing the areas to be mined in the following 5 years no such plans have been provided;
- The Coal Authority has not been provided with any information about the mining companys plans to change to a shortwall or longwall mining method. Notwithstanding the mining company's current plans would involve mining beneath residential and commercial property at Treforgan and Crynant as well as watercourses, scheduled ancient monuments a railway line and other structures or features sensitive to damage by subsidence. The Coal Authority confirmed it could not countenance a method of mining beneath such areas that could give rise to severe damage and resulting in these structures or features being unable to be used for their intended purpose;
- The above demonstrates how insubstantial and speculative any future proposals for shortwall and longwall mining beneath the area of the wind farm are and how little weight can be attached to them. The mining company has been asked to submit further geological and mining information to justify a change from the currently permitted pillar and stall mining method and failed to provide it.

The Coal Authority has been consulted in respect of the above letter from the Applicant and the Golders Report. With regards to the latter they have offered no specific comments but refers to their previous comments that if the wind farm is constructed and any future workings from the mine are planned within the influencing distance of any part of the wind farm site then The Coal Authority will be required, under the terms of the licence to extend the area of responsibility for subsidence around this area so that any subsidence damage to the wind farm becomes the responsibility of the licencee.

At that time The Coal Authority would also be required to take financial security against any projected damage to the wind turbines in case of default by the licensee. This could affect the viability of future coal mining in this part of the mine licence area.

In respect of the applicants letter, The Coal Authority has confirmed that discussions have taken place with the mine operator regarding their future working and been provided with a plan of the proposed extent of their working for the 12 month period 1st June 2013 to 31st May 2014. The plan shows that this working is to be by room and pillar method rather than shortwall or longwall mining method.

With regards to the issue of subsidence, The Coal Authority has clarified that issues of damage by subsidence cannot be known until subsidence calculations have been provided by us, and the mining company is not required to provide these calculations until 12 months before they commence mining activity.

In response to the Golders Report, Walter Energy has confirmed their commitment to submit the application in approximately the next three months, which reflects their business and investment plan for the mine. The business plan, developed in the context of both the value of the asset and in terms of the world market for coal can briefly be summarised as follows.

Energybuild proposes to invest in excess of £ 100million to develop Aberpergwm colliery to allow the production of 2.5 million tonnes of run of mine product for a period of 25 years. The onset of production will be phased over the period 2014 to 2020. The phased increases are based on the achievability of the deliverables associated with underground development and production plan and also on the forecast expansion of the demand for coal within the world coal market.

In order to deliver the business plan and secure a long term future for the mine, with the resultant economic and social benefits this entails, the company needs a planning permission that allows sufficient flexibility in terms of underground working. Therefore, the ability to carry out the most effective/efficient methods of working is critical to the business plan and the achievement of the outputs needed to ensure a viable enterprise.

To achieve consistent production levels development and extraction proposals seek to optimise resource recovery through the maintenance of a flexible outlook and best fit principles. Longwall, shortwall, multi entry and multi entry with pillar extraction will ultimately be deployed where the prevailing geological and seam conditions will permit.

We are concerned at the references within the Golder report concerning our longwall operating proposals. We believe that Golder have insufficient technical and geological information in relation to our consented working area to forward these assumptions. There is a wealth of legacy information which

demonstrates that longwall mining has been extensively and effectively practiced at Aberpergwm and other mines within the very near locality in the past i.e. Blaennant, Treforgan, being one of the most efficient longwall mines in the country during its operational period, to name but a few. Our on going exploration and geological modelling continues to demonstrate a natural propensity towards the use of the longwall system of mining in conjunction with other methods.

This has served to inform our mining plan to the extent that we are confident of utilising a longwall system of up to 220m face lengths directly within the zone of influence of the proposed wind farm development.

A plan detailing Energybuild's mining proposals within the 9ft seam for the next 15 years is attached to this letter. The mining plan will form the focus of the business plan and forthcoming planning application. The potential impact on the mining plan by the Windfarm development if it is allowed to continue would severely threaten the continued development of the mine.

In relation to the EIA that we are currently carrying out with regard to our proposals, we can confirm that the subsidence assessment being carried out by Messer's Wardell Armstrong is based on the employment of these methods of working.

With regard to the recent Golder Associates report commissioned by NPTCBC we, in turn, again have commissioned Wardell Armstrong to provide an overview of its content. Excerpts from Wardell Armstrong's initial response are copied below.

At page 2, Golder appear to be unaware of the limitations of the SEH model and accept a stated accuracy that has often been misquoted (10% of seam thickness was once used by the NCB to explain the many departures that occurred) and exceeded in practice, in one exceptional case by 600% (Ferrari published paper). Golder, at page 5, suggests that SEH provides the maximum values whereas observations have proved on many occasions that this is not the case. It cannot be assumed that SHE estimates are accurate to within +/- 10%, local models in Nottinghamshire and Yorkshire indicate 50% departures for first seam working. Allowance should be made for known departures. In parts of their report Golder recognise that variations from the SEH can occur, a quantification of the effect should be made. SEH only provides estimates for very limited situations and multi panel, irregular layouts etc. are not provided for, hence the engineer is often required to use his professional judgement based on his experience. Golder correctly refer to the potential for abrupt steps to develop and the potential adverse effect on turbine foundations, this

would of course have a major impact on the tilt of the base and in turn the tilt of the turbine column rendering the turbine inoperable.

At page 6, Golder refers to faults and 'other potential defects' (presumably fissures) which may develop at the formation level and that these can be addressed by filling with grout or concrete. They do not add that where a foundation is affected by such features that the damage would be of demolition proportions incurring high costs for remedial works. Whilst Golder correctly state that curtailment of the mine layout to avoid damage to the turbines would have a major impact on the economics of the mine they do not draw attention to the statutory duty on the mine operator to pay high and prohibitive costs for remedial works should mine workings take place beneath the wind farm. They tend to suggest that remedial works, including re-levelling and dismantling of the turbines is an acceptable remedy but do not recognise that this would be of high cost to the mine operator. Golder correctly point out that the wind farm could experience movements/damage over a considerable number of years.

Golder indicates that URS have not been able to identify a design that will accommodate the mining induced movements without the need for high cost remedial works, but neither have Golder which is a strong indication that no design is available to accommodate the mining induced movement. Golder at page 7 recommend that detailed foundation designs should be provided for verification, presumably to demonstrate that the mining induced movements can be tolerated without the need for high cost remedial works at the expense of the mine operator. Golder suggests that the turbine siting could help remove a problem. It is important to recognise that it is impossible at the wind farm construction stage to identify the exact mine layout that will be adopted in the relevant area."

From a mineral planning point of view we are sure you appreciate the strategic importance of these coal reserves, the facilitation of economic working of them and also the supply of these valuable coals to the market.

Aberpergwm Colliery 9ft and 18ft seam constitute a superior product which is distributed to three main customers. Namely Pulverised Coal Injection fuel which is sold to Tata for use at Port Talbot, Thermal fuel which is supplied to Aberthaw Power Station for electricity generation and domestic fuel product is distributed nationwide for use in domestic fuel appliances and industrial boilers.

Given the general obligation of the Mineral Planning Authority to safeguard valuable minerals, including deep mined coals, and to secure the supply of

these coals where it is sustainable and acceptable to do so we are seriously concerned that the granting of planning permission for the Windfarm development would have a major detrimental effect on the coal supply from Aberpergwm Colliery. If the Windfarm development were to proceed as proposed it would present a major surface constraint to the underground operation due to the potential subsidence impact on the turbines and resulting costs to Energybuild. Whilst technically the wind farm would not sterilise the coal reserves, it would in economic terms present a serious threat to the economic extraction and supply of these coals, particularly as the world market is a challenging environment.

In this regard we must stress that the coals can only be worked where they lie and geology determines or seriously limits the opportunities to extract and work the coals. This needs to be weighed and balanced against the much greater locational flexibility that prevails for wind farm development, as can be seen across the UK.

Our objection, on the grounds of potential negative impacts on coal supply is not based on a complete, blanket objection to wind farm developments generally, nor for that matter, wind farm developments above or in the vicinity of underground coal workings. In simple terms, and based on a significant constraint that this wind farm development presents to the economic working and supply of the high value coal found at Aberpergwm mine, we consider that the wind farm development should only follow the complete planned extraction of our 9ft and 18ft resource within our target mining area. The wind farm development should be deferred to allow working of these coals and also to allow sufficient time after the extraction process is fully complete for the surface subsidence phase to pass. The freedom of surface constraints for the duration of the extraction operation is vital to the efficiency and ultimate success of our mining operations.

A subsidence appraisal (October 2013) has been submitted by Wardell Armstrong on behalf of Walter Energy. The purpose of this report is to assess the implications associated with the construction of the wind farm in relation to the future proposals for the mine and the likely magnitude of ground movement together with the various mitigation options and in light of the proposed mining methods to be adopted.

The report states that the mine is currently working the 18ft seam of coal and is expanding its operations on a westerly direction towards Crynant, to an increased production target of 2.5m tonnes per year. Although the Report is based on the mines business plan, with indicative mine layouts for 9ft and 8ft seams over a 10 year period it is acknowledged that this will be need to be

reviewed.

The Report identifies that in order to meet modern day mining methods of bulk production, longwall methods are required in part at least together with shortwall panels and multi entry along with multi entry with pillar extraction. The operation of these methods would inevitably lead to subsidence of the surface.

The Report identifies the following limitations when using the Subsidence Engineers Handbook (SEH) and the computerised software package MULPAN (based on the basic principles contained in SHE):

- SEH is limited to a simple mining layout;
- SEH does not allow for differing geological settings within the various coalfields;
- SEH provides estimates for line running transverse to a panel and not the ends;
- SEH is based on 165 case studies which did not include the results of south wales coalfields;
- SHE makes reference to an accuracy of +/- 10% which is grossly misleading. An example in Lancashire in a multi seam setting refers to +600%, Notinghamshire indicates +75% and Kellingley, Yorkshire +50%.;
- The tilt graph contained in the SHE is based on a limited number of observations;
- Whilst the Mulpan provides for multi panel layouts, the model is largely hypothetical.

The report identifies tilt as the most critical parameter when estimating subsidence. MUPLAN has been used to estimate the likely subsidence relating to the 18ft and 9ft seams. Whilst the indicative mine layouts show no longwall panels indicated beneath the turbines in Zone Z3 , the adoption of longwall panels as an alternative to the currently indicated multi-entry in the 9ft seam can not be discounted. Additionally, in the longer term longwall panels in the 18ft seam could also be incorporated in Zone Z3.

Calculations for a single longwall panel in the 18ft seam indicate a tilt of 1 in 160, two adjacent panels a 1 in 77 tilt, two seams a 1 in 39 tilt would occur.

The report states that neither the URS or Golders Report referred to above identify a tolerance for tilt to the turbines, only in the URS report is reference made to an ‘upper limit’ for the verticality of a turbine tower being in the range of 1 in 125 to 1 in 230. Research suggests that the allowed inclination due to settlement within 20 years should not exceed 3mm/m (1in 333).

Although the report acknowledges that not all turbines would be affected contemporaneously from a single panel , most of the turbines would be expected to be affected on numerous occasions over a period of time.

The Report considers the various mitigation options for both the wind farm and mining operators.

If piled foundations are used then these would be at risk by shear when subjected to the magnitude of strains that would occur and piles should be avoided in a mining setting.

In respect of tilt the report argues that the suggestion put forward by URS to include jacking points within the foundation design is not a tried and tested solution. Furthermore, in the absence of automatically built in controlled hydraulic jacking such an operation would be considerably expensive. Also relevelling by grout injection has been used in limited circumstances and not to the author's knowledge for wind turbines. The use of shim plates is considered to be a high risk remediation option which requires the turbine to be dissembled at a high cost.

The re siting of the turbines is dismissed as a possible mitigation measure as it is considered unacceptable due to the geological structure of the mine.

A delay in the timing of the wind farm beyond the completion of mining is an option as mining and its associated movement would probably take place over a period of approximately 15 years.

Three mining options have been put forward include partial extraction which involves a mine design of narrow panels with adjacent stable pillars. This has been discounted as a suitable mitigation measure as it would constrain bulk production required to operate a modern mine in limiting panel and sterilising valuable reserves of coal; the second option involves a system of mining which provides for the systematic extraction of coal reserves by theoretically counteracting surface strains as two panels are extracted in staggered formation. This technique was never established to work in practice and the final measure put forward is the 'pillar of support' technique which relies on sufficient coal being left in place to support the wind farm. This would result in the sterilisation of 28m tonnes of coal.

The report concludes that there is a difference of opinions between Golders and URS Reports and theirs regarding the risks to the mine operator and the wind farm operator associated with the construction of the wind farm as the

reports are based on multi entry and shortwall methods of extraction and do not take into consideration the impact of longwall mining. In the absence of any reliable means of mitigating the effects of mining it is argued that the turbines could be damaged, loss of generation and business interruption to the wind farm operation, positively high remedial costs for the mine operator and/or sterilisation of a major coal resource (approx. 35% of the forward 10 yr mine resource) for the mine resulting in the loss of further investment and loss of employment.

In response to the above the applicant has provided the following comments:

"Energybuild Limited, the company which owns the Aberpergwm mine, made an operating loss of £10.2million in 2012 (the latest period for which accounts are available). Walter Energy Inc., Energybuild's ultimate US parent company, made a loss of over $1.0billion in the same period. Press reports suggest that due to this the mine is facing an extended period of uncertainty and the risk of possible closure unless a new investor is found. The company has apparently given an undertaking to the Council that it will be seeking planning consent for continued operations at the mine. As far as we are aware, no firm date has been given for this application to be submitted. All previous planning consents for the mine expired on the 30th September 2013.

The speculative plans for expansion of underground mining operations at Aberpergwm fly in the face of current economic realities in the Welsh coal industry and are technically unproven. Presently mining operations are not being carried out within influencing distance of the proposed wind farm and this seems likely to remain the case for a number of years to come. Little relevant geological information exists and the company has not properly demonstrated that the coal resources beneath and within influencing distance of the wind farm can be mined in a practical or commercially viable manner. When Walter Energy was offered the opportunity to carry out geological investigations beneath the site of the proposed wind farm they declined.

Notwithstanding all this though, the March 2013 report, prepared on our behalf by URS, sought to demonstrate that any reasonably foreseeable ground movements experienced by the wind farm could be adequately mitigated, through measures incorporated at the time of construction or by subsequent remedial works. Generally the conclusion that the wind farm and mine could co-exist was supported by the Council's own advisers, Golder Associates who, as well as being sceptical about Walter Energy's future mining plans and subsidence predictions, endorsed the mitigation measures proposed as "*acceptable*" and "*reasonable*".

Walter Energy has also suggested that the presence of the wind farm could affect future investment decisions and the economic viability of mining operations, due to increased liabilities for subsidence damage or the need to have regard for the wind farm's presence. We do not accept this since Walter Energy have yet to demonstrate the practical or commercial viability of coal mining operations beneath or within influencing distance of the wind farm site. When Energybuild Limited applied for and was granted planning consent in 2010 to mine beneath the area of the wind farm this was on the basis of a room and pillar mining method. At the time they described that method as being "… *the most suited to the anticipated ground conditions which will be encountered at the mine*" as well as the "b*est available technique*" or "*technology*" to protect the environment.

At the same time the company also indicated that the wind farm was "…*situated outside the currently zoned mining areas in an area of severe overthrusting which is likely to disrupt the potential to mine*" and that by adopting a room and pillar method of mining "*... there are not likely to be any significant effects at surface and therefore no impacts upon the proposed windfarm development*". Since then, despite repeated requests, Walter Energy has been either unwilling or unable to provide further geological information to the Council relating to the area beneath the wind farm. We would therefore contend that they are unable to justify changing to different, more intensive, short or longwall methods of mining which would be both expensive and technically very different to the room and pillar mining presently employed at the mine. Evidence of longwall mining in other coal seams in the general area is not, in itself, evidence that longwall mining would be an appropriate method to employ in the seams which Walter Energy potentially plan to mine beneath or within influencing distance of the wind farm. It is our view therefore, and that of our advisers, that Walter Energy has yet to demonstrate the technical or commercial viability of longwall mining beneath or within influencing distance of the wind farm.

Notwithstanding this point Planning Policy Wales makes clear that the planning system does not exist to protect the private interests of any one person or company from another. Planning applications should only be considered in terms of their effects on amenity and the existing uses of land and buildings in the public interest. We would contend therefore that the representations that Walter Energy have made in relation to increased subsidence liabilities and the like are an effort to protect their private interests and therefore not material planning considerations.

Walter Energy are also wrong to suggest that present or emerging planning policy does not support the development of a wind farm on this site or that the

current underground mining operations at Aberpergwm are afforded special protection or safeguarded. A wind farm should not be treated as a permanent form of development since it has a finite 25 year life, after which it will be removed. Importantly too The Coal Authority, who owns the coal on behalf of the country, licences all surface and underground coal mining activities and is a statutory consultee, has not supported Walter Energy in objecting to the wind farm development on grounds of mineral sterilisation. Tellingly The Coal Authority has also not been consulted about Walter Energy's proposals to mine by either short or longwall methods. As we have indicated in previous correspondence (27 July 2011 and 23 November 2011) we consider there is strong policy support and demonstrable need for a wind farm development in the location proposed.

In conclusion and having regard to precedents set elsewhere in respect of interactions between wind farm proposals and underground coal mining operations, we strongly urge officers to support the wind farm application with a recommendation for approval, subject to appropriate conditions.

The proposed Hirfynydd wind farm is a significant opportunity for a 25 year, multi-million pound investment to be made into Wales and Neath Port Talbot and once operational the development would contribute in the region of £125,000 or more per year in business rates alone. Wind Ventures, a signatory to the Community Benefits Declaration supported by RenewableUK Cymru and the Welsh Government, would establish a Community Benefit Fund that would direct funds amounting to at least £72,000 per year towards projects that help improve community facilities and aid community cohesion. Wind Ventures is also committed, alongside other wind farm developments in the area, to working with the Council's Economic development Unit to maximise employment and training opportunities for local and regional suppliers of goods and services. "

<u>Assessment of the implications of mining in relation to policy</u>

With regards to the acceptability of the proposal in terms of policy, Mineral Planning Policy Wales (2000) states:

"that the main aim of Mineral Planning Authorities is to help conserve non-renewable resources for future generations through efficient use, recycling and minimisation of waste, to protect renewable resources from serious harm or pollution and to promote the use of alternative materials, maintenance of high and stable levels of economic growth to ensure an adequate supply of minerals that are needed at prices that are reasonable and to safeguard mineral resources for future generation."

MPPW further advises "that it is important that access to mineral deposits which society may need is safeguarded. This does not necessarily indicate an acceptance of working but the location and quantity of the mineral is known and the environmental constraints associated with extraction have been considered. Areas to be safeguarded should be identified on proposals maps and policies should protect potential mineral resources from other types of permanent development which would either sterilise them or hinder their extraction, or which hinder extraction in the future. The potential for extraction of mineral resources prior to undertaking other forms of development must be considered ".

Minerals Technical Advice Note 2 (MTAN2) advises that due regard should be taken of the extent to which surface development would affect the ability to extract minerals which represent a national asset. Such policy imperatives include the safeguarding of underground reserves and the phasing of surface developments to ensure that they do not preclude the economic extraction of minerals necessary for the needs of modern society. Therefore, the potential effects on the possibility of future coal extraction represent a material consideration in the determination of this application.

It further advises that development in areas identified as containing coal resources can be allowed provided it is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within a reasonable time scale.

TAN8 –Planning for renewable energy acknowledges that not all land within the identified Strategic Search Areas may be technically, economically or environmentally suitable for major wind farm development.

Policy GC2 together with the explanatory text for Policy IE6 of the UDP re-inforces the above guidance by stating that proposals such as wind farms would be supported providing their impacts on mineral resources were acceptable.

The Interim Planning Guidance – Wind Turbine Development Para 7.28 highlights the Authority's obligation to consider the potential impact of wind farm development on coal resources and in particular balancing the potential benefits of wind farm developments against protecting coal and other mineral resources.

In a recent decision by The Secretary of State in respect of the Pen y cymoedd Wind farm consideration was given to MTAN 2 namely that due regard should

be taken of the extent to which surface development would affect the ability to extract minerals which represent a national asset. He considered that such policy imperatives include the safeguarding of underground reserves and the phasing of surface developments to ensure that they do not preclude the economic extraction of minerals necessary for the needs of modern society. He considered the potential effects on the possibility of future coal extraction represented a material consideration of importance to the objectives of national policy.

The S of S considered that if extraction of coal at Unity Mine reserves is to take place at some time in the future then it follows that any decision to grant consent for the Development should be conditional upon suitable mitigation measures being incorporated into the project to safeguard the physical integrity of the turbines and the economic potential of the sub surface-minerals. He was satisfied from previous evidence that the foundation details of the turbines could be designed to deal with potential subsidence risk and suitable compensatory arrangements arrived at to secure remediation of tower tilt should this occur. This would be dependent upon either statutory or private arrangements between the wind farm operator and the mine operator. In addition he argued that the pattern and programme of mineral extraction could be phased to take account of the presence of the turbines, their operational life and the requirement to provide surface support for other features. It should be noted that the method of mining at Unity Mine when the Penycymoedd decision was made consisted of a proposed pillar and stall method of operation, although it is intended to pursue coal extraction in the form of shortwall in the future. In respect of the coal development proposed at Aberpergwm Mine and notwithstanding that previous approvals consisted of pillar and stall methods it is emphasised within the representations received from the operators of Aberpergwm Mine that they have clear and firm intentions to pursue long wall mining development under the proposed windfarm although this development is also subject to a future application and its consideration. To this end it is considered the potential consequences of underground coal development on this wind farm is likely to be more significant and detrimental to the integrity and stability of any turbines constructed.

Having regard to MTAN2 and the operational life of the mine being a minimum of 35 years he concluded that the proposed wind farm would not sterilise coal reserves due to the temporary nature of the development and consequently would be in accordance with MTAN 2. The consent was subject to a condition requiring the submission of a Stability Report. It should be noted that the method of working at this mine at the time of the decision was pillar and stall.

Walter Energy have advised of another appeal decision at Tween Bridge where EON obtained consent for a wind farm over coal reserves associated with a former colliery a condition was also attached requiring the developer to include designs to mitigate the effect of mining. However, when it came to discharging the condition they couldn't do so and instead secured protection by purchasing a pillar of support from the mine operator. It is claimed that this case differs from this proposal in that there was little prospect of the coal resource being worked.

The position with regard to mineral policy at a national level is clear, namely that due regard should be taken of the extent to which surface development would affect the ability to extract minerals which represent a national asset. Such policy imperatives include the safeguarding of underground reserves and the phasing of surface developments to ensure that they do not preclude the economic extraction of minerals necessary for the needs of the modern economy. At the local level coal mining is seen as an important contributor to economic activity in the Neath and Dulais Valleys (Para 16.13 of UDP). This is re inforced in TAN 23 –Economic Development (Draft) which requires local planning authorities to consider the economic benefits associated with the determining of planning applications.

Substantial conflicting evidence as outlined earlier in this report has been provided by the wind farm and mine operators to assess the risks of subsidence and the potential impact this would have on the future operation of the mine. The evidence suggests that the risk of subsidence is likely to be greater using the longwall method of mining. The mine operator has stated that the most efficient method of extraction in the 9ft and 18ft seams is by long walling in association with multi entry gate road developments and other methods if required over a period of 10-15 years would be required to secure the future viability of the mine. As this is a realistic possibility suitable mitigation measures must be able to be incorporated within the project to safeguard the integrity of the turbine structures and the economic potential of the sub-surface minerals. Based on the information provided it is considered unlikely that the turbines can be satisfactorily designed to deal with mining induced tilt consequently any increase in risk may affect investment decisions, retard the recovery of coal for energy generation in conflict with the general requirement to safeguard a national coal resource and unacceptable compensatory arrangements all of which could seriously impact on the future viability of the mine.

It is therefore considered that the proposed development does not accord with MPPW, MTAN2, TAN8, Neath Port Talbot Interim Planning Guidance: Wind

Turbine Development (2008) , Policies GC2, Policy 21 and IE6 of the Neath Port Talbot Unitary Development Plan.

Traffic and Transport

Traffic generated by the wind farm proposal, estimated to be 13,284 movements (two-way) over the 12 month construction period, would almost be entirely limited to vehicle movements during construction and decommissioning. During the operation of the wind farm, traffic would mainly be limited to light vehicle movements and occasional deliveries.

During construction, Construction workers, electrical equipment, raw materials for concrete (water, cement and aggregate), steel for turbine foundations and electrical cabling would all need to be transported to the site using the public road system along the A4109.

Abnormal loads (turbine components) are estimated to be 252 movements (two-way) and are predicated between months 8 and 10 of the construction period. Loads will leave the M4 at junction 43, travel along the A465 to Aberdulais then north along the A4061 to Crynant before joining a forestry track.

Month 6 is expected to be the worst case for HGV movements, during this month it is expected that 753 additional HGV trips will occur on the existing road network. Split over an average of 22.5 working days per month equating to 34 trips per day.

The traffic implications relating to the proposal have been considered by The Head of Engineering and Transport (Highways) who has raised no objection to the proposal subject to conditions in respect of alterations to the existing access and provision of a Traffic Management Plan.

In view of the above, it is considered that the proposal will not have a significant adverse impact on highway safety.

Shadow Flicker

In terms of shadow flicker, the Environmental Statement provides an assessment of possible effect.

The ES analyses the potential for shadow flicker at two properties close to the proposed development. The two properties, located within 860m of the turbines are Coed Ddu and a house adjoining the A4109.

The assessment is based on a turbine hub height of 80m and rotor diameters of either 70m or 90m. Shadow flicker only generally becomes an issue when the blades cover 20% of the sun's area from the position of the receptor.

The results indicated that shadow flicker on a restricted scale would occur from turbines 6 and 7. Notwithstanding the fact that the level of flicker was within acceptable tolerance levels, turbines 6 and 7 have been removed from the scheme to address issues of visual amenity.

It is therefore considered in view of the foregoing that shadow flicker should have no detrimental impact on residential properties.

Electromagnetic Interference and Aviation

As part of the iterative design process the applicant has taken into account effects on aviation and electromagnetic interference. No comments have been received from OFCOM, CAA and Swansea Airport.

It is therefore considered that the proposed development will not have a detrimental effect on Electromagnetic Interference and Aviation.

Recreation and Community Effects

In respect of tourism, existing studies and research on the effects of wind farms on tourism suggest that the presence of a wind farm does not generally deter visitors or impact on the decisions to revisit and that wind farms can be tourist attractions in their own right. In addition, whilst the scale of the proposal means that it is likely to impact upon the visual experience of walkers and mountain bikers close to the site there is no evidence to suggest that wind farms in areas of high scenic value have experienced reductions in tourism demand.

The operational Ffynnon Oer Wind Farm constructed in 2006 has shown no demonstrable impact upon tourism figures.

There are no tourism facilities on the application site. Existing tourist destinations are over 4km from the site and are not directly connected by footpaths or cycle routes. Therefore given the research and the significant separation distances between the site and key tourist destinations it is considered that the development will not have a detrimental effect on tourism within the area.

Socio- Economic

The construction and operational phases will provide estimated 20-60 jobs during the 12 month construction phase and two jobs during the operational life of the wind farm. It is therefore considered that the proposed wind farm could have very limited long term benefits, but significant short term benefits.

Others (including objections):

In respect of the objections raised by local residents it is considered that the concerns relating to planning policy, visual amenity residential amenity, noise and disturbance, pollution, shadow flicker, stability, ecology and traffic implications, cumulative impact, impact on tourism and socio economic, impact on health and energy production have been addressed in the report.

In respect of other matters raised:

- In respect of community benefits, TAN 8 states that it is perfectly acceptable for businesses to enter into a legally binding agreement to provide benefits to the community, however this offer should not influence the decision of this planning application;
- In respect of the concern regarding the safety of bikers, walkers and bird watchers, this is a private matter which is not a material planning consideration;
- There is no justifiable evidence that the wind farm would devalue property or unacceptably impact on the local housing market;
- The ES identifies that there will be low impact on television reception in the area ;
- During construction and decommissioning, health and safety requirements will make it necessary to manage paths and other permissive routes where these trails come close to infrastructure. The applicant may request temporary closure orders in consultation with local authorities and providing temporary alternative routes where possible. Notices would be posted in publicly available documents and the routes will be demarcated with warning signs to discourage persons from entering the construction area. During the operation of the wind farm, no restrictions would be placed on the movement of walkers, cyclists and horseback riders using the rights of way adjacent to the site;
- Government Policy considers wind energy to have the greatest potential in the short/medium terms to provide renewable energy;

- With regards to concerns raised in respect of Turbines 1,2,

3,4,5.6,7 and 12 members are advised that the applicant has amended the scheme since originally submitted and Turbines 1,2,4,6 and 7 have been removed. In respect of the remaining turbines and associated apparatus , having regard to their proposed siting and potential impact this has been addressed earlier in this report;

- It is acknowledged that the date of the public exhibition did fall outside the consultation period. However, with the submission of additional information by the applicant third parties were given a further opportunity to make representations on the proposal. Members are advised that any representations associated with applications can be submitted up until the application is determined, however to ensure that such representations are given due consideration third parties are encouraged to submit their representations within the statutory period or soon after;

In respect of the observations raised by Crynant Community Council the following comments are made:

- The issues of access, impact on Scheduled Ancient Monuments , impact on residential amenity, ecology noise, tourism, visual amenity, siting, public safety have been addressed earlier in this report;
- The proposal has been advertised both in the press and by means of 23 site notices. The statutory requirements have been met.

Community Benefit

TAN 9 "Community Involvement and Benefits**"** recognises the opportunities that large developments provide in making contribution 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 supplementary planning guidance believes 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.

The applicant has offered to provide a community benefit contribution of

£4000 per installed mega watt per year over the lifetime of the development. This amounts to between £54,000 and £108,000 per annum and a total of between £1,350,000 and £2,700,000 over the lifetime of the windfarm.

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 of the planning application.

Conclusion

This is a complex application which has been assessed against national and local development plan policies. Government policies advocate the provision of wind farms to achieve their targets for renewable energy provision, which is an important component of the UK's energy policy. TAN 8 seeks to achieve this by giving guidance on the locations and targets for specific areas. Although the proposal falls within the strategic search area, a full assessment of the environmental and economic impacts is required to be undertaken.

The impacts of the development in terms of ecology, noise, shadow flicker, transportation and recreation and tourism have all concluded either that there is no significant effect or the effects can be mitigated through a S106 Agreement or conditions. In terms of the visual impact, the impacts have regard to the criteria associated with visual impact within TAN 8 and the Interim Planning Guidance and it is considered that the impact is insufficient to be such to warrant a refusal of the application on these grounds.

The proposal has generated some level of public concern and has also given rise to some level of support. PPW states that while the substance of local views must be considered, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own a reasonable ground for refusing or granting planning permission. It goes on to say it is for the local planning authority to decide whether, upon the facts of the particular case, the perceived fears are of such limited weight that a refusal of planning permission on those grounds would be unreasonable. Having assessed the proposal within the context and criteria of the relevant national and local policies. It is considered that a refusal of planning permission on the grounds of objections received would be unreasonable.

Taking into consideration all the evidence and assessment undertaken, it is concluded that the proposal is environmentally acceptable subject to conditions and a Legal Agreement. All potentially negative aspects of the proposed development have been considered. It is considered that these carry insufficient weight, either individually or collectively to outweigh the

acceptability of the proposal.

All environmental information submitted within the ES and the Supplementary Environmental information along with the comments of statutory consultees on the information supplied, and the comments, observations and representations provided by members of the public have been taken into consideration in this recommendation. In addition, all the relevant European directives, legislation and regulations have been taken into account.

It is accepted that both nationally and within SSA E the consented and operational capacities fall below those set out in PPW 2012 and TAN8, and that the proposed development will make a significant contribution to achieving those targets. However, this together with the limited short term benefits in relation to employment needs to be balanced against the potential impact the development would have on the recovery of coal for energy generation and the associated economic benefits to the national and local economy. The issue of subsidence is a complex one, the evidence put forward in respect of the likely subsidence risks and future implications for coal recovery indicates that the proposal would adversely impact on future operations planned at Aberpergwm Mine and it has not been demonstrated that these risks could be satisfactorily mitigated against. Whilst it is acknowledged that the existing consent at the mine has expired, extensive discussions have taken place in recent years with the mine operators regarding future operations at the mine and that applications have been received to renew the formerly approved developments and that a further application is anticipated before the end of 2013 to consolidate and extend mining development both above and below ground. The phasing plan put forward by the mine operator indicates that coal could be mined beneath the proposed wind farm for the next 10-15 years which will secure benefits for the local economy together with employment opportunities along with the extraction of a valuable energy resource, this would be in accordance with the advice contained in Planning Policy Wales 2012 and Technical Advice Note 23 (Draft) : Economic Development. Therefore, the delay in the construction of the wind farm would enable the exploitation of the coal which can only be extracted from where it is found, thereby allowing both developments to co exist at a future date which will contribute to the capacity targets for Strategic Search Area E. Therefore, the proposal is considered to be contrary to Mineral Planning Policy Wales, Mineral Technical Advice 2 :Coal, TAN8: Renewable Energy, Planning Policy Wales 2012, Neath Port Talbot Interim Planning Guidance :Wind Turbine Development(2008), Policies GC2 and IE6 of the Neath Port Talbot Unitary Development Plan.

RECOMMENDATION: **Refusal**

REASONS FOR REFUSAL;

(1)The evidence put forward in respect of the likely subsidence risks and future implications for coal recovery indicates that the proposal would adversely impact on future operations planned at Aberpergwm Mine and it has not been demonstrated that these risks could be satisfactorily mitigated against. Whilst it is acknowledged that both nationally and within SSA E the consented and operational capacities fall below those set out in Planning Policy Wales 2012 and TAN8 : Planning for Renewable Energy, and that the proposed development will make a contribution to achieving those targets it is considered that the limited short term economic benefits do not outweigh the potential impact the development would have on the recovery of coal for energy generation and the associated economic benefits to the national and local economy. The proposal is therefore contrary to Mineral Planning Policy Wales (2000) Mineral Technical Advice Note 2 :Coal (2009), Planning Policy Wales (2012) TAN8 : Planning for Renewable Energy (2005), Neath Port Talbot Interim Planning Guidance :Wind Turbine Development(2008), Policies GC2 and IE6 of the Neath Port Talbot Unitary Development Plan.

ITEM 2.2	
APPLICATION NO: P/2013/932	**DATE: 07/10/2013**
PROPOSAL:	**Detached dwelling (Outline)**
LOCATION:	**Land Part Of, 1 Quarry Place, Gwaun Cae Gurwen, Ammanford, SA18 1EY**
APPLICANT:	**Mr J S Thomas**
TYPE:	**Outline**
WARD:	**Gwaun-Cae-Gurwe**

BACKGROUND INFORMATION

Background Information:

Members should note that this application is reported to the Planning and Development Control Meeting at the request of Councillor L Williams as she wishes the members to consider the effect of the proposal on highway and pedestrian safety.

Planning History

88/0486	Residential Development	Approved	21/10/1988
05/0516	Dwelling (outline)	Refused	21/07/2005
06/0387	Dwelling (outline)	Refused	06/06/2006
A2006/0328	Appeal – Dwelling (outline)	Dismissed	19/10/2006
P13/0932	Dwelling (outline)	Refused	10/09/2013

Publicity and Responses (if applicable)

Gwaun Cae Gurwen Community Council – Objection, on highway and drainage grounds

Head of Engineering & Transport (Highways) – Objection, on highway grounds

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

Biodiversity Section – No objection, subject to conditions

Welsh Water – No response

The application was advertised on site and 3 neighbouring properties were consulted – No objection

Description of Site and its Surroundings

The application site is located on land which is the side lawned garden area of 1 Quarry Place, Gwaun Cae Gurwen. The land is a grassed area with three conifer trees dominating the width of the site in line with the front elevation of the donor property.

The application site is a slightly sloping rectangular shaped site which slopes both in an east-west direction and from south to north. The application site also includes a strip of land in front of the donor property to allow for a footway to be created.

Quarry Place is accessed off a sharp access off the main Gwaun Cae Gurwen road. The access to Quarry Place is between a commercial premises and the railway level crossing. The road leads downhill to the donor property and another residential dwelling before turning the bend into a country lane. The site is adjoined by an existing residential property (the donor property) to the east, a residential property to the west, the highway to the north with open land and the railway track beyond the highway and to the rear is open land with the primary school beyond.

The plot has a frontage of approximately 15.5 metres and a depth of approximately 32 metres. The sub-division of the plot would leave the donor property a frontage of approximately 9 metres and a depth of approximately 33 metres (as there would be 1.8 metre footway taken off the depth of the frontage for the footway).

There is a main sewer crossing the site diagonally therefore, the developable area of the site would be further restricted if the sewer could not be diverted.

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 Quarry Place.

The submitted details indicate that the dwelling will have the following scale parameters:

Minimum height: 7.8m
Maximum height: 8.6m

Minimum width: 8.5m
Maximum width: 9.8m

Minimum depth: 9.0m
Maximum depth: 10m

The site is shown to gain access directly off Quarry Place. The indicative plan shows a driveway along the eastern boundary of the site with a turning area westwards in front of the proposed dwelling.

There is a hardsurfaced area to the front of the donor property which can accommodate three cars to be parked off the highway provided that the dwarf forecourt wall is demolished. Therefore, the parking arrangements for the donor property will not be affected by this development.

It should be noted that previous applications have been submitted for this site and have all gained a decision of refusal with one of the applications being dismissed at appeal. This application is a resubmission of an application refused on 10th September 2013.

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 the H3 settlement limits defined in the UDP, 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 accommodating one dwelling, 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 pre-assessment report stating that the proposed dwelling would achieve a minimum of level 3 Code to meet the current requirements. The application if approved could have suitably worded conditions imposed to ensure the application meets the current requirements for code requiring a design stage assessment and related certification to be provided, together with a post construction stage assessment and a final code certificate indicating the levels achieved.

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 that the application site is

considered to be of an adequate size to accommodate one dwelling.

The proposed development, taking into account, the location, size and shape of the plot together with the siting and the possible orientation of the proposed dwelling in relation to the existing dwellings on Quarry Place including the donor property itself, is considered to be characteristic of the existing settlement pattern.

It is therefore considered that a dwelling in this location would not detract from the character and appearance of the streetscene and the wider area.

Residential Amenity

The application seeks outline permission with all matters held for subsequent approval, therefore a detailed assessment with regard to overlooking issues cannot be made, however, it is considered the plot is of a sizeable nature and a dwelling could be designed and sited within the plot so as not to cause any unacceptable overlooking issues.

In respect of overbearing and overshadowing issues, given the size and location of the plot it is considered that a proposed dwelling could be sited so as not to have an unacceptable overbearing and overshadowing impact upon the donor property which has a separation distance of approximately 6 metres from the proposed dwelling and the neighbouring property (no 2) being approximately 7 metres away from the side elevation of the proposed dwelling on the indicative siting plan. This assessment is however given on the basis that the sewer will be re-sited. If the sewer is not re-sited, the position of a proposed dwelling would be more restricted and could have unacceptable consequences on the amenities of neighbouring properties.

Drainage

The Drainage Officer offers no objection to the application provided that two conditions are imposed on the consent controlling runoff and connections to the sewer.

It can be seen from a Welsh Water plan that there is a sewer crossing the application site, therefore if the application were to be approved an informative would be added to the consent to reflect this.

Highway Safety (Access, Parking and Traffic flows)

The Head of Engineering and Transport has objected to the proposal.

The grounds for the objection is that visibility out of Quarry Place onto Heol Cae Gurwen (A474) is severely restricted and further traffic generation at this junction will be detrimental to the safety and free flow of traffic and as such is contrary to Polity T1 of the Neath Port Talbot Unitary Development Plan.

Members should note that a number of applications have previously been submitted for this site and have been consistently refused planning permission, with one application being the subject of an appeal which was dismissed.

In that appeal, the Planning Inspector states the following as a reason for dismissing the appeal in February 2007 and the Head of Engineering and Transport considers that the situation on site has not substantially changed since then. *"At the junction of Quarry Place and the A474, which is a busy main route, visibility of oncoming traffic falls well below recognised standards. As well as emerging traffic and approaching vehicles having little warning of each other, drivers' attention would also be focused on other highway circumstances, including a railway crossing and two junctions, one with the A4069, which are set close together on the east side of the road. Moreover, because of the narrow entrance to Quarry place, there is little or no room for two vehicles to pass, which would be likely to lead to stopping or reversing movements on the main road, which would prejudice the free and safe flow of traffic. In view of the above it is considered that the proposal conflicts with the objectives of Policy T2 of the Northern Lliw Valley Local Plan and Policy T1 of the emerging Neath Port Talbot County Borough Unitary Development Plan."*

Whilst the development plan policies have changed since the above decision was made, the highway layout and traffic have not changed for the better. It is therefore considered that the proposal would have a detrimental impact upon highway or pedestrian safety. Furthermore, there have been no material changes since the most recent refusal of the planning application in September 2013.

Landscaping

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

Ecology (including trees & Protected Species)

The Biodiversity Section has no objection to the proposal subject to two conditions and an informative being imposed on the consent. The conditions relate to; a bird box being erected on the new dwelling and that if bats are found during construction work must cease and a licence sought from the Welsh Government. The informative relates to avoiding the bird breeding season when clearing vegetation.
Flooding Not Applicable
Pollution (air and ground) None
Others (including objections) **None**
Conclusion It is considered that even though the site can accommodate the development proposed without adversely affecting the residential amenity of residents of neighbouring properties and the character and appearance of the area, the proposal would create highway and pedestrian safety concerns on the grounds that visibility out of Quarry Place onto Heol Cae Gurwen (A474) is severely restricted and further traffic generation at this junction will be detrimental to the safety and free flow of traffic and as such is contrary to policies GC1, T1 and H3 of the Neath Port Talbot Unitary Development Plan. Refusal is therefore recommended.

RECOMMENDATION: **Refusal**

REASONS FOR REFUSAL;

(1) The junction of Quarry Place and Heol Cae Gurwen lacks adequate visibility and as such, vehicles exiting the site will have severely restricted visibility. The additional traffic proposed in relation to this development will therefore have a detrimental effect on the safety and

free flow of traffic and as such is contrary to Policies GC1, T1 and H3 of the Neath Port Talbot Unitary Development Plan.

SECTION B – MATTERS FOR INFORMATION

3. DELEGATED APPLICATIONS DETERMINED BETWEEN 15TH OCTOBER 2013 AND 4TH NOVEMBER 2013

1 App No. P/2013/653	Type Discharge of Cond.
Proposal Details to be agreed in association with Condition 9 (street lighting) of P2012/0806 granted on 15/7/13 (Amended Plan received 12-9-13)	
Location Land at, Graig Newydd, Godre'r Graig, Swansea	
Decision Approval with no Conditions	
Ward Godre'rgraig	

2 App No. P/2013/663	Type Full Plans
Proposal Retention and completion of detached dwelling (amendment to planning permission ref. P2010/0640)	
Location Land between, 1 & 3 Penrhiwgoch, Baglan, Port Talbot, SA12 8LN	
Decision Approval with Conditions	
Ward Baglan	

3 App No. P/2013/684	Type Discharge of Cond.
Proposal Details to be agreed in association with conditions 44 and 48 for Phase 2 only (Remediation strategy for existing contamination and existing and proposed ground levels for remediation) of application P2005/0393 granted on the 8 Feb 2008.	
Location Former Llandarcy Oil Refinery, Llandarcy, Neath	
Decision Approval with no Conditions	
Ward Coedffranc West	

4 App No. P/2012/526	Type Discharge of Cond.
Proposal Details to be agreed in association with condition 11 (culvert detail) of planning permission P2011/0758 granted on 19/7/2012 (Amended plan rec 19-8-13)	
Location Land at, Edward Street, Alltwen Pontardawe, Swansea, SA8 3DD	
Decision Approval with no Conditions	
Ward Alltwen	

5 App No. P/2012/544	Type Discharge of Cond.
Proposal Details to be agreed in association with condition 13, 23 and 24 (construction method statement, pollution prevention measures and waste management plan) of planning permission P2011/0758 granted on 19/7/2012 (AmendedPlans and additional information Rec 19-8-13 and 6-9-12)	
Location Land at, Edward Street, Alltwen Pontardawe, Swansea, SA8 3DD	
Decision Approval with no Conditions	
Ward Alltwen	

6 App No. P/2012/547	Type Discharge of Cond.
Proposal Details to be agreed in association with condition 17 and 38 (street lighting and highway details) of planning permission P2011/0758 granted on 19/7/2012 (additional plans received 22-5-13) (Additional details in respect of Condition 38 Rec 22-8-13)	
Location Land at, Edward Street, Alltwen Pontardawe, Swansea, SA8 3DD	
Decision Approval with no Conditions	
Ward Alltwen	

7 App No. P/2013/194	Type Section 37 Elec Act
Proposal Consultation under Section 37 of The Electricity Act (erection of two 33KV overhead lines approximately 3386 metres in length)	
Location Land at, Selar OCCS, Near Glynneath	
Decision No Objections	
Ward Blaengwrach	

8 App No. P/2013/226	Type Discharge of Cond.
Proposal Details to be agreed in association with condition 2 (drainage) of planning permission ref P2011/1035 granted on 04/01/12	
Location Playing Fields Off, High Street, Seven Sisters, Neath	
Decision Approval with no Conditions	
Ward Seven Sisters	

9 App No. P/2013/330	Type Discharge of Cond.
Proposal Details (Part) to be agreed in association with condition 5 (Peat impact minimisation protocol) of P2009/1053 (DECC Ref 12.04.09.26C) granted on 08/05/12 (Amended methodology(rec 8-7-13) and constitution (rec20-9-13)	
Location Pen Y Cymoedd, South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glyncorrwg and to the East of Tonmawr, Port Talbot Neath Port Talbot	
Decision Approval with no Conditions	
Ward Cymmer	

10 App No. P/2013/346	Type Full Plans
Proposal Single storey side extension (amended plans received 23.09.13)	
Location Lidl Vale Of Neath Retail Park, Vale Of Neath Retail Park Access Road, Neath, SA10 7AY	
Decision Refusal	
Ward Bryncoch South	

11 App No. P/2013/577	Type Vary Condition
Proposal Variation of Condition 8 (Opening Hours) of Planning Permission N1986/0313 granted on 07/07/86 and Condition 1 (Opening Hours) of Planning Permission N1988/0477 granted on 17/09/88 to permit revised opening hours of 08.00am-08.00pm Monday to Saturday and 10.00am-06.00pm Sundays.	
Location Old Road Garage, Old Road, Skewen, Neath, SA10 7NF	
Decision Refusal	
Ward Dyffryn	

12 App No. P/2013/602	Type Householder
Proposal Two storey side extension and part single storey part two storey rear extension.	
Location 118 Old Road, Neath, SA11 2DE	
Decision Approval with Conditions	
Ward Neath East	

13 App No. P/2013/617	Type Householder
Proposal Increase ridge height and insertion of dormers and velux windows and julliet balcony within front and rear roof slopes to provide first-floor accommodation, plus first floor front extension, single storey side extension and front porch extension.	
Location 9 Margaret Street, Bryncoch, Neath, SA10 7TS	
Decision Approval with Conditions	
Ward Bryncoch North	

14 App No. P/2013/625	Type Full Plans
Proposal Replacement shopfront, new timber surround to rear entrance door and installation of external lighting.	
Location 10 High Street, Cwmavon, Port Talbot, SA12 9BH	
Decision Approval with Conditions	
Ward Bryn & Cwmavon	

15 App No. P/2013/626	Type Full Plans
Proposal Replacement shopfront and installation of external lighting.	
Location 42 Commercial Road, Taibach, Port Talbot, SA13 1LG	
Decision Approval with Conditions	
Ward Taibach	

16 App No. P/2013/713	Type Householder
Proposal Construction of a garage with storage room above and replacement boundary wall.	
Location 40 Morfa Road, Margam, Port Talbot, SA13 2DN	
Decision Approval with Conditions	
Ward Margam	

17 App No. P/2013/725	Type Outline
Proposal 3 detached dwellings (Outline)	
Location Forest View, B4282 From Cwmavon To Bryn, Cwmavon, Port Talbot, SA13 2RD	
Decision Approval with Conditions	
Ward Bryn & Cwmavon	

18 App No. P/2013/729	Type Householder
Proposal Two storey/single storey side extension	
Location The Old Mill, Road From Goytre To Bryn, Bryn, Port Talbot, SA13 2SH	
Decision Approval with Conditions	
Ward Bryn & Cwmavon	

19 App No. P/2013/730	Type Householder
Proposal Two storey side and single storey rear extension.	
Location 35 Rhodes Avenue, Aberavon, Port Talbot, SA12 6UT	
Decision Approval with Conditions	
Ward Aberavon	

20 App No. P/2013/743	Type Neigh.Auth/Nat.Park
Proposal Consultation from neighbouring Authority for the retention of anemometer mast at Mynydd y Gwair Swansea	
Location Land at, Mynydd y Gwair, Swansea	
Decision No Objections	
Ward Outside Borough	

21 App No. P/2013/754	Type Householder
Proposal Reconstruction of front porch (Additional and amended plans received 30.08.13)	
Location Oak Cottage, High Street, Pontardawe, Swansea, SA8 4JN	
Decision Approval with Conditions	
Ward Pontardawe	

22 App No. P/2013/771	Type Householder
Proposal Two storey rear extension	
Location 17 Ridgewood Gardens, Cimla, Neath, SA11 3QQ	
Decision Approval with Conditions	
Ward Cimla	

23 App No. P/2013/774	Type Advertisement
Proposal Relocation of internally illuminated projecting sign	
Location 37 Commercial Road, Taibach, Port Talbot, SA13 1LN	
Decision Approval with Conditions	
Ward Taibach	

24 App No. P/2013/779	Type Householder
Proposal Certificate of Lawful Development (Existing) for a detached outbuilding	
Location 14 Cefn Yr Allt, Aberdulais, Neath, SA10 8HE	
Decision Issue Lawful Dev.Cert.	
Ward Aberdulais	

25 App No. P/2013/799	Type Householder
Proposal Single storey side and rear extension	
Location 4 Silver Avenue, Sandfields, Port Talbot, SA12 7RT	
Decision Approval with Conditions	
Ward Sandfields West	

26 App No. P/2013/800	Type Full Plans
Proposal A pair of detached garages.	
Location Land Adjacent To 3 Wenallt Road, Parsons Lane, Tonna, Neath, SA11 3JE	
Decision Approval with Conditions	
Ward Tonna	

27 App No. P/2013/801	Type Vary Condition
Proposal Removal of Conditions 2 (Materials) and 3 (Drainage) plus variation of Condition 7 (to allow an amended Parking Layout) of Planning Permission P2009/1088 granted on 3rd March 2010.	
Location Briton Ferry Welfare Ground, Ynysymaerdy Road, Briton Ferry, Neath, SA11 2TP	
Decision Approval with Conditions	
Ward Briton Ferry East	

28 App No. P/2013/805	Type Change of Use
Proposal Change of use from local authority office (Sui generis) to estate agency (Class A2)	
Location 9 High Street, Pontardawe, Swansea, SA8 4HU	
Decision Approval with Conditions	
Ward Pontardawe	

29 App No. P/2013/807	Type Discharge of Cond.
Proposal Details in association with condition 4 (BREEAM - Post Construction Stage and Final Certificate) of planning permission no: P2012/0128 approved on 30/03/12	
Location Land rear of Magistrates Court, Dock Road, Port Talbot, SA13 1RA	
Decision Approval with no Conditions	
Ward Margam	

30 App No. P/2013/810	Type Householder
Proposal Retention of detached outbuilding	
Location 11 Ffynnon Dawel, Aberdulais, Neath, SA10 8EQ	
Decision Approval with Conditions	
Ward Aberdulais	

31 App No. P/2013/891	Type Full Plans
Proposal Conversion of dwelling into two, one bedroom flats (amended location plan received 03/10/13)	
Location 14 Moorlands, Dyffryn Cellwen, Neath, SA10 9HU	
Decision Approval with Conditions	
Ward Onllwyn	

32 App No. P/2013/894	Type Screening Opinion
Proposal Request for a screening opinion under Regulation 5 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 (as amended) for the erection of a wind turbine with height of 79.6m to tip.	
Location Gelli Bwch Farm, Llandarcy, Neath SA10 6JU	
Decision EIA Not Required	
Ward Coedffranc West	

33 App No. P/2013/900	Type Prior Notif.Demol.
Proposal Prior Notification for the demolition of the former sheltered housing facility.	
Location Old Furnace House, Old Furnace Terrace, Neath, SA11 2EF	
Decision Prior Approval Not Required	
Ward Neath East	

34 App No. P/2013/811	Type Full Plans
Proposal	Detached stable block
Location	Glyn y Mul Farm, Aberdulais, Neath SA10 8HF
Decision	Approval with Conditions
Ward	Aberdulais

35 App No. P/2013/830	Type Full Plans
Proposal	Retention of detached dwelling, garage and raised decking area.
Location	39A Drummau Park, Skewen, Neath, SA10 6PL
Decision	Approval with Conditions
Ward	Coedffranc North

36 App No. P/2013/832	Type App under TPO
Proposal	Works to four trees protected by T200/A9 (raise canopy to beech and two oak trees and reduce laterals on sycamore)
Location	Land to the rear of, 27 Corner Meadow, Rhos Pontardawe, Swansea, SA8 3DR
Decision	Approval with Conditions
Ward	Rhos

37 App No. P/2013/837	Type Screening Opinion
Proposal	Request for screening opinion in accordance with Regulation 5 of the EIA Regulations 1999 for a single 1.5MW wind turbine (100m tip height).
Location	Land at Ty Cwm Farm, Fairyland Road, Tonna, Neath
Decision	EIA Not Required
Ward	Tonna

38 App No. P/2013/838	Type Change of Use
Proposal	Change of use of part of first-floor to provide 5 en-suite rooms for ancillary bed and breakfast accommodation.
Location	St Ives Inn, 12 Old Market Street, Neath, SA11 3NA
Decision	Approved with 5yr expiry only
Ward	Neath North

39 App No. P/2013/841	Type Discharge of Cond.
Proposal Details to be agreed in association with Condition 3 (Retaining Walls) of planning permission ref: P2012/1017 granted on 08/01/13	
Location 162 Graig Road, Godre'r Graig, Swansea, SA9 2NY	
Decision Approval with no Conditions	
Ward Godre'rgraig	

40 App No. P/2013/846	Type Listed Building Cons
Proposal Internal works comprising the erection of stud partition walls to facilitate the change of use of the first floor to provide 5 en-suite rooms for ancillary bed and breakfast accommodation (Listed Building Consent).	
Location St Ives Inn, 12 Old Market Street, Neath, SA11 3NA	
Decision Approval with Conditions	
Ward Neath North	

41 App No. P/2013/851	Type Householder
Proposal First floor rear extension	
Location 6 Wern Road, Skewen, Neath, SA10 6DN	
Decision Approval with Conditions	
Ward Coedffranc Central	

42 App No. P/2013/853	Type Householder
Proposal Single storey rear extension	
Location 35 Blodwen Street, Aberavon, Port Talbot, SA12 6ER	
Decision Approval with Conditions	
Ward Aberavon	

43 App No. P/2013/861	Type Householder
Proposal Replacement car parking space to facilitate garage conversion.	
Location 80 Crymlyn Parc, Skewen, Neath, SA10 6DG	
Decision Approval with Conditions	
Ward Coedffranc West	

44 App No. P/2013/866	Type Prior Notif.Demol.
Proposal Prior notification under Part 31 of The Town and Country Planning (General Permitted Development) Order 1995 for the demolition of detached building	
Location Sextons Building, Godregraig Cemetery, Graig Road, Godre'r Graig, Swansea, SA9 2NY	
Decision Prior Approval Not Required	
Ward Godre'rgraig	

45 App No. P/2013/873	Type Advertisement
Proposal 1 no internally illuminated fascia sign and projecting sign on front elevation and 1 no internally illuminated fascia sign on side elevation	
Location 62 Herbert Street, Pontardawe, Swansea, SA8 4ED	
Decision Approval with Conditions	
Ward Pontardawe	

46 App No. P/2013/883	Type Householder
Proposal Demolition of outhouse and construction of a single-storey side extension	
Location 1 Darren Road, Briton Ferry, Neath, SA11 2TD	
Decision Approval with Conditions	
Ward Briton Ferry East	

47 App No. P/2013/884	Type Discharge of Cond.
Proposal Details to be agreed in association with Condition 18 (relating to esate road details) of Planning Application P2013/327 granted on 26/9/2013.	
Location Land at, Ocean View, Jersey Marine, Neath	
Decision Approval with no Conditions	
Ward Coedffranc West	

48 App No. P/2013/902	Type Householder
Proposal Single storey rear extension and demolition of existing side extension	
Location 36 Lon Catwg, Gellinudd Pontardawe, Swansea, SA8 3DU	
Decision Approval with Conditions	
Ward Rhos	

49 App No. P/2013/903	Type Discharge of Cond.
Proposal Details in association with condition 2 (Materials) and conditon 8 (Landscaping) of Planning Permission P2013/0634 approved on 19/09/2013	
Location Land At, Cwmavon Road, Port Talbot, SA12 8RD	
Decision Approval with Conditions	
Ward Bryn & Cwmavon	

50 App No. P/2013/931	Type Discharge of Cond.
Proposal Details to be agreed in association with condition 7 (construction drainage method statement) and condition 11 (construction method statement) of planning application P2012/0171 granted on 4/10/13.	
Location Land rear of, 102 Crymlyn Road, Skewen, Neath, SA10 6DT	
Decision Approval with no Conditions	
Ward Coedffranc West	

51 App No. P/2013/940	Type Discharge of Cond.
Proposal Details pursuant to Condition 28 (materials) of Planning Application P2012/0171 approved on 4/10/2013.	
Location Land rear of, 102 Crymlyn Road, Skewen, Neath, SA10 6DT	
Decision Approval with no Conditions	
Ward Coedffranc West	

52 App No. P/2013/961	Type LawfulDev.Cert-Prop.
Proposal Two rear dormers, roof light and new window to side gable elevation	
Location 7 Vivian Park Drive, Sandfields, Port Talbot, SA12 6RT	
Decision Issue Lawful Dev.Cert.	
Ward Sandfields East	

53 App No. P/2013/970	Type LawfulDev.Cert-Prop.
Proposal Certificate of Lawful Development (Proposed) for a detached garage.	
Location 85 Cimla Crescent, Cimla, Neath, SA11 3PF	
Decision Not to Issue Lawful Dev.Cert.	

Ward Neath South	
54 App No. P/2013/973	Type LawfulDev.Cert-Prop.
Proposal Certificate of lawful development (proposed) single storey rear extension	
Location 74 Ruskin Street, Briton Ferry, Neath, SA11 2LD	
Decision Issue Lawful Dev.Cert.	
Ward Briton Ferry West	

55 App No. P/2013/983	Type LawfulDev.Cert-Prop.
Proposal Single storey rear extension - Certificate of Lawful Development Proposed	
Location 73 Lake Road, Sandfields, Port Talbot, SA12 6AW	
Decision Issue Lawful Dev.Cert.	
Ward Sandfields East	