

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
3RD DECEMBER 2013

ENVIRONMENT SERVICES

REPORT OF THE HEAD OF PLANNING – N. PEARCE

INDEX OF REPORT ITEMS

PART 1 – Doc.Code: PLANDEV-031213-REP-EN-NP

SECTION A – MATTERS FOR DECISION

**1. PLANNING APPLICATIONS
RECOMMENDED FOR APPROVAL**

1.1	APP NO: P/2013/525	TYPE: Full Plans	Page Nos: 4-16	Wards Affected: Briton Ferry West
PROPOSAL:	Construction of Baglan Energy Park link road and bridge and construction of highway between roads 3 and 4 Baglan Energy Park			
LOCATION:	Baglan Energy Park, Brunel Way, Baglan, Neath, SA11 2GG			

1.2	APP NO: P/2013/673	TYPE: Full Plans	Page Nos: 17-33	Wards Affected: Pontardawe
PROPOSAL:	One detached dwelling (Additional tree survey received 05.11.13)			
LOCATION:	Plot Adjacent To, 35 New Road, Ynysmeudwy, Pontardawe, SA8 4PJ			

1.3	APP NO: P/2013/720	TYPE: Minerals	Page Nos: 34-127	Wards Affected: Blaengwrach
PROPOSAL:	Proposed extension to Selar Surface Mine (Selar Central Extension) for the phased extraction of some 800,000 tonnes of coal integrated into the existing and permitted operations at Selar North with associated relocation of workshop, internal access road, offices and site infrastructure (Amended plans in relation to restoration contours)			
LOCATION:	Selar Opencast Coal Site, Nr Glynneath, Neath Port Talbot			

1.4	APP NO: P/2013/1010	TYPE: Full Plans	Page Nos: 128-134	Wards Affected: Coedffranc Central
PROPOSAL:		One detached dwelling house		
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2. PLANNING APPLICATIONS RECOMMENDED FOR REFUSAL

2.1	APP NO: P/2013/741	TYPE: Full Plans	Page Nos: 135-141	Wards Affected: Cimla
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SECTION B – MATTERS FOR INFORMATION

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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 5 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

<u>ITEM 1.1</u>	
<u>APPLICATION NO:</u> P/2013/525	<u>DATE:</u> 14/06/2013
PROPOSAL: Construction of Baglan Energy Park link road and bridge and construction of highway between roads 3 and 4 Baglan Energy Park	
LOCATION: Baglan Energy Park, Brunel Way, Baglan, Neath SA11 2GG	
APPLICANT:	
TYPE:	Full Plans
WARD:	Briton Ferry West

BACKGROUND INFORMATION

Planning History: None.
Publicity and Responses if applicable: Site notices displayed. Notice published in the press. 4 neighbouring properties informed: No response received. Consultees: Natural Resources Wales: No objections subject to conditions. Dwr Cymru Welsh Water: No objections subject to conditions. The Coal Authority: No objections Network Rail: No objections, however, requested informative to be added

to any permission which may be granted.

South Wales Trunk Road Agency: No response

Contaminated Land: No objections subject to conditions.

Western Power: No objections

Neath Port Talbot Disability Network Action Group: No objections

Others: A response has been received from the Baglan Bay power station operations manager. There are no objections to the proposed development however, it is pointed out that the power station operates on a 24/7 basis and it is therefore important that continuous access is maintained during the development period.

Description of Site and its Surroundings:

The proposed development is located within the north east section of Baglan Energy Park a large area of former industrial land which was largely cleared in the 1990's and is currently being developed for various commercial and industrial uses.

The site is bounded by the Intertissue factory to the north west, the recently constructed Neath Port Talbot Homes office to the north accessed off Brunel Way and to the south by Mardon industrial estate and the Technium centre with accesses off Central Avenue. The wider area includes the M4 motorway located to the east beyond which are the residential areas of Baglan. To the south there are a number large commercial and industrial developments forming the Baglan Bay Development Area beyond which are the residential areas of Sandfields and Aberavon.

The application site is divided into two distinct areas. The larger site on which the bridge and approach roads are proposed has a sloping profile falling approximately 2 metres from the north west to the south east over a distance of approximately 250 metres. A railway sidings with 5no. tracks approximately 35 metres in width bisects the site running from the south west to the north east, the sidings presently serve the Intertissue and GE power stations site.

The second site which is located to the south of the proposed bridge development is an "L" shaped section of two lane road approximately

450 metres in length and includes the existing Road 3 and further area of land which runs at right angles to Road 3 located to the rear of Mardon industrial estate. This area of land is flat in profile and consists of an existing tarmac road together with areas of concrete hardstanding and scrub.

Brief description of proposal:

The application seeks full permission for the construction of a two lane road bridge incorporating a footway and cycleway. The proposal involves the construction of approach roads built on raised earth embankments on either side of the railway sidings and the central bridge section constructed of steel beams with a concrete deck supported on concrete piers with four spans 80 metres in length and a maximum height of 8.3 metres. The bridge crossing including the approach roads is approximately 400 metres in length.

The parapets will be solid panels to comply with requirements when spanning railway lines. The road is a 7.3 metre carriageway and a 3 metre wide combined footway/cycle track.

The development also involves the construction of a link road on a separate site located to the south, this road links central avenue to Road 4 via road 3. The scheme involves the widening of Road 3 and construction of a separate section of two lane road between Road 3 and Road 4 to the rear of industrial units on the Mardon estate.

Material Considerations:

The main issues for consideration relate to the acceptability of the principle of the development on this site together with matters of visual amenity, residential amenity, biodiversity, drainage, flooding, land contamination and highways in the context of prevailing development plan policies.

Policy Context:

Neath Port Talbot Unitary Development Plan:

Policy BB1 Regeneration initiative

Policy GC 1 Structures and changes of use

Policy GC2 Engineering works and operations.

Policy EC 1 Employment landbank

Policy T1 Layout, design highway safety.

Policy ENV5 Nature conservation

Policy ENV 11 Proposals within areas of flood risk.

Policy ENV 12 Proposals affecting controlled waters

Policy ENV 16 Contaminated Land

Policy BB1 states that the area will be the subject of a comprehensive regeneration initiative, including major employment provision within the Energy Park together with associated facilities, services and infrastructure and the protection of nature conservation interest. The proposed bridge and associated roads will enable the strategic objectives of the Baglan bay regeneration to be achieved by creating an essential link between the two major development areas within the site and completing the main road infrastructure of Baglan Energy Park and Baglan Bay Development Area linking Brunel Way and Central Avenue.

Policy EC1 identifies Baglan Bay as a key employment site, where appropriate land uses include business, industry, storage and distribution and offices.

Policy ENV11 requires the submission of an FCA where new development proposals are located in areas of flood risk, and for it to be demonstrated that the development is justified at this location, that the proposal would not increase the potential adverse impacts of flooding and that the development can be properly protected by other engineering works / flood protection measures.

Policy ENV16 requires proposals that affect land which is likely to be contaminated to have been investigated to establish the nature and extent of the contamination and its appropriate treatment, prevent contamination leaking into groundwater, and ensure adequate monitoring.

Policies ENV17 and GC1 seek to ensure that any new development proposals are acceptable in terms of the impact on the character and appearance of the surrounding area, incorporate good design that addresses matters of security and safety, pays sufficient regard to conserving biodiversity interests, is sustainable and acceptable in terms of highway safety.

Policy T1 requires development proposals to be well located in terms of reducing the need to travel especially by private car and to be well designed to provide a safe, convenient, efficient and attractive transport infrastructure that encourages alternative, sustainable means of travel.

New proposals must ensure that there will be no unacceptable impact on the existing highway network or highway safety.

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'.

The applicants requested a screening opinion prior to the submission of the current application. A screening exercise was undertaken in accordance with Schedule 3 of the EIA regulations under application P2013/423. It concluded that the development is not likely to have significant effects 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.

Visual Amenity:

The surrounding area is characterised by a number of large, high quality industrial, office, research and development facilities together with an electricity generation station. In addition there are large areas of undeveloped land located to the south west which are currently under remediation. The major element of the proposed development is the bridge structure and approach road embankments. These will have a combined length of approximately 400 metres with the bridge section spanning the railway sidings rising to a maximum height of 8.3 metres.

The structure will have a significant visual impact within the immediate area and will also be visible from elevated sections of the M4 and elevated residential areas of Baglan however, with separation distances of between 250 – 500 metres and by virtue of the similar scale of the surrounding structures in the area it is considered that the development will not have any significant detrimental impacts when viewed from these distances.

The structures in the immediate vicinity include the Intertissue industrial unit a large structure located to the north west, the recently constructed 3

storey office building for Neath Port Talbot Homes located immediately to the north, to the south is the Technium centre a 3 and 4 storey office building and Mardon industrial estate comprises 26 smaller industrial units.

These buildings vary in height between approximately 9 and 17 metres as such it is considered that the proposed development with a height of approximately 8 metres will be consistent with the scale of the overall development in the area and will not result in any of the proposed structures dominating the landscape in the immediate area. It is considered therefore that there would be no detrimental impact upon the character or appearance of the area as a result of the development.

With regard to the link road between this will be constructed at ground level with no elevated sections there will therefore be no detrimental impact upon the visual amenity of the area.

In view of the above, the proposed development is considered to have a satisfactory relationship with the surrounding built form, to be acceptable in visual amenity terms and to have a positive impact on the character and appearance of the surrounding area. It would therefore be consistent with Policies ENV17 and GC1 of the Neath Port Talbot Unitary Development Plan.

Residential Amenity:

The sites are located in a relatively isolated position with regard to residential areas the nearest dwellings being located approximately 250 metres away to the west and separated from the development site by the M4, A48 and the main line railway. Due to these separation distances and the end use of the site it is considered that there would be unlikely to be any significant impacts upon the residential amenities of occupiers of residential dwellings in the area in terms of overbearing, overlooking or loss of privacy.

Highway Safety:

The proposed development will complete an essential link between Phase I and II of Baglan Energy Park and provide a road, footway and cycleway and enable an improved bus service to be implemented. The link road between Roads 3 and 4 provide improved access to the existing power station and future developments within the Energy Park.

The construction phase of the development will involve a significant increase in the number of heavy vehicular movements into and out of the site and may impact upon access, egress to and from The Neath Port Talbot Homes and Intertissue site and may affect existing site users on the Baglan Energy Park. The Head of Engineering and Transport (Highways) offers no objection to the proposal subject to a condition requiring a construction method statement to be submitted prior to work commencing. Subject to the imposition of the condition it is considered that the development would have no detrimental impact upon highway or pedestrian safety and would therefore be consistent with policy T1 of the Neath Port Talbot Unitary Development Plan.

Ecology:

An ecological assessment has been submitted in support of the application which has identified the main impacts upon the ecology as result of the proposed development. These include:

- Loss of part of the wetlands, rush pasture and neutral grasslands north of the railway.
- Loss of skylark territory north and south of the railway.
- Loss of slight loss of neutral grasslands south of the railway.
- Probable loss of one attenuation pond.
- Probable loss of roadside verges to the side road south of the railway.
- Possible intrusion of buildings, structures and traffic and impacts upon nesting birds and common reptiles.

The report concludes that, with appropriate mitigation including re-creation of habitats and protection of key species, the overall impact should be of relatively minor significance. The biodiversity section initially responded with a requirement for further information in relation to mitigation of habitat losses, translocation details for the Deptford Pink and detail of lapwing mitigation. The applicant has responded with additional details in relation to the above including a revised mitigation scheme.

The biodiversity unit has responded with no objections subject to conditions, including the requirement for the submission of a full ecological mitigation, management and monitoring plan for the sites. In addition the biodiversity section has requested that a legal agreement is included in any permission linking the commencement of the bridge

development to the implementation of the lapwing mitigation scheme. However, it is considered that there are presently a number of agreements and triggers in place that will ensure the implementation of the Lapwing mitigation scheme in the future without the requirement for a further legal agreement to be included as part of this development, should permission be granted. It is considered that providing the appropriate conditions are imposed with respect to the mitigation, management and monitoring plan the development would comply with policy ENV5 of the Unitary Development Plan.

Land contamination:

The applicant has submitted a ground investigation report in support of the application to confirm the groundwater conditions at the site, establish appropriate geotechnical parameters for use in the geotechnical assessment and design and to provide an initial assessment of potential contamination. NRW recognise that the site has largely been the subject of reclamation in the 1990's although this may not have addressed specific areas of contamination it may have dispersed contamination across the site. As a result NRW have requested that a condition to manage any unsuspected land contamination and to undertake site investigation prior to piling is included in order to ensure that controlled waters are protected

The land contamination section has responded with no objections subject to conditions. It is recognised that in terms of human health this is a low risk scheme however, it is recommended that a condition is imposed to deal with any unexpected contamination. It is considered therefore that there would be no detrimental impacts upon ground waters or human health resulting from the proposed development.

Flood risk, drainage:

Part of the application site lies within flood zone 2, and as a result the applicant was required to submit an FCA in support of the application. In the response to the submission Natural Resources Wales recommended that prior to determination of the application further modelling should be carried out specifically in relation to 100 year plus climate change and 1000 year return periods of the Afon Afan and Baglan Brook in line with criteria identified in Technical Advice Note (TAN 15). Further modelling has been carried out by the applicant and additional information based on NRW requirements was submitted on 18 November 2013. The final response from NRW, together with any additional commentary, will be provided in the Amendment Sheet to this report.

Coal Authority ground conditions:

The application site falls within the defined Coal Mining Development Referral Area. The applicant submitted a Coal Mining Report, Geo technical and ground investigation report as part of the planning application. The initial response from the coal authority was no objection to the proposal however, there was a requirement that a condition be imposed requiring further investigations of ground conditions specifically in relation to the potential presence of shallow mine workings. As a result of the requirement the applicant submitted an additional report to the coal authority which details the borehole surveys undertaken and concludes that the bridge is relatively secure from the effects of any future coal mining together with a low level risk of subsidence. The proposed link road which will connect Roads 3 and 4 crosses an area of open ground more or less at grade with no structures and much less liable to damage from ground movement with little risk of any serious safety issues.

The Coal Authority considers that the content and conclusions of the additional Coal mining Risk Assessment Report are sufficient for the purposes of ensuring the site can be made safe and stable for the proposed development without the requirement for the additional condition originally requested. It is considered therefore that the submitted information will ensure that there would be no serious risk from past or future mining associated with the development.

Conclusion:

The proposed development will complete the main infrastructure of the Energy Park creating a single development site and facilitating improved links with Port Talbot commercial centre, railway and bus stations and the wider transport infrastructure. The link will provide improved access for pedestrians and cyclists as well as road traffic and enable more efficient timetabling of public transport. It is considered that the development by reason of its scale, design and location would not have a detrimental impact upon the character or appearance of the surrounding area, residential amenity, highway or pedestrian safety, ecology, contaminated land or flooding. Hence the development would be on accordance with Policies BB1, GC1, GC2, EC1, ENV 5, ENV 11, ENV 12, ENV16, ENV17 and T1 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.

Recommendation: Approval with conditions

CONDITIONS

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

Reason:

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

(2) 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.

(3) No structure is to be sited within a minimum distance of 3 metres from the centre of the water main as shown on plan number PLA0002390

Reason:

To ensure the integrity of the water main.

(4) Unless otherwise agreed in writing, prior to the commencement of development on site including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by the Planning Local Planning Authority. The approved Statement shall be implemented as approved throughout the construction period. The Statement shall provide details of:

- 1) The parking of vehicles of site operatives and visitors
- 2) Loading and unloading of plant and materials
- 3) Storage of plant and materials used in constructing the development
- 4) The erection and maintenance of security hoarding including decorative displays
- 5) Facilities for public viewing, where appropriate
- 6) Wheel washing facilities
- 7) Measures to control the emission of dust and excavated material during construction
- 8) A scheme for recycling/disposing of waste resulting from demolition and construction works
- 9) Storage facilities for all fuels, oils and chemicals
- 10) details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off
- 11) details of measures to ensure no polluting discharge from haul road / disturbed areas

Reason:

In the interests of highway safety and to control the emission of dust and dirt during construction

(5) Unless otherwise agreed in writing and prior to the commencement of work on site an ecological mitigation, management and monitoring plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved.

Reason:

In the interests of biodiversity

(6) No surface water or land drainage run off shall discharge directly or indirectly into the public sewerage system unless otherwise agreed in writing by the local planning authority.

Reason:

In the interests of amenity, and to prevent overloading of the public sewerage system.

(7) Land drainage run off shall not be permitted to discharge either directly or indirectly into the public sewerage system.

Reason:

In the interests of amenity, and to prevent overloading of the public sewerage system.

(8) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason:

To prevent pollution of the water environment, since there is an increased potential for pollution of controlled waters from inappropriate methods of piling.

In order to mitigate any risk to the rail network, the developer should contact Network Rail's Asset Protection Wales team well in advance of mobilising on site or commencing works. The initial point of contact is assetprotectionwales@networkrail.co.uk who will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

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.

The proposed development will complete the main infrastructure of the Energy Park creating a single development site and facilitating improved links with Port Talbot commercial centre, railway and bus stations and the wider transport infrastructure. The link will provide improved access for pedestrians cyclists as well as road traffic and enable more efficient timetabling of public transport. It is considered that the development by reason of its scale, design and location would not have a detrimental impact upon the character or appearance of the surrounding area, residential amenity, highway or pedestrian safety, ecology, contaminated land or flooding. Hence the development would be on accordance with

Policies BB1, GC1, GC2, EC1, ENV 11, ENV 12, ENV16, ENV17 and T1 of the Neath Port Talbot Unitary Development Plan.

<u>ITEM 1.2</u>	
<u>APPLICATION NO:</u> P/2013/673	<u>DATE:</u> 05/11/2013
PROPOSAL: One detached dwelling (Additional tree survey received 05.11.13)	
LOCATION: Plot Adjacent To, 35 New Road, Ynysmeudwy, Pontardawe, SA8 4PJ	
APPLICANT: CPR Distribution	
TYPE: Full Plans	
WARD: Pontardawe	

BACKGROUND INFORMATION

Background Information:			
Members should note that this application is reported to the Planning and Development Control Committee at the request of Councillors Linet Purcell and Mike James on the grounds that the development may have an unacceptable impact upon highway and pedestrian safety.			
Planning History:			
P2004/0076	Three dwellings (Outline)	Refused	20/07/04

Publicity and Responses (if applicable):
The application was advertised on site and 3 neighbouring properties were consulted by letter. 6 responses have been received.
The objections can be summarised as follows:
<ol style="list-style-type: none"> 1) Loss of parking for the Nursery School, resulting in increased on road parking, already very limited frequently blocking access and proving obstructive to traffic flow. 2) The lane is frequently used by HGV and service vehicles for reversing in order to access the hairpin bend into Old Road and there is a bus stop located at lane entrance 3) Nearby pedestrian crossing, frequently used by unsupervised children, on their way to school and to play area

- 4) A right of way exists behind the proposed building on which the landowner has erected some fencing and a small gate. The fencing was never completed properly and blew down within 2 years of erection.
- 5) Owners of properties 35 to 45 have access to the rear of their properties which crosses the proposed site. It has not been made clear on the plans the width of the area that will be allocated for said access. Plan showing rights of way is extremely unclear and does not appear to take into account the existence of a large mature tree extending from outside the wall of no 35 into the site. This access is crucial to these properties as the only alternative would be to park our vehicles on an already busy main road which leads us onto another safety issue (covered in point 6 below).
- 6) The area in question is situated next to Llangiwig Nursery School, a short distance from Llangiwig Primary School, where the already high volume of traffic at certain times of the day, coupled with a zebra crossing and a junction with Old Road presents traffic problems for large vehicles entering or leaving the junction. The junction has always presented problems, particularly when large agricultural vehicles and tractors try to exit Old Road. The corner is at an acute angle and visibility is thus very restricted. This section of the road can be exceptionally busy particularly at school time with views up and down the road can be quite restricted. Extra construction vehicles which would be required to build the property would only add to an already difficult situation.
- 7) Large vehicles travelling down New Road from Ynysmeudwy and attempting to turn into Old Road often have to use the entrance of the proposed site to execute a turn due to the acuteness of the angle of the road.
- 8) There have been fairly recent accidents within the area. On one occasion a section of Dr Bowen's wall at number 35 was demolished by a car and more recently a neighbour's car was written off and my front wall damaged in another incident.
- 9) Not all trees have been taken into consideration in the tree survey
- 10) Damage to local flora and fauna
- 11) Disruption to water drainage especially run off during periods of heavy rainfall
- 12) Noise and general disruption due to proposed construction. The proximity of the proposed building (during its construction) to the nursery school presents a hazard to the parents and young children attending the school.
- 13) Further spread of the invasive Japanese Knotweed
- 14) Excavation of the soil bank supporting our side perimeter-wall

has already been unlawfully, carried out resulting in structural compromise. Further damage is a concern.

15) The proximity of the proposed build resulting in lack of privacy and reduced light

Pontardawe Town Council: Objection due to environmental and ecological sustainability (effect on mature trees)

British Waterways: No objection

Arboricultural Officer: No objection, subject to conditions

Contaminated Land: No objection subject to condition

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

Head of Street-care Services (Drainage): No Objection, subject to conditions.

Biodiversity Section: No objection, subject to conditions

Description of Site and its Surroundings:

The application site is an irregular shaped parcel of land located between number 35 New Road and Llangiwg Nursery School, Ynysmeudwy, Pontardawe.

The site measures approximately 34m in depth and has a frontage of 11m. The site is relatively flat in nature with only a modest decrease in levels from north to south, away from New Road. The land is currently used as an informal parking area and it is understood that it is regularly used by parents visiting the adjacent school. However, this is an informal arrangement / use which does not benefit from planning permission. The site is accessed directly from New Road and the same access that serves the site also provides rear access via an unmade lane to numbers 35 to 45 New Road.

A combination of railings and a stone wall enclose the application site to the west, all other boundaries are open with no existing means of enclosure present. The application site is bounded by an unmade lane to the east, open scrub and woodland to the south, Llangiwg Nursery School to the west and New Road to the north. An existing mature oak and beech

tree are located close to the common boundary with Llangiwg Nursery School. It should be noted that these trees are not covered by a tree preservation order.

Members will note the planning history which indicates the site has been subject of a previous application for outline residential development which was refused on 20/07/04. However, it should be noted that this previous planning application related to a larger parcel of land which extended behind and beyond the rear boundaries of numbers 35, 37, 39 and 41 New Road and as such is not directly relevant to this planning application.

The application site is located within the H3 settlement limits as defined in the Neath Port Talbot Unitary Development Plan.

Brief description of proposal:

The application proposes the construction of a detached, three bedroom, dwellinghouse fronting onto New Road. It will have a roughly rectangular shaped footprint and will be sited approximately 12.9m back from the front boundary of the application site.

The proposed access is directly off New Road to the front boundary of the application site and parking for up to three vehicles is shown within the front curtilage of the property. Private amenity space will be provided to the rear of the site.

The proposed dwelling would have the approximate dimensions of 7.6m in width, 13.65m in depth and maximum height of 8.4m. The submitted plans indicate that windows will be sited all four elevations, including a Juliet balcony to the rear first floor elevation which will serve bedroom 1.

Material Considerations:

The main issues to be considered in the determination of the application are the principle of residential development on the application site, the impact upon the residential amenity of occupiers within the adjacent dwellings, the impact upon visual amenity and the character and appearance of the surrounding area, and the impact upon the highway safety of the existing road network.

Policy Context:

Neath Port Talbot Unitary Development Plan:

- GC1 New Buildings/Structures and Changes of Use.
- T1 Location, Layout and Accessibility of New Proposals.
- ENV17 Design.
- H3 Infill and Windfall Development within Settlements.
- H4 Affordable Housing.
- ENV4 Proposals affecting species protected by European or UK legislation
- ENV5 Nature conservation

Policy H3 – the development of infill sites within settlement limits will generally be permitted on condition that there is no unacceptable loss of important open or green space; proposals either individually or in combination with existing commitments would not create unacceptable impacts on existing programmed infrastructure or community facilities; there will not be significant detrimental effect on the amenity of the existing residents of the area; and there would be no unacceptable highway implications.

Policy GC1 – Promotes new development subject to the satisfaction of criteria.

In the context of the current development plan policy framework, the site is located within the H3 settlement limits defined in the Neath Port Talbot Unitary Development Plan. Therefore, the principal of residential development is generally acceptable, provided there are no highway, amenity or other overriding objections.

With regards to the issue of affordable housing, as this application relates to one detached dwelling, Policy H4 (Affordable Housing) would not apply in this instance.

EIA Screening/Scoping Opinion & Habitat Regulations:

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

Visual Amenity:

The proposed development has been designed to be in keeping with the general character and appearance of existing neighbouring properties by using traditional proportions and finishes. Of particular note, the proposed dwelling has been designed to reflect the character of number 35 New Road in terms of its scale and massing together with its design details, proportions and roof design.

Furthermore, while the application site is not substantial in size, it is capable of accommodating the proposed dwelling without resulting in overdevelopment of the site or a cramped form of development within the existing street scene, thus having an effect on the character and appearance of the area.

In further support of the application, a street scene elevation plan has been submitted that indicates how the proposed dwelling would relate to number 35 New Road in terms of its height and design. It is considered that this plan demonstrates that the proposed dwelling relates well to number 35 and that the site can be developed without having an obtrusive impact on the surrounding area and street scene.

Detailed information in relation to the material finish of the proposed dwelling has not been submitted in support of this planning application. As such a condition can be imposed requiring samples of the proposed materials to be submitted prior to their use on site.

Therefore in terms of visual amenity, it is considered that the proposed dwelling will not adversely affect the character and appearance of the surrounding area and street scene.

Residential Amenity:

The application site is bounded by residential properties to the east (no.35 New Road) and Llangiwig Nursery School to the west. However, the only side facing window that serves a habitable room is a secondary window

located to the east elevation serving bedroom 2. This window looks directly towards number 35 New Road. The submitted plans indicate that this window is to be fitted with obscure glazing and as such, subject to a condition that requires that this is undertaken prior to first occupation of the proposed dwelling, it is considered that there will be no unacceptable overlooking issues resulting from this window.

In respect of the front and rear facing windows, these windows comply with the authority's privacy standard that requires a minimum distance of 21.0m is maintained between habitable room windows directly facing each other.

Therefore given the above, it is considered that the existing residents within the properties opposite and to the side of the proposed dwelling will not be adversely affected in terms of loss of privacy.

In terms of overbearing, the proposed dwelling is sited at 5.7m away from the side wall of number 35 New Road which is to the east of the site and in excess of 10m away from the side wall of the main school building which is to the west of the site. These distances are sufficient to ensure that the development does not unacceptably overbear these properties/buildings. Furthermore the proposed dwelling has been sensitively sited within the plot to ensure that it does not adversely impact on the front or rear elevations of properties / buildings which bound the site.

As a consequence, it is considered that the development will safeguard the amenities of neighbouring residents and the occupiers of the adjacent school building.

Highway Safety (Access, Parking and Traffic flows):

The Head of Engineering and Transport (Highways Section) offers no objection to the proposal, subject to conditions.

Landscaping:

A small landscaped/garden area is proposed to the rear/side of the new property, which is considered adequate to serve the new dwelling.

Ecology (including trees & Protected Species):

The Authority's biodiversity officer has no objection to the proposed development subject to conditions.

In respect of arboricultural issues, there are no trees within or adjoining the application site that are protected by a Tree Preservation Order. However, trees make an important contribution as features in townscapes by virtue of their visual amenity value. As such, a tree survey has been conducted and submitted in support of the planning application. The survey identifies that no trees will be felled as a result of the proposed development. However, it also highlights three trees that may be affected by the proposed development. These trees include a beech and oak tree situated within the grounds of Llangiwg Nursery School to the west of the site and a Goat Willow located close to the double garage in the south west corner of 35 New Road.

The report concludes that the root protection areas of the trees would only be minimally affected by the footings of the proposed building and only to an extent that would have little or no effect on the health of the trees. The Authority's Arboricultural Officer has inspected the tree report and is generally happy with its findings subject to a requirement for some minor alterations to be made to the works proposed to the trees. These alterations can be covered by the submission of an arboricultural method statement prior to the commencement of development on site. As such, subject to this and other conditions ensuring the protection of trees during construction, it is considered that the development can be accommodated without having a harmful impact on the surrounding trees.

Flooding:

Not Applicable.

Pollution (air and ground):

The Authority's Land contamination section has no objection to the proposed development subject to the imposition of a condition dealing with unsuspected contaminated land.

Others (including objections):

The application was advertised on site and 3 neighbouring properties were consulted by letter. 6 responses have been received.

With regard to the comments expressing concern that the proximity of the proposed building will result in lack of privacy and reduced light. These issues have been addressed previously in the report where it was

considered that there would be no unacceptable impact on residential amenity.

In respect to the issue raised concerning the excavation of an existing soil bank and resultant structural compromise. The application site does not immediately abut the wall in question and no works are proposed to this wall under this planning application. Any damage to this wall during construction of the development is a private matter between the two separate landowners.

Turning to the issues of noise, disruption and safety issues in relation to the school during construction. Such issues are considered to be temporary in nature any impact will be insignificant given the scale of the development. In relation to highway safety matters the highways officer has not requested a condition that regulates the hours of work on site or the submission of a construction method statement.

In respect of the issue raised concerning Japanese Knotweed. During the officer site visit Japanese Knotweed was observed and as such, a suitably worded condition can be imposed requiring that it is treated and eradicated prior to commencement of development on site.

With regards to the comments expressing concerns relating to highway and pedestrian safety. It should be noted that The Head of Engineering and Transport (Highways Section) has assessed the proposed development and offers no objection, subject to conditions.

In respect of the issues relating to the loss of parking for the nursery school and the concern that this will lead to highway and pedestrian safety issues. It is noted that the proposed development would result in the loss of an informal parking area currently used by parents dropping off and picking up children attending the adjacent nursery school. However, it is important to note that there is no planning permission in place for this parking area and it is therefore being used without consent. As such, it is not considered reasonable to refuse this application on the basis that it would result in the loss of informal parking spaces, especially given that the landowner could potentially stop vehicles using the site at any time by preventing access to it.

With regard to comments concerning the access lane that runs through application site which serves the rear of properties 35 to 45. It is noted that there is likely to be an established private right of way allowing vehicles to pass over this access lane. While the submitted plans indicate

that this access lane partially falls within the application site, they also indicate that it will be maintained to a sufficient width (approximately 2.5m) to allow for continued use by vehicles. It should however be noted that any issue concerning private rights, such as a private right of way, are not material planning considerations and as such this is a private matter.

In respect of the issues raised concerning disruption to water drainage at the site. A drainage scheme has not been submitted in support of the planning application. However, a condition can be imposed requiring the submission to the Local Planning Authority of a detailed drainage scheme to be implemented on site. As such, it is considered that there would be no unacceptable impact on the existing drainage arrangement and potential for there to be an overall betterment of the existing situation.

Turning to the issues raised concerning potential damage to local flora / fauna and impact upon environmental and ecological sustainability (effect on mature trees). The Local Authority's Biodiversity Unit and Arboricultural Officer have issued their observations on the proposed development and have no objection, subject to the imposition of conditions.

Finally, in respect of the statement that not all trees have been taken into consideration in the tree survey. An additional tree survey was submitted to the Local Planning Authority on 05/11/13 that assessed a previously omitted Goat Willow tree located close to the south west corner of number 35 New Road.

Conclusion:

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

Recommendation: Approval with conditions

CONDITIONS

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

Reason

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

(2) 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 prior to their use in the development hereby permitted. Development shall be carried out in accordance with the approved details only.

Reason

In the interest of the visual amenity of the area.

(3) Unless otherwise agreed in writing, prior to works commencing on construction of the dwelling, a detailed drainage scheme, including measures to prevent surface water discharging onto or over the public highway, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of the dwelling, and retained as such thereafter.

Reason

To ensure satisfactory drainage of the site.

(4) Unless otherwise agreed in writing, foul water and surface water discharges shall be drained separately from the site.

Reason

To protect the integrity of the public sewerage system

(5) Unless otherwise agreed in writing by the Local Planning Authority, 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.

(6) Unless otherwise agreed in writing by the Local Planning Authority and notwithstanding the submitted plans, prior to the first occupation of the dwelling hereby permitted, details of the proposed design and finish of all proposed means of enclosures shall be submitted to and agreed in writing with the Local Planning Authority. The approved means of enclosure shall be erected on site in accordance with the agreed details prior to the first occupation of the dwelling, and retaining as such thereafter.

Reason

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

(7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any order revoking and re-enacting that Order with or without modification), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed.

Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for additional windows, having regard to the particular layout and design of the estate.

(8) Notwithstanding the details submitted and unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of the proposed dwelling the window to the east elevation serving bedroom 2 shall be glazed with obscured glass and any opening vent shall be top hinged with the lowest part of the opening a maximum of 1.1 metres above the floor level of that room, and any replacement window or glazing shall be of a similar glazing and type.

Reason

In the interest of the amenities of the adjoining property and the safety of the occupiers of the applicant dwelling.

(9) The 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.

(10) Unless otherwise agreed in writing, prior to occupation of the dwelling hereby permitted, an artificial nesting site for birds shall be erected on the dwelling to one of the following specifications, and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

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

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

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

Dimensions: H150 x W340 x D150mm

Reason

In the interest of biodiversity.

(11) No development of the dwelling hereby approved shall commence until details of a Code for Sustainable Homes 'Design Stage' assessment and related certification certifying that Code Level 3 and 6 Credits under Ene1 are achieved if the site was registered with a Code Assessor prior to 11th December 2010 in accordance with the requirements of Code for Sustainable Homes: Technical Guide April 2009, or Level 3 and 1 credit under category Ene1 of the code if the site was registered on or after 11th December 2010 in accordance with the requirements of Code for

Sustainable Homes: Technical Guidance November 2010 have been achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of Sustainability.

(12) The dwelling hereby approved shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out in relation to it, and a Final Code Certificate has been issued for it certifying that Code Level 3 and 6 Credits under Ene1 have been achieved under Technical Guide April 2009, if the site was registered with a code assessor prior to 11th December 2010, or Level 3 plus 1 credit under Ene 1 are achieved if the site was registered with a code assessor either on or after the 11th December 2010 under the requirements of Code for Sustainable Homes Technical Guidance November 2010. The certificate shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of Sustainability.

(13) 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.

(14) No development shall take place until an arboricultural method statement, (appropriate and specific to the approved scheme), to include details of all works within the root protection area, or crown spread [whichever is greater], of any retained tree, has been submitted to and agreed in writing by the Local Planning Authority. If commencement of the development is delayed by more than 12 months from the date of the most recent arboricultural method statement, a further updated statement shall be undertaken, and submitted to and approved in writing by the local planning authority before development commences. The development shall be implemented in full accordance with the approved details.

Reason:

In the interest of clarity and good tree husbandry

(15) Unless otherwise agreed in writing by the local planning authority, all retained trees that may be directly affected by the proposed development, including encroachment into Root Protection Areas, shall be adequately protected as specified in Figure 2 (page 20) BS5837:2012 'Trees in relation to Construction' by the provision of root zone protection (protective fencing). The erection of fencing for the protection of any retained tree shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason

In order to protect the long term health of the trees to be retained.

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

Reason

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

(17) Unless otherwise agreed in writing by the local planning authority, notwithstanding the details shown on the block plan and prior to first occupation of the proposed dwelling, the flank boundary opposite the

garage for number 35 New Road shall be set back to a line measured at 7 metres from the front of this garage and the lane shall be maintained at 7 metres width along this section and retained and maintained as such thereafter.

Reason

To protect the amenity of the residents of number 35 New Road.

(18) Unless otherwise agreed in writing by the local planning authority and prior to occupation of the proposed dwelling the existing lane shall be surfaced in bituminous materials and for a minimum length of 15 metres from the kerbline onto New Road and maintained and retained as such thereafter.

Reason

In the interest of the amenity of residents.

(19) Prior to any building works commencing, the Fallopia Japonica (Japanese Knotweed) that is located on the site shall be treated and eradicated in accordance with the Natural Resources Wales Knotweed Code of Practice (Version 3, 2013).

Reason

In the interests of amenity, and to ensure that the treatment is carried out in accordance with recognised good practice.

(20) Unless otherwise agreed in writing by the local planning authority and notwithstanding the details shown on the block plan and prior to first occupation of the proposed dwelling the forecourt boundary onto New Road shall be set back to a line measured at 2.4 metres back from the kerbline and the area forward of this boundary shall be made up as footway construction and shall be retained open and free for such use thereafter.

Reason

In the interests of highway safety by protecting the visibility out of the existing lane.

(21) Prior to first occupation of the proposed dwelling the three off street parking spaces as shown on the approved plans shall be constructed and hard surfaced in a permeable material. Three off street parking spaces shall be retained open and free for such use thereafter.

Reason

Highway safety by ensuring adequate and useable off street parking is provided.

(22) Any existing drainage pipe, highway drain or highway run-off entering, crossing or discharging onto the development site shall be accommodated into the site development works, by the developer. No building shall be erected over or within the safety zone of any culvert or watercourse.

Reason

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

(23) Notwithstanding the submitted details, prior to commencement of development on site, details of the proposed finished floor levels of the development together with existing and proposed cross and longitudinal sections through the site, shall be submitted to, and approved in writing by the local planning authority. The development shall be completed in accordance with these agreed details/levels unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of the amenities of the area and to ensure a satisfactory street picture.

<u>ITEM 1.3</u>	
<u>APPLICATION NO:</u> P/2013/720	<u>DATE:</u> 19/07/2013
PROPOSAL: Proposed extension to Selar Surface Mine (Selar Central Extension) for the phased extraction of some 800,000 tonnes of coal integrated into the existing and permitted operations at Selar North with associated relocation of workshop, internal access road, offices and site infrastructure (Amended plans in relation to restoration contours)	
LOCATION:	Selar Opencast Coal Site, Nr Glynneath, Neath
APPLICANT:	Mr Rob Thompson
TYPE:	Minerals
WARD:	Blaengwrach

BACKGROUND INFORMATION

Relevant Planning History

P.A. 2/3/93/0348 – Opencast development followed by restoration and aftercare works - Approved 26th May 1994. (West Glamorgan CC)

P/97/110 – Scheme to discharge condition 43 attached to permission 2/3/93/348 – security and protection of properties known as Penycae, Ffordd Goch and Blaengwrach – Approved 25 March 1997

P/97/112 – Scheme to discharge condition 2 attached to permission 2/3/93/348 – scheme for chemical and biological monitoring of watercourses – Approved 25 March 1997

P/97/114 – Scheme to discharge condition 9 attached to permission 2/3/93/348 – scheme for the continuous monitoring of suspended solids at key locations on rivers associated with the site – Approved 25 March 1997

P/97/115 – Scheme to discharge condition 2 attached to permission 2/3/93/348 – details of gate and barrier at Parish Road – Approved 26 March 1997

P/97/113 – Scheme to discharge condition 5 attached to permission 2/3/93/348 – scheme for monitoring of rainfall events – Approved 27 March 1997

P/97/285 – Submission of details for temporary building relating to condition 38 of planning permission 2/3/93/348 – Approved 14 April 1997

P/97/810 – Details relating to condition 38 of planning permission 2/3/93/348 – Approved 28 August 1997

P/97/805 – Details relating to condition 22 of planning permission 2/3/93/348 – Approved 11 September 1997

P/97/806 – Details relating to condition 25 of planning permission 2/3/93/348 – Approved 11 September 1997

P/97/809 – Details relating to condition 35 of planning permission 2/3/93/348 – site layout and internal access roads, car parking and other hardstanding areas - Approved 11 September 1997

P/97/804 – Details relating to condition 24 of planning permission 2/3/93/348 – Approved 1 December 1997

P/98/229 – Amendment to settlement lagoon security fencing relating to planning permission 2/3/93/348 – Approved 9 March 1998

P/98/290 – Details relating to overburden mound under condition 29 of planning permission 2/3/93/348 – Approved 12 June 1998

P/98/938 – Proposed lighting towers – Approved 4 September 1998

P/98/1146 – Proposed coal preparation/screening plant – Approved 5 November 1998

P/99/596 – Restoration scheme under condition 45 of planning permission 2/3/93/348 – Approved 14 March 2000

P/99/604 – Aftercare scheme under condition 46 of planning permission 2/3/93/348 – Approved 21 November 2000

P/01/274 – Importation of coal washery discard for disposal under condition 40 of planning permission 2/3/93/348 – Approved 12 June 2001

P/2007/349 – Proposed amendment of restoration contours on 37.7 hectares of land (Phases 1, 2 & 3) amendments to P/99/596 – Approved 3 April 2007

P/2005/1839 – Extension of time for the completion of opencast coaling and ancillary operations (with the exception of the proposed restoration and aftercare works) until 31st December 2010 (Amendment to Condition 3 of the Planning Permission 2/3/93/0348) and the amendment to Condition 1 of the Planning Permission No. 2/3/93/0348 for an extension of the extraction limit - Approved 19th January 2009.

P/2009/536 – Scheme for the review of protection and security measures for Penrycae and Blaengwrach Farm under condition 25 of planning permission P/2005/1839 – Approved 13 August 2009

P/2009/537 – Scheme for the treatment of Blaengwrach and Empire Tips under condition 51 of planning permission P/2005/1839 – Approved 20 October 2009

P/2009/1040 – Northern Extension for the purposes of coal extraction along with completion of coaling at the existing site and associated ancillary development including restoration and subsequent aftercare of the full application area – Approved 21st July 2010

P/2010/750 – Scheme for the phased removal of vegetation and woodland areas under Condition 20 of permission P/2009/1040 – Approved 5 August 2010

P/2010/751 – Scheme for archaeological recording and programme of archaeological observation work under Conditions 57 & 58 of permission P/2009/1040 – Approved 5 August 2010

P/2010/752 – Scheme for temporary seeding of existing overburden mound, soil and baffle mounds and other areas under Condition 67 of permission P/2009/1040 – Approved 5 August 2010

P/2010/756 – Scheme for a detailed maintenance programme of all water treatment areas and systems under Condition 51 of permission P/2009/1040 – Approved 5 August 2010

P/2010/757 – Scheme for monitoring water features number 21 to 27, 30 and 32 as identified in the water features survey– Approved 5 August 2010

P/2010/759 – Scheme for the protection and conservation of soil to prevent pollution of the water environment during the restoration phase under Condition 55 of permission P/2009/1040 – Approved 5 August 2010

P/2010/760 – Scheme for pollution prevention measures during the operational and post operational phases under Condition 56 of permission P/2009/1040 – Approved 5 August 2010

P/2010/749 – Scheme under clause 4.2.3 of the Section 106 Agreement for the setting up, operating and regular convening of a Nature Reserve and Nature Conservation Areas Steering Committee – Approved 11 August 2010

P/2010/753 – Scheme for translocation of selected shrubs, trees, mossy boulders and deadwood under Condition 87 of permission P/2009/1040 – Approved 11 August 2010

P/2010/754 – Scheme for the capture and release of reptiles under Condition 88 of permission P/2009/1040 – Approved 11 August 2010

P/2010/755 – Scheme for methods and timing of pre-felling checks within any trees identified with high potential for bats under Condition 90 of permission P/2009/1040 – Approved 11 August 2010

P/2010/758 – Scheme for monitoring the local water courses Nant Rhyd y Gau, Nant Eithin and Nant Hir under Condition 53 of permission P/2009/1040 and the identification and monitoring of abandoned mine water discharges within 200m of the site boundary under Condition 54 – Approved 11 August 2010

P/2010/907 – Proposed modification of restoration strategy to remove geological feature under Condition 69 of permission P/2009/1040 – Approved 23 September 2010

P/2009/1107 – Proposed restoration and aftercare schemes under condition 52 and 66 of planning permission P/2005/1839 – Withdrawn – 2 September 2010

P/2010/1135 – Scheme for mitigation of impacts on badgers under Condition 84 of permission P/2009/1040 – Approved 20 December 2010

P/2011/318 – Scheme for a Site Liaison Committee under Condition 63 of permission P/2009/1040 – Approved 16 May 2011

P/2011/329 – Scheme for a Technical Working Party under Condition 64 of permission P/2009/1040 – Approved 16 May 2011

P/2011/810 – Scheme for Ecological & Habitat Monitoring & Management under Condition 82 of permission P/2009/1040 – Approved 27 June 2012

Applications considered by Rhondda Cynon Taf

51/93/0266 – Access road for Selar Opencast – Approved 1994

05/2174/15 - Extension of time for the continuation of opencast coaling and ancillary operations (with the exception of the provision of restoration and aftercare works) until 31st December 2010 (Amendment to condition 3 of planning permission ref : 51/93/0266 – Approved 12 June 2006

09/1242/10 - Variation of Condition 2 of Planning Permission Ref. 05/2174 to continue the use of the existing access to Selar Opencast Coal Site, off the A4061 for a further period to 31 December 2015. – Approved 9 July 2010

13/0734/15 - Variation of condition 2 and 4 of Planning Permission Ref 09/1242/10 to continue the use of the existing access off the A4061 for a further period to 31 December 2019, (as part of an extension to the surface mine, within Neath Port Talbot CBC) and to allow the retention of the coal haulage road, post cessation of surface mineral workings, for use in association with the agricultural and other management of the land. – Decision Pending.

Publicity and Responses to Consultations

Three properties were consulted by letter. The application was first advertised in the press on 8 August 2013 and notices were posted in the locality on 1st August 2013. Further information received in October 2013 has also been the subject of publicity and further consultation by press advertisement and posting of site notices on 31 October 2013.

Two letters have been received from local residents expressing concern about noise and air quality which in their view is affecting health and their quality of life. One of the residents has also contacted Peter Hain MP and that correspondence has been forwarded to the Authority. One online comment has been received commenting on the lack of provision of bridleway access post restoration and forty three letters of support have been received, largely from suppliers or clients of Celtic Energy, including RWE Npower (the operator of Aberthaw Power Station). Grounds of support relate to the maintenance of jobs and the economy as well as praising the environmental performance of the operator at the site.

Statutory Consultees:

Glynneath Town Council – no reply

Blaengwrach Community Council – no reply

Head of Policy and Administration (Air Quality) – would not expect a significant problem with air quality to arise as a consequence of continued operations if the site continues to be worked in accordance with the Environmental Permit and the Dust Management Plan.

Natural Resources Wales – no objections subject to conditions relating to the prevention of pollution of the water environment and ecological mitigation

Dwr Cymru Welsh Water – no objection

Biodiversity Unit – Largely in agreement with the principles of the restoration scheme for the wider Selar site, although a few specific issues need to be addressed – primarily the retention of coal spoil habitat. Disappointed that previous surveys were not updated but accept that the original surveys are still likely to be representative of the current position. Mitigation requirements need to be set out in conditions if the Authority is minded to approve the application. The long term management of the Blaengwrach Nature Reserve should be addressed.

Welsh Government Transport – no objections

Head of Engineering and Transport (Highways) – no objections

Head of Engineering and Transport (Drainage) – no objections

Brecon Beacons National Park Authority – no reply

Abertawe Bro Morgannwg University Health Board – Based upon the information provided by the applicant and the mitigation measures that will be employed during the process, there is limited potential for risk to public health from the activities undertaken at the application site; risk to health appears limited to potential for nuisance. Recommend dust prevention measures sufficient to prevent nuisance from PM₁₀ exposure at the most sensitive receptors; recommends a noise monitoring exercise to confirm the modelling scenario; and that all site storage of liquids is suitably bundled.

Rhondda Cynon Taff – indicated that observations are to follow. RCT are considering an application for an extension of time for the use of the access road and its retention following the completion of operations at Selar (NPT Ref: 2/3/13/0731/00).

CADW – have no concerns to raise in respect of the application

The Countryside Section – Confirm that footpaths 1, 2, 3, 5, 7, 7.Rsv and 9 as well as Bridleways 3 & 4 are affected by this development.

Head of Business, Environmental Health and Trading Standards (Noise) – no reply

Tourism Development – no comments

Glamorgan Gwent Archaeological Trust – no objection

The Coal Authority – Encourages and supports the proposal which is seeking to work coal in environmentally and socially acceptable ways to meet market requirements. Draw attention to the policy framework and the general need for indigenous coal resources.

Mid & West Wales Fire and Rescue Service – Raise no objection but refer to appropriate fire prevention procedures and adequate water supplies for fire fighting purposes.

Western Power Distribution – Identify apparatus within the site

Powys County Council – The County Councillor for Tawe Uchaf Ward has raised questions regarding the impact of noise and dust on Pontneddfechan and the impact of the transport of coal by road to Onllwyn Washery.

WG Sustainability & Environmental Evidence Team – agriculture remains an appropriate after use and the standard of agricultural after use should remain as approved for this part of the site – moderately productive upland grassland primarily for grazing, established on soil forming material that has been recovered from the site

Wales & West Utilities – no apparatus in the area

NPT Ramblers Association – objects as the proposed extension will lead to further delays in reinstatement of rights of way

Neath Port Talbot Badger Group – no reply

NPT Biodiversity Forum – no reply

CPRW – no reply

RSPB – no reply

Property and Architectural Services – no reply

Health & Safety Executive – no reply

Mineral Valuer for Wales – no reply

Planning Policies

National Policies and Guidance

Overarching National Policy Statement for Energy (EN1) – (July 2011)

One Wales: One Planet – The Sustainable Development Scheme of the Welsh Government – (May 2009)

Planning Policy Wales (PPW) – (Edition 5, November 2012)

Minerals Planning Policy Wales (MPPW) – (December 2000)

Ministerial Interim Minerals Planning Policy Statement 01/2009 (MIMPPS) – (February 2009)

Mineral Technical Advice Note (Wales) 2: Coal (MTAN2). – (January 2009).

Mineral Planning Guidance 11 – The Control of Noise at Surface

Mineral Workings (except paragraphs 31 to 42) – (April 1993)

Technical Advice Note 5 – Nature conservation and Planning (TAN 5) (September 2009)

Technical Advice Note 11– Noise (TAN 11) - (October 1997)

Draft Technical Advice Note 23- Economic Development (July 2013)

Neath Port Talbot Unitary Development Plan Policies

Part 1

Policy 20 (A) – Coal

Part 2

Policy GC2 – Engineering works and operations (including minerals and waste)

Policy ENV1 – Development in the countryside

Policy ENV3 – Impacts on the landscape

Policy ENV4 – Proposals affecting international sites for nature conservation and national sites for nature conservation and species protected by European or UK Legislation.

Policy ENV5 – Nature conservation

Policy ENV12 – Proposals affecting water resources

Policy ENV15 – Air quality

Policy ENV 23 – Archaeological Evaluation

Policy ENV26 – External lighting

Policy ENV29 – Environmental quality and amenity

Policy M8 – Criteria for the assessment of Coal and all mineral applications

Policy M9 – Areas within which opencast coal operations will be resisted
Policy M10 – Restoration and aftercare

APPRAISAL

Background

Planning permission was first granted in May 1994 by the former West Glamorgan County Council for the development of an opencast site covering some 330 hectares and to win 3.1 million tonnes of coal. The development included the translocation of the Selar S.S.S.I. to a dedicated receptor site on fields above Blaengwrach. This is now known as the Blaengwrach Nature Reserve.

The original permission granted coaling up to a date no later than 12 years after the date the first permission was granted i.e. until 25th May 2006. At the same time the former Mid Glamorgan County Council granted planning permission for the access road to the A4061 which was within their administrative area and now lies within the administrative area of Rhondda Cynon Taff (RCT).

An application was submitted to this Authority in 2005 to extend the period of coaling until 31st December 2010 and to extend the coal extraction area by approximately 3.6 hectares in order to win approximately 900,000 tonnes of additional coal. The application was approved subject to conditions and a Section 106 Agreement relating to the management of the Blaengwrach Nature Reserve; a covenant prohibiting the sale, leasing or disposing of any part of the nature reserve until 2020 (unless otherwise agreed); the resurveying of properties at Parish Road; the maintenance of emergency access along the route of Parish Road; and a phased restoration fund with contributions in accordance with the tonnage of coal recovered from the site since February 2007. RCT extended the permission for the access road in June 2006.

A further application for a northern extension (Selar North) was approved in July 2010. The extension area covered approximately 52 hectares within which 1.2 million tonnes of coal was expected to be won. The permission allowed for 5 years coaling and a further 18 months for restoration from the commencement of development. Development commenced in August 2010 so coaling is currently due to be completed by August 2015 and restoration by February 2017, in accordance with the current permission.

Planning permission was also granted by RCT in July 2010 for an extension of time for the use of the purpose built access road for coal transportation up to 31st December 2015. A further application has now been submitted to RCT seeking the extension of time for use of the road by coal transport until 31st December 2019 and to retain the road thereafter. A decision on that application is pending.

Description of the site and its surroundings

The Selar Surface Mine site (the application site) covers an area of approximately 382 hectares, comprising some 330 hectares of the original Selar site and a further 52 hectares in the Selar North extension area. It is located on the southern slopes of the Neath Valley approximately 1km south of Glynneath. The proposed Selar Central excavation is wholly contained within the Selar site boundary and amounts to 19 hectares of land sandwiched between the original site excavation area and the excavation area of Selar North. The Selar Central excavation area includes the previously retained Parish Road, conifer plantation bisected by electricity power lines, water treatment areas and the office/workshop/car parking area.

The original Selar site includes the main overburden mound at the south eastern end (now reduced in height to 270m AOD) with areas under different stages of progressive restoration and aftercare further west. The current excavation void is contained within the Selar North extension area and is about 75m deep at a base level of 116 AOD. The site is being worked progressively in an easterly direction. Progressive restoration is underway in the western part of Selar North. Ancillary land for water treatment areas, soil storage, coal washing, and stocking area comprises the remainder of the main working site.

The Blaengwrach Nature Reserve is in part delineated and composed of translocated habitats from the former Selar S.S.S.I., existing habitats and the former Empire tips, lies to the west of the original site and comprises part of the application site and a separate area of molinia grassland that was added to the reserve under the 2010 permission. The Nature Reserve covers a total area of of approximately 99 hectares....?????. The nearest isolated properties to mining operations would be Hendrewyddil Farm some 300m to the north of the current Selar North extraction area (800m north of the proposed Selar Central extraction area) and Penrhiw approximately 400m to the north east of the current Selar North extraction area (850m north east of the proposed Selar Central extraction

area). The Pontwalby tips which are to be removed as part of the development are approximately 275m from Penrhiw. The closest property in Parish Road, Blaengwrach lies approximately 950m to the west of the current working area and the Selar Central area. Working much closer to Blaengwrach has occurred in the past. The closest properties on the edge of the settlement of Glynneath lie beyond the A465 dual carriageway to the north at a distance of approximately 1.2km from the proposed Selar Central extraction area and 700m north of the existing Selar North extraction area. The closest properties at Pontwalby lie some 950m north of the proposed Selar Central extraction area and 450m north of the current Selar North extraction area and the closest properties at Cwm Hwnt lie approximately 1.7km to the east..

A purpose made access road leads from the eastern limits of the existing site and joins the A4061 south of Hirwaun. The access road lies within Rhondda Cynon Taf.

The character of the area is dominated by the broad valley, steeply rising valley sides with large conifer and broad leaf woodland, hedgerow bounded fields and more open agricultural areas. Dominant landscape features in the vicinity of the site include the pennant escarpment to the south of the site, incised water courses which cross the valley sides below the escarpment, a geological SSSI in the Nant Gwrelych stream to the east, restored former opencast sites and remnants of the traditional upland landscape with complex woodlands, hedge banks and grazing areas. The valley settlements and transport corridor dominate the immediate area of the bottom of the Neath Valley. The Brecon Beacons National Park lies around 1.8 km to the north east of the site.

The limits of the application site are well defined by the escarpments of Craig y Pant and Craig y Llyn to the south, the deeply incised valleys of the Nant Cefyll and Nant Gwrelych to the east, and the Nant Grwrach to the west, with woodland and tree belts in the farmland on the slopes to the north.

The northern flank of the extension area is dominated by conifer plantations which cover approximately half of the extension site. Beyond the conifers to the north is the Parish Road linking Cwm Hwnt to the east and Blaengwrach to the West. A significant area of the extension site is covered by operational areas, offices, a workshop, storage areas and parking areas which are to be relocated.

There is no soil resource available on the extension area. It comprises backfill from previous opencast working at the Dunraven/Hendre Gol site between 1953 and 1957. Therefore, habitat is currently developing on the open areas of coal spoil. Surplus soil forming material has been recovered from elsewhere in the site for use in restoration.

Footpath Nos. 1, 2, 3, 5 7, 7Rsv and 9 and Bridleway No.3 & 4 are affected by the development of the site.

Brief Description of Proposal

It is proposed to extend the excavation area of the existing Selar North site into some 19 hectares of additional land lying between the original excavation area and the Selar North extension excavation area. The existing conifer plantation within this area is due to be felled and replaced with broadleaved woodland as part of the existing restoration scheme. The revised scheme will result in these conifers being felled earlier than planned. The existing offices/workshop/car park/weighbridge/fuel tanks will need to be relocated to the north and east of their current location

Coal reserves remaining at the Selar North site amount to some 600,000 tonnes and further coal resources have been identified within the proposed excavation area that could produce an additional 800,000 tonnes of high quality anthracite coal. Working of the additional area would be integrated into the phasing of the currently permitted northern extraction area and at an extraction rate of 300,000 tonnes per annum it would take 4 ½ years to complete coaling. A further 2 years is required for restoration. Following restoration a further 5 years aftercare would be undertaken on areas to be returned to agriculture/rough pasture. An extended period would be applied to areas restored to woodland and nature conservation - extended to 10 years from the completion of coaling..

Under the current permission the site is due for completion of coaling by August 2015 and completion of restoration by February 2017.. However, to take account of the additional coaling within the proposed extension area it would be necessary to extend the overall timescale by some 3 years (2 ½ years additional coaling and 6 months additional restoration).

An initial box cut to create additional void space will be undertaken in the western part of the Selar Central area. Approximately 4 million m³ will be removed and accommodated in the southern part of the site as part of a revised restoration profile. This material will form part of the progressive restoration of the original site and will not be returned to the final void.

The applicant claims that integrating this material into a modified landform allows progressive restoration sooner than would otherwise be the case.

Once a sufficient void is established the excavation will proceed in an easterly direction and will integrate with the Selar North excavation. Overburden material from successive cuts will be backfilled into previous workings as the site progresses. The remaining volume of material currently in the original Selar overburden mound will be utilised to complete the restoration of the final void at the end of the coaling period but to a revised landform.

The seams to be worked, in descending order from the surface, would be the 9ft, Upper Brass, Lower Brass, Bluers, Rhyd, Grey and the New Seam. Seam thicknesses are known to vary from 0.35 metres (New Seam) to over 1.2 metres (Bluers Seam).

Consistent with the existing operations, the proposed site would be worked using mechanical excavators and dump trucks, supported by a fleet of ancillary plant. Bared coal seams would be cleaned and loaded by smaller excavators into a fleet of dedicated coal haulage vehicles, and thereafter transported to the internal stocking ground located on part on the overburden mound area. Coal would be transported from the site by HGV's along the dedicated access road to Hirwaun and exit onto the A4061 and thereafter by road to Celtic Energy's Onllwyn Distribution Centre at an average of 6,000 tonnes per week.

The restoration of the entire site would proceed in accordance with the current restoration strategy with the only change being a change to the approved profiles. Following replacement of overburden to agreed contours and laying/treatment of soils and soil forming materials to agreed standards, the land would be managed to achieve land uses ranging from open mountain grassland, woodland, improved grassland, Molinia grassland, watercourses and wetlands. The Parish Road and Old Parish Road would be restored according to approved details. Rights of Way would be restored and new footpaths would be created.

Water treatment areas would be retained in part in order to control restoration run-off. Once vegetation has established and the NRW is satisfied that discharge consents can be revoked any areas no longer required to control surface water run-off would be restored in accordance with the restoration strategy.

The scheme and the duration of the proposed development is based upon working a double shift pattern. This entails the site working productively for 16 hours per day. This is achieved by working two shifts, one 06.00 until 14.00, and the second from 14.00 to 22.00.

It is therefore proposed that except in the case of an emergency, that the working hours for excavation and backfilling would be the same as for the existing Selar/Selar North site, i.e. between 0600 hours and 2200 hours, Monday to Friday and 0700 hours and 1300 hours on Saturdays, excluding Public and Bank Holidays. At other times, work would be limited to servicing, maintenance and testing of plant, pumping and other work of an essential or emergency nature.

Times for blasting operations would be the same as for the existing site, i.e. between 10.00 hours to 13.00 hours and 14.00 hours to 16.00 hours on weekdays, and 10.00 hours to 13.00 hours on Saturdays.

It is anticipated that the development would continue employment for the 110 people working on site for an additional period of 2 ½ years. It would also help to sustain the 72 jobs at Onllwyn Washery for that period. Additional service jobs would also result from the operations of the site which are estimated to be between 165-330 indirect jobs.

Environmental Impact Assessment

The application is accompanied by an Environmental Statement prepared in accordance with the Town and Country Planning (Wales and England) Regulations 1999. The Regulations set out procedures for an Environmental Impact Assessment which applies to certain developments and is a means of drawing together in a systematic way an assessment of the likely significant environmental effects of the development. The Environmental Statement accompanied by the application is a series of documents describing the site and its surroundings, a description of the development, an assessment of the environmental effects, proposed mitigation and residual effects along with chapters on health impacts, planning policy and overall conclusions.

Planning Policy

National Policy

The Overarching National Policy Statement for Energy (EN-1) states that energy is vital to economic prosperity and social wellbeing and so it is important to ensure that the UK has secure and affordable energy.

It is recognised that the UK economy is currently reliant on fossil fuels, and they are likely to play a significant role for some time to come as most of our power stations are fuelled by coal and gas. However, the UK needs to wean itself off such a high carbon energy mix to reduce greenhouse gas emissions and to improve the security, availability and affordability of energy through diversification. This will inevitably lead to a period of transition and some fossil fuels will still be needed during the transition to a low carbon economy. Coal fired power stations add to the diversity and flexibility of supply but they will not be low carbon until such time as fossil fuel generation can operate effectively with Carbon Capture and Storage.

One Wales: One Planet, defines sustainable development in Wales as enhancing the economic, social and environmental wellbeing of people and communities, achieving a better quality of life for our own and future generations in ways which promote social justice and equality of opportunity; and in ways which enhance the natural and cultural environment and respect its limits – using only our fair share of the earth's resources and sustaining our cultural legacy. Sustainable development is the process by which we reach the goal of sustainability.

The Welsh Governments vision for a sustainable Wales is one where Wales

- Lives within its environmental limits, using only its fair share of the earth's resources so that our ecological footprint is reduced to the global average availability of resources, and that we are resilient to the impacts of climate change;
- Has healthy, biologically diverse and productive ecosystems that are managed sustainably;
- Has a resilient and sustainable economy that is able to develop whilst stabilising, then reducing, its use of natural resources and reducing its contribution to climate change;
- Has communities which are safe, sustainable and attractive places for people to live and work, where people have access to services, and enjoy good health;
- Is a fair, just and bilingual nation, in which citizens of all ages and backgrounds are empowered to determine their own lives, shape their communities and achieve their full potential.

Within the lifetime of a generation the Welsh Government wants to see Wales using only its fair share of the earth's resources, and where our ecological footprint is reduced to the global average availability of resources – 1.88 global hectares per person.

To achieve this we must reduce by at least two thirds the total resources we currently use to sustain our lifestyles. We must radically reduce by 80-90% our use of carbon based energy, resulting in a similar reduction in our greenhouse gas emissions. Therefore, there is a commitment to make annual 3% reductions in greenhouse gas emissions in areas of devolved competence; making all new buildings zero carbon and to move to producing as much energy from renewable resources as we consume by 2025. The Climate Change Act placed the UK target of reducing greenhouse gases by at least 80% by 2050 on the statute book.

Planning Policy Wales (PPW) makes it clear that the planning system has a fundamental role in delivering sustainable development in Wales. It must help in the process of balancing and integrating the competing objectives of sustainable development in order to meet current development needs whilst safeguarding those of the future. These principles are

- Living within environmental limits
- Tackling climate change
- Ensuring a strong, healthy and just society
- Achieve a sustainable economy
- Using sound science responsibly
- Applying the precautionary principle
- Applying the proximity principle
- Applying the polluter pays principle

It also states in Para 7.1.2 that the planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development. Para 7.6.1 also states that Local Planning authorities should adopt a positive and constructive approach to applications for economic development.

Mineral Planning Policy Wales (MPPW) sets out the Welsh Government's land use planning policies for mineral extraction and related development. Paragraph 5 states: -

“Mineral working is different from other forms of development in that:

- extraction can only take place where mineral is found to occur;
- it is transitional and cannot be regarded as a permanent land use even though operations may occur over a long period of time;
- wherever possible any mineral workings should avoid any adverse environmental or amenity impact; where this is not possible working needs to be carefully controlled and monitored so that any adverse effects on local communities and the environment are mitigated to acceptable limits;
- when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife”

MPPW states that the planning system has a fundamental role in providing a framework within which sound and consistent decisions on mineral development proposals can be taken. Authorities should seek through their planning decisions to take account of all the costs and benefits associated with mineral working in accordance with the principles of sustainable development. The main aims as they apply to mineral development are as follows:

- social progress that recognises the need for everyone: to provide for the benefits of increased prosperity through an adequate supply of minerals that society needs now and in the future, together with protecting and improving amenity
- effective protection of the environment: to protect things that are highly cherished for their intrinsic qualities, such as wildlife, landscapes and historic features; and to protect human health and safety by ensuring that environmental impacts caused by mineral extraction and transportation are within acceptable limits; and to secure, without compromise, restoration and aftercare to provide for appropriate and beneficial after-use
- prudent use of natural resources: 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 appropriate alternative materials
- maintenance of high 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 generations.

It is likely that society needs, and will continue to need for the foreseeable future, a wide range of minerals. The essential role of Local Planning Authorities in relation to mineral working is to ensure that a proper balance is struck between this fundamental requirement, the need to ensure a prudent use of finite resources, and the protection of existing amenity and the environment.

MPPW states that the overriding objective is to provide a sustainable pattern of mineral extraction by adhering to five key principles that Authorities must take into account in making decisions on planning applications. These are to:

- Provide mineral resources to meet society's needs and to safeguard resources from sterilisation;
- Protect areas of importance to natural or built heritage;
- Limit the environmental impact of mineral extraction;
- Achieve high standard of restoration and beneficial after use;
- Encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials.

Paragraph 62 of MPPW specifies requirements that all opencast development proposals should meet, otherwise they should not be approved. These are:

- The proposal should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage;
- If this cannot be achieved, it should provide local or community benefits which clearly outweigh the dis-benefits of likely impacts to justify the grant of planning permission;
- In National Parks and Areas of Outstanding Natural Beauty (AONBs), proposals must also meet additional tests;
- Within or likely to affect Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites must meet additional tests;
- Land will be restored to a high standard and to a beneficial and suitable after use.

A further Ministerial Interim Minerals Planning Policy Statement (MIMPPS) 01/2009, Health Impact Assessment for Opencast Coal Sites was published in February 2009. This states that it is the policy of the

Welsh Government that Health Impact Assessment should be provided to accompany any application for opencast coal working and that if the mineral planning authority decides that an applicant has failed to provide adequate information on health impacts, it may decide that it cannot process and proceed to determine the application without that information.

National Guidance

MTAN (Wales) 2: Coal was published in January 2009 which sets out detailed advice on the mechanisms for delivering the policy for coal extraction through surface and underground working. This includes advice on providing coal resources to meet society's needs, the Local Development Plan, protecting areas of importance, reducing the impact of coal extraction, underground coal working and achieving high standards of restoration, aftercare and after use. Extensive advice on best practice is also provided as a means of assessing and controlling coal operations.

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 development proposals and establishing an evidence basis to help prepare economic development policies for LDP's, it also indicates that economic development should be given greater weight as a material planning consideration although this should not be at the expense of environmental and social impacts.

Neath Port Talbot Unitary Development Plan

The Neath Port Talbot Unitary Development Plan (March 2008) sets out the policies and objectives for the County Borough and includes policies for the delivery of sustainable development and a better quality of life.

Part 1 Policy 20(A) states:

- A) Proposals for coal extraction will be favoured where they contribute to the County Borough's share of local, regional or national production subject to: -
 - a) ensuring the impacts on the environment and local communities are acceptable; and
 - b) securing appropriate, high quality and prompt restoration and aftercare to provide a beneficial after-use.

Policy GC2 provides a framework for the consideration of proposals (including mineral workings) highlighting criteria and issues that should not be impacted upon in an unacceptable manner. Adequate details must also be submitted.

Policy ENV1 indicates that development in the countryside will not be permitted unless it complies with certain criteria. Policy ENV1(h) identifies the potential need for development to occur in the countryside is for the purposes of mineral extraction.

Policy ENV3 indicates that proposals that would create unacceptable impacts on the landscape will be resisted.

Policy ENV4 states that proposals affecting European sites would not be permitted unless it passes the 3 tests and that there is a presumption against proposals that would likely to damage or destroy SSSI's and disturbance to European species.

Policy ENV5 indicates that proposals that would unacceptably damage or destroy significant local habitats and species would not be permitted unless adequate mitigation measures are put forward.

Policy ENV12 indicates that proposals that would be prejudicial to or materially affect the quality or quantity of controlled waters, fresh water or sea water will not be permitted.

Policy ENV15 indicates that proposals that would be likely to have an unacceptable adverse effect on air quality or would expose people to an unacceptable level of air pollution would not be permitted.

Policy ENV23 – Requirement for archaeological evaluation

Policy ENV26 – Controls to prevent the impacts of lighting has to be demonstrated.

Policy ENV29 indicates that where proposals affect the environmental quality or amenity of the surrounding area through causing unacceptable levels of pollution, disturbance, noise or nuisance they will not be permitted.

Policy M8 sets out criteria for the assessment of coal and other mineral development and indicates that such proposals will only be permitted if

all relevant criteria have been satisfied and addressed and in accordance with other policies of the UDP.

Policy M9 identifies areas where opencast coal operations will not be permitted which includes a buffer zone of 200 metres around settlements, and sensitive buildings and operations within designated conservation areas and listed buildings.

Policy M10 – highlights the policy of the Authority to seek appropriate financial guarantees for the restoration of coal mining operations and ensure adequate resources are available for other cases.

Appraisal and Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the content of the development plan unless material considerations indicate otherwise. The Neath Port Talbot Unitary Development Plan consists of a number of policies that relate directly or indirectly to the consideration of opencast coal working proposals which have been summarised above.

Policy GC2 and Policy M8 set out specific criteria for the assessment of mineral and coal developments respectively. The relevant criteria are considered and assessed below along with other National Policy guidelines and other material considerations.

Landscape character, visual impact and visual amenity

The site is located on the southern slopes of the Neath Valley. The valley sides rise in a steep escarpment to an irregular ridgeline to the south, and falls more gently from the site to the River Neath to the north.

The landscape and visual assessment has considered the full extent of the planning application boundary, the landscape context for approximately 5 kilometres from the centre of the site, and the landscape aspects as defined above along with the Zone of Theoretical Visibility (ZTV), defining areas where the development may be theoretically visible from. The ZTV has examined distinct phases of the development along with using the methodology for assessing landscape and visual effects based on the recommendations in Guidelines for Visual Impact Assessment published by the Landscape Institute and the Institute of Environmental Management and Assessment (2002). Consideration has been given to

the degree of impact on landscape character and visual amenity, and at the same time providing proposals for mitigation.

The character of the landscape is dominated by the landform of the broad valley with its steeply rising valley sides, the pattern of large areas of conifer and broadleaf woodland, and strong hedgerows between irregular fields in the more open agricultural areas. The contrast between the gentler lower valley sides and the starker scarp slopes to the south of the site gives a sense of drama to the landscape. Settlements and transport routes are confined to the lower levels of the valley and offer further contrast with the rural character of the land rising from the valley floor.

The Countryside Council for Wales LANDMAP information system methodology provides context for detailed studies that underlie landscape and visual impact assessment. This includes five aspects of landscape composed of visual and sensory, geological landscape, landscape habitats, historic landscape and cultural landscape.

In terms of LANDMAP aspect areas the site falls within the Mynydd Nant y Bar/Mynydd Blaenafan Visual and Sensory aspect area and is described as a large area of undulating plateau across high ground between the Neath and Afan Valleys. The area is almost entirely covered with coniferous plantation with some areas of open ground and exposed rock. Under the LANDMAP Aspect Area Evaluations the site and the majority of the context area lie within a visual and sensory aspect area evaluated as moderate with medium sensitivity to accommodate change.

The site falls entirely within the Blaengwrach Geological Landscape aspect area. This area is dominated by coal measures with extensive boulder clay cover on slopes, and patches of peat. There are frequent disused mines, made ground and opencast sites. The entire site lies within a geological landscape of outstanding value with a very high sensitivity to change.

In terms of the Landscape Habitats aspect area, a small part of the site falls within an area described as secondary conifer plantation on upland plateau, with numerous remnants of former upland habitats. The remainder of the site is described as a large area of opencast mining in an area of formerly high biodiversity value. The landscape habitats over the majority of the extension site are considered of low value except for an area in the north east tip which is evaluated as moderate. Parts of the existing site are evaluated as high and outstanding. The sensitivity to

change therefore varies from low to very high across areas of the site, the extension area itself being low/medium sensitivity.

In terms of the Historic Landscape aspect area the site falls within the Afan Wallia which extends over the Mynydd Penycae ridge and is characterised by an extensive expanse of unenclosed upland moor between the Afan and Neath valleys. The historic landscape has been evaluated as outstanding with very high sensitivity to change.

The site lies within the Eastern High Lands: Resolven Mountain, Mynydd Abergwynfi, Cefn yr Argoed Cultural Landscape aspect area where forestry plantations have subsumed extensive evidence of human occupation from prehistory to recent times. The cultural landscape of the site is considered of high value with a high sensitivity to change.

An assessment of the effects of the proposed development on these aspect areas has been carried out by the applicant. The conclusions are as follows

- The proposed extension would be a very small component of the extensive Visual and Sensory aspect area, which is of moderate value and medium sensitivity, and a negligible component of the wider landscape type. The changes during operations will be short term and the effect of the proposal on the visual and sensory aspect area is assessed as negligible. This will reduce to neutral following restoration.
- The coal measures and overburden within the extension area will be excavated and removed prior to the replacement of overburden. The restoration of the site will create a landscape which is characteristic of the wider landscape context. The impact on the geology of this very highly sensitive aspect area, which is partly characterised by the relics of mining of coal, is assessed as negligible.
- The remnant coniferous plantation located within the extension area, which is evaluated as low sensitivity, was only retained for its screening effect on operations at Selar. The approved restoration scheme shows the conifers being removed when the screening effect is no longer required and their replacement with broadleaved woodland. The impact on the Landscape Habitat aspect area is assessed as slight adverse during clearance of the conifers but with long term beneficial impact from the introduction of broadleaved woodland.

- The site forms a very small part of the extensive Historic Landscape aspect area and the removal of the remnant conifer plantation would result in no more than a slight adverse impact during operations. Restoring part of the historic landscape pattern following restoration would result in a slight beneficial effect.
- The site forms a very small part of the extensive Cultural Landscape aspect area and removal of landscape features within the extension site would result in no more than a slight adverse impact during operations. This would reduce to slight beneficial in the long term due to the landscape pattern being created.

Designated landscapes would not be affected by the operational development or the restoration proposals. They are screened from the development by intervening topography.

In terms of visual impact, the residents and visitors to the nearby settlements would have very high sensitivity, having near views which are relatively constant. The main views would be from the upper levels of Morfa Glas and Glynneath from where the elevation, direction of view, and distance would allow relatively open views of the upper areas of the excavation area and the new internal access road. However, the existing soil storage mounds which provide screening from the north are to be retained. In addition, the extension forms a relatively narrow part of the wider view and needs to be viewed in the context of the ongoing northern extension, which is closer and has already been assessed prior to planning permission being granted for the excavation of that area. The loss of conifer vegetation will also be visible but this already forms part of the approved restoration scheme. The visual impact of working the extension area will not significantly alter although the impact will be apparent for an extended period of 3 years.

Users of the PROW and cycle routes would have high sensitivity, having near to mid distant views available to a moderate to large number of viewers. Public Rights of Way in the vicinity are either suspended during site operations or frequently follow wooded valleys, cross hedgerow bounded fields or are contained within conifer plantations. Gaps in vegetation or variation in landform provide occasional glimpses but such views are rare. The visual impact from these areas is assessed as negligible or none.

Visitors to the designated landscapes of the Brecon Beacons National Park (1.8km distant) would experience high to medium sensitivity, having mid to greater distance views from a valued landscape. The

extension area would be a minor element in the views available generally, but increasing in the nearer views from Comin y Rhos. The visual impact on the National Park generally is assessed as slight to negligible rising to moderate adverse from Comin y Rhos. The Brecon Beacons National Park Authority have not commented on the current application. However, their comments in relation to the Selar North application (which is closer) were that the development would not result in any significant harm to the special qualities in the National Park .

Visual impact will generally become beneficial as the restored landscape matures during the aftercare period albeit that bare open restored areas will have an impact in the short term until vegetation is established.

With the exception of the existing overburden mound there are no views into the extension site from settlement areas in Rhondda Cynon Taf.

The Neath Port Talbot LANDMAP Landscape Assessment was published in December 2004 and the Supplementary Planning Guidance for Landscape adopted in 2008. Planning Policy Wales notes that attention to landscape issues is a key part of planning for sustainability. Planning policies and proposals should contribute to the protection and improvement of the natural environment and help to ensure the conservation of the historic environment and cultural heritage. Landscape and visual impact assessment is a particularly important part of the environmental impact assessment.

The development of the Selar Central extension area would result in primarily removing conifer plantations that would normally be felled following maturity and are due to be felled as part of the current restoration scheme in any event. The magnitude of change during the development to the residents of local settlements is considered to be minor and relatively short term. Operations at the existing site have, with the exception of the construction of the overburden mound, been largely out of view from settlement areas. The proposed extension will result in an increase in the visual impact from certain areas but this will be a minor part of the overall view.

Progressive restoration during the life of the extension would reduce the overall impact on views in the shorter term. The restoration and aftercare scheme put forward within the application seeks to restore landscape character, enhance nature conservation and extend public access.

The impacts of the development on any criteria must be balanced against the benefits of the proposal. Policy ENV1 seeks to protect the Countryside from inappropriate development. Mining can take place over a number of years but it is still temporary. Clear objectives within the restoration strategy and longer term management can create a compensatory and beneficial substitute to the existing position.

Taking account of the limited areas and viewpoints where visual and landscape characteristics are affected by the development and the temporary but additional period of mining and subsequent restoration, it is considered that the proposal does not inflict substantial and permanent adverse harm to the landscape character of the locality and visual amenity and therefore the proposal is not considered to be in conflict with Policy ENV1, GC2(a), M8(a)(ii) and ENV3 of the UDP.

Ecology and Biodiversity

The Environmental Statement has conducted an assessment with respect to ecology and biodiversity matters by reviewing national, regional and local planning policy, desk top studies, an extended phase 1 habitat survey, baseline surveys for protected species, an evaluation of the ecological value of habitats and species, identification of the likely significant impacts, and a description of measures for avoidance, reduction or compensation measures.

The Cwm Gwrelych and Nant Llyn Fach Streams Site of Special Scientific Interest (SSSI) lies to the east of the application site. It comprises a large wooded river gorge situated immediately north-east of the extension area. It is composed of the best sequence of Westphalian carboniferous rocks in South Wales and is of outstanding international significance. It is designated solely on geological grounds.

There are no non-statutory designated sites within or in the immediate locality, and local habitats treated as being of county importance would relate to those listed in the Local Biodiversity Action Plan (LBAP).

The Selar Central extension area lies almost entirely on substrates which have been created or affected by previous opencast coal operations, and the habitats supported are therefore secondary and recent in origin and character. The most extensive habitats on the Selar Central extraction area comprise bare ground (offices/workshop/car parking/ operational areas), developing coal spoil vegetation (which is of low value) and conifer plantation. Habitats and impacts on the Selar/Selar North site have

already been assessed prior to planning permission being granted for the development of those areas.

The results of the habitat surveys, surveys of individual species, and the assessment of any impacts on this ecological resource and the Cwm Gwrelych SSSI, are considered below.

Section 40(1) of Natural Environment and Rural Communities Act 2006 (NERC) places a duty on every public authority, in exercising its functions, to “have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. TAN5 sets out the manner in which planning authorities should comply with this duty.

In addition, National Policy within PPW includes the following:

Paragraph 5.2.8 of Planning Policy Wales states: The planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Paragraph 5.2.9 of Planning Policy Wales states: Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contributions to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality.

Paragraph 5.5.1 of PPW states: With regard to development control and planning applications biodiversity and landscape considerations must be taken into account in determining individual applications, and contributing to the implementation of specific projects. The effect of development proposals on the wildlife or landscape of any area can be a material consideration. In such instances, and in the interest of achieving sustainable development, it is important to balance conservation objectives with the wider economic needs of businesses and communities.

Paragraph 5.5.2 of PPW 2010 states: When considering any development proposal (including on land allocated for development in a development plan) local planning authorities should consider environmental impact, so

as to avoid, wherever 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, where practicable, enhance features of conservation importance.

The Cwm Gwrelych and Nant Llynfach Streams SSSI.

Paragraph 5.5.8 of PPW states: With regard to SSSIs, which are of national importance, the Wildlife and Countryside Act, as amended by the Countryside and Rights of Way Act 2000, (Section 28G) places a duty on all public bodies (including local planning authorities) to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features by reason of which a SSSI is of special interest.

SSSIs can be damaged by developments within or adjacent to their boundaries, and in some cases, by development some distance away. There is a presumption against development likely to damage a SSSI. Before authorising operations likely to damage any of the notified features on a SSSI, local planning authorities must give notice of the proposed operations to NRW (Formerly CCW), and must take its advice into account in deciding whether to grant planning permission and in attaching planning conditions.

Policy ENV4 states that “there is a presumption against proposals that would be likely to damage or destroy on S.S.S.I. Proposals which would adversely affect such a nationally designated site for nature conservation will be permitted only where such proposals safeguard the nature conservation value of the national network of sites.

MPPW states that minerals proposals within or likely to affect S.S.S.I.’s should be carefully considered and where the impact is likely to be significant they should be the subject to rigorous examination and the need for the minerals must be balanced against environmental and other considerations.

The Nant Gwrelych S.S.S.I. lies to the east of the application boundary, and MTAN2 recognises the need to protect these statutorily designated sites from damage and deterioration, consistent with the objectives of the designation. Para 85 of MTAN 2 goes on to say that there is a strong presumption against coal working that may harm the special features of a

SSSI. Coal developments on land outside the boundaries of a SSSI need to ensure proper protection of the SSSI's interest.

The ES has assessed the potential impacts that could occur from mining operations for coal extraction and the consequential impacts of the proposed coaling operations are not considered to be of any risk to the special features of the geological exposures of the Nant Gwrelych SSSI.

Consequently there is no likely damage or any level of risk of the proposed development having a detrimental impact on the SSSI and therefore the proposal does not conflict with Policy ENV4, M8(a)(iii) or GC2(b) of the UDP.

European Protected Species

Where a European Protected Species is present a development may only proceed under a licence issued by the Welsh Government having satisfied the three requirements set out in the legislation. One of these requirements is that there should be no detriment to the "favourable conservation status" of the species concerned.

Bats

Bats are a European Protected Species. Initial surveys in 2009 indicated that 5 species of bats were confirmed foraging or commuting within or adjacent to the proposed extension area – common pipistrelle, soprano pipistrelle, noctule, Daubantons and brown long eared bat. Some 80 trees were assessed for possible use by roosting bats and 24 trees were subsequently subject to climbing surveys but no roosts were found.

A bat activity survey in April 2013 indicated low to moderate numbers of bats, mainly common pipistrelle, primarily foraging along the woodland edges.

The loss of woodland would be undertaken during different periods of the development, and it is proposed that any trees which are potentially suitable for bats are inspected in the autumn and winter prior to felling in accordance with the details of the scheme for the timing of pre-felling checks which was approved on 11 August 2010 (Ref: P/2010/755).

It is considered that the level of assessment is satisfactory and pre-felling procedures have been agreed and must be implemented during the life of

the development. It is considered that there is no significant impact on the favourable conservation status of bats as a result of the development.

Water Voles and Otters

Surveys for water voles and otters did not result in any evidence of the presence of these species. The habitats in the area surrounding the proposed extension area were not found to be suitable for water vole, but some sections of semi-natural watercourse appeared superficially suitable for otter. However, the nearest otter records held by SEWBRc are approximately 1.5km away from the extension area.

Dormouse

Dormouse is a European Protected Species. Appropriate surveys were undertaken to establish the presence of dormouse and no evidence of dormouse was found. The habitat is of limited suitability within the extension area.

Badgers

Badgers and their setts are protected under the Protection of Badgers Act 1992. There is no evidence of badger in the proposed extension area, or in the surrounding areas.

Brown Hare

Evidence of this nationally declining species was recorded in the coal spoil grasslands to the north-east and on both the access road and Parish Road. Brown Hare is a Priority Species of the UK BAP and is subject to a species action plan in the NPT LBAP.

Birds

All wild birds are protected by the Wildlife and Countryside Act 1981 and some birds because they are less common receive a greater protection. These are Schedule 1 birds. Breeding birds surveys have been undertaken and about 40 species were confirmed nesting or probably nesting on the site.

The bird assemblage can be subdivided into groups and is typical of the habitats present. The conifer plantation supports coal tit, goldcrest and buzzard. Areas of broadleaved woodland support marsh tit, wood

warbler, nuthatch, jay, tree creeper, green woodpecker and lesser spotted woodpecker. Scrub areas and hedgerows support song thrush, willow warbler, dunnoek, tree pipit, whitethroat and linnet. Coal spoil grasslands support skylark and meadow pipit. Lagoon areas support mallard, goosander and common sandpiper.

Wintering birds were surveyed and the results suggest a reduced assemblage of summer species and some additional species such as redwing, snipe, grey partridge and field fare.

Most of the habitat for breeding birds and wintering birds would be lost during the development. The most significant is likely to be the conifer plantation and the scrub communities. The impact in the short term is considered to be minor adverse at Local level in respect to birds during the operation however this habitat loss would be replaced with more diverse habitat and greater areas of woodland in the longer term following restoration leading to a minor beneficial effect.

Crossbills and Raptors

One female Crossbill was recorded during surveys. A Crossbill is a Schedule 1 bird species and checks need to be undertaken for chicks prior to the removal of any plantation areas.

Honey buzzard and goshawk are known to inhabit the wider area although none have been recorded to date on the site itself. The habitat is not suitable for nesting. Nevertheless the restoration proposed includes mitigation including the creation of new foraging habitat for honey buzzard.

It is considered that the overall impacts on these species is not significant and can be the subject of conditions.

Reptiles

Two species, common lizard and slow worms have been identified primarily in the coal spoil vegetation and the marshy grassland habitats. Mitigation measures proposed for the northern extension area included the creation of receptor sites for reptiles within the nature reserve. The 'carrying capacity' of the receptor site has been assessed and is considered to be sufficient for additional reptiles found in the extension area.

Amphibians

Breeding population of common frog, common toad and pallmate newts have been recorded in the water bodies within and adjacent to the extension area. Most of these are also associated with the water treatment areas of the existing site.

These areas will be mitigated for in the future provision of wetland areas in the restoration strategy and temporary relocation of the population would be undertaken and areas enhanced for their occupation.

Invertebrates

Whilst there is always a potential to encounter any form of terrestrial or aquatic invertebrate there is no significant types of habitat for such species. Marsh Fritillary and Small Pearl Bordered Fritillary have been specifically considered and no serious adverse effects on such populations are anticipated.

The natural heritage and wildlife of an area must be addressed in any proposal for mineral development. Inevitably mineral extraction proposals are carried out in the open countryside where there is always potential conflict with some habitats and species.

The ecological studies have identified that the Selar Central excavation area does not contain or lie immediately adjacent to any designated sites of biodiversity interest, either statutory or non-statutory. The impacts on the wider Selar/Selar North application site have been considered in the previous planning applications for those areas and mitigation measures implemented e.g. Blaengwrach Nature Reserve and nature conservation areas and a detailed ecological monitoring and a management plan. The proposed extension area lies almost entirely on substrates that have been created or affected by opencast coal working and the habitats supported are therefore secondary in origin and character.

The most extensive habitats are operational bare ground, developing coal spoil vegetation and conifer plantation. None of these habitats are evaluated to be of more than Local value for biodiversity. Impacts on habitat within the proposed extension area are all assessed as being neutral in significance both before and after mitigation. Following the implementation of mitigation measures and restoration of the site, moderate beneficial impacts are predicted with respect to planting of broadleaved woodland as a replacement for conifer plantation;

replacement of ponds and lagoons with wildlife ponds and wetlands. Minor Beneficial impacts are also predicted in respect of scrub communities. There may be some scope for adverse impacts during working from noise but these would be mitigated to neutral.

The proposed extension area contains a number of BAP and other species of interest. None of these species is evaluated to be of more than Local value. Impacts of Minor Adverse significance are predicted with respect to brown hare, and possibly also nesting/wintering birds and/or foraging bats, but these will be reduced to Neutral following mitigation measures and restoration. All other impacts to species would be Neutral both before and after mitigation. Following restoration, Minor Beneficial impacts are predicted for bats, otter, brown hare, common reptiles, amphibians and invertebrates with Moderate Beneficial impacts predicted for nesting/wintering birds.

Given the nature of the overall benefits of the restoration strategy and the mechanism put forward for management and implementation it is considered that there are no overriding reasons in terms of ecology or any other natural heritage resource to withhold planning permission for the development. The potential to replace areas of coal spoil habitat within the Selar Central area will need to be considered as part of the overall site restoration in order to increase the diversity of habitat but that can be considered during detailed restoration stages. The proposal is therefore not in conflict with Policies ENV5, M8(a)(iii) or GC2(b) of the UDP or any other relevant legislation or statute.

Impacts on amenity in terms of dust, noise and vibration

Dust and Air Quality

Dust from opencast sites is generated by a number of sources, including excavation, tipping of overburden, soil stripping, overburden tip formation, blasting, the movement of vehicles, and processing activities. Coal stocking and windblow across disturbed surfaces can also contribute to the potential for the generation of dust.

MTAN 2 notes that residents can be affected up to 1 km from the source. Nuisance dust impacts have therefore been assessed for receptors within 1km of the proposed extension. Similarly the potential impact of particulates less than 10µm (PM₁₀) has been assessed for receptors within 1km. Impact of transport emissions on the lorry route to Onllwyn has also been considered.

Dust suppression is currently undertaken in accordance with the previously approved scheme. Dust suppression on haul roads is carried out by water bowsers, with the aim of keeping haul routes damp during dry weather. Water bowsers are also equipped with rain guns in order to keep excavation faces wet in dry weather. Vapour spray masts are available for the stock yard and wheel washing facilities and sheeting aims to reduce dust being generated by coal transportation activities.

Air Quality Regulations prescribe National Air Quality Strategy (NAQS) - objectives to be achieved for a range of pollutants and in respect of opencast coal mining development pollutants such as PM₁₀ and PM_{2.5} particulates are relevant and NO₂ is relevant for HGV emissions.

Dust can also be a source of complaint as a visual impact on surfaces. There are no UK Statutory Standards recommended for dust deposition rates however MTAN2 suggests that for high-contrast dust such as coal, conditions should be set at a maximum of 80mg/m²/day (as a weekly average) or as a combination of 100% AAC (actual area coverage) across a single 45° sector over a 7 day period or the dust effect or discolouration is greater than 25% for a single sector within the same period. It is unclear if the limit of 80mg/m²/day relates to all dust or just the coal component.

In addition to any planning conditions and controls for the mitigation of dust and its monitoring, operations for coal extraction, processing and stocking will be regulated by an Environmental Permit. Paragraph 13.10.2 of PPW indicates that planning authorities should not seek to control matters that are the proper control of pollution control authorities and are covered by separate legislation. They must operate on the basis that these other regimes will be properly applied and enforced.

PM₁₀ data show that the current average PM₁₀ concentrations in the area occupied by the current Selar OCCS are 11.9ug/m³, 29.75% of the annual average NAQS objective of 40ug/m³. The mapped level for PM_{2.5} is 7.9ug/m³, 31.6% of the NAQS average annual objective of 25ug/m³.

NO₂ concentrations are predicted to be unchanged as the site would continue working at the same output and with the same amount of traffic as currently. It would however, continue for an extended period of 2 ½ years.

Dust Deposition monitoring data is available at three locations around the current working area – Demag Lay-by, Hendrewyddil Farm and Penrhiw. The maximum level recorded at each of these locations was 46 mg/m²/day, 55 mg/m²/day and 78 mg/m²/day respectively. The high level at Penrhiw was attributed to hay cutting with a maximum of 41 mg/m²/day if this figure was discounted. These levels are well below the 80 mg/m²/day suggested in MTAN2. Wind direction is primarily westerly and south westerly for 43% of the time and this will affect windblown dust.

PM₁₀ monitoring undertaken at Penrhiw throughout 2012 indicated an average daily concentration of 15 ug/m³ which is 38% of the NAQS objective of 40 ug/m³. The maximum daily mean concentration was 48 ug/m³ which is less than the NAQS daily mean objective of 50 ug/m³.

MTAN 2 states that “dust from opencast coal sites is mainly coarse and gravitational settling is appreciable, so dust concentrations decrease rapidly away from the source. Large particulate material (>30µm) returns to surface quite quickly; medium-size particles (10-30µm) will generally travel 100-250m from the source under normal conditions. In adverse weather conditions coarse dust travels 500m from the source’. However, such events will be infrequent and ‘continual or severe concerns about dust are most likely to be experienced near to dust sources (generally within 100m)”.

Finer particles, which constitute a small proportion of the dust emitted from most operations, are deposited more slowly, although their concentrations decrease rapidly from the source due to dispersion and dilution and PM₁₀ concentrations typically fall to background levels within 1km of a minerals extraction source.

All potential receptors are at least 270m metres away from main excavation/operational areas and some are screened by woodland/topography. The removal of the Pont Walby Tips is the closest area of working being approximately 270m from Penrhiw. Operations on this reclamation area are anticipated to be of a short duration of some 6 to 8 weeks maximum. The extraction area for Selar North is approximately 300m from Hendrewyddil Farm and 400m from Penrhiw. The impact of this working distance has already been considered as part of the Selar North planning application. The Selar Central excavation area is much further away at some 800m. The magnitude of potential impact is therefore assessed as negligible in all locations with the risk being near zero.

The proposals include a significant degree of mitigation which is included within a Dust Management and Action Plan. This includes recognised methods for suppressing dust or particulate generation at the site and is largely in accordance with modern techniques. A comprehensive monitoring regime for dust and particulates is also put forward. Whilst it is inevitable some dust will be released to the atmosphere from such operations given the nature of the controls put forward, the distance between any dust sensitive properties and associated land uses, it is considered that the proposal can comply with modern standards of control and dust reduction and is therefore not in conflict with Policies GC2(c), M8(b)(i), ENV15, and ENV29 of the UDP.

Noise

Noise can have a significant impact on the amenities and potentially the quality of life to residents and users of the land surrounding an Opencast Coal Site. Paragraph 168 of MTAN2 notes that environmental noise caused by traffic and industry is the source of an increasing number of complaints from the public. It goes on to say that it can have a significant impact on the quality of life, to the extent of harming well being.

As part of the application an assessment has been undertaken of the potential noise impact upon nearby noise sensitive properties. Calculations have been undertaken at four key noise sensitive locations near the site namely Parish Road, Blaengwrach; Hendrewyddil Farm; Glangwrelych and Penrhiw.

Under the requirements of MTAN2, a survey and assessment of background noise levels has been undertaken and computerised noise modelling of the noise levels to be generated by short term operations and the overall mining and restoration activities of the proposed development has been undertaken. The robustness of the information has been questioned by a local resident but it is considered that the data reasonably reflects the current position.

Paragraph 173 of MTAN2 requires that Mineral Planning Authorities (MPAs) establish a noise limit at sensitive locations of background [LA₉₀] plus 10dB LAeq 1hr or 55dB LAeq 1hr (free field), whichever is the lesser, during normal working hours (0700-1900hrs Monday to Friday excluding Bank Holidays). For all other times MTAN 2 states that operational noise should not exceed 42dB LAeq 1hr (free field) at sensitive locations.

The background noise monitoring results indicate noise levels of 42dB LA₉₀ at Parish Road, 39dB LA₉₀ at Hendrewyddil, 47dB LA₉₀ at Glan Gwrelych and 52dB LA₉₀ at Penrhiw. Using the MTAN2 requirements the noise levels should be 52dB LAeq at Parish Road, 49dB LAeq at Hendrewyddil, and 55dB LAeq at Glan Gwrelych and Penrhiw between the recognised daytime hours of 7am to 7pm and 42dB LAeq outside of these times – between 6am and 7am, and between 7pm and 10pm Monday to Friday.

Noise impact from the proposed activities will tend to vary over time as the operations progress across the site. Calculated noise levels have therefore been carried out for four representative phases. These are Year 1, Year 2, Year 4 and Year 5.

The calculated worst case hourly noise levels for the routine operations at the proposed extension are not in excess of MTAN2 derived noise limits at any nearby noise sensitive location during daytime working hours, and are typically considerably lower.

Predictions within the assessment indicated that the criterion of 42dB could be exceeded outside the normal daytime working hours. Data on projected noise levels for the periods of early morning, 0600-0700 hrs, and 1900-2200 hrs indicate that for the vast majority of the working scenarios the proposed sound power levels will be below or marginally above the 42dB criterion. Exceedences of approximately 2dB (up to 44dB) may be experienced at noise sensitive locations such as Penrhiw and Hendrewyddil Farm in Year 1 and Year 5. These exceedences were predicted for the Selar North extension and the noise limits set at that time reflected that position. The same noise limits can therefore be set for this extension. It should be noted that the predicted levels are significantly lower than those stipulated for the original Selar permission (55dB during all working hours).

The modelled operations include restoration activities which will also contribute to the overall noise levels generated during the working of the extension site. The proposal seeks to carry out operations on a two shift system thereby reducing the overall length of time to undertake coal extraction and the full restoration of the site. Major mining operations will, in certain circumstances, introduce some background noise to the overall amenity of certain noise sensitive locations or areas. However, the predicted levels from the assessment undertaken would indicate that

the anticipated levels at any noise sensitive property would, in general, be within the acceptable limits of government guidance.

Paragraph 169 of MTAN 2 indicates that where coal extraction and related operations occur close to noise sensitive development, particularly residential, and noise impacts cannot adequately be controlled or mitigated to the levels set out within the guidance, the second test of MPPW should be considered. This test considers that the development should provide local or community benefits which clearly outweigh the dis-benefits of likely impacts to justify the grant of planning permission.

The vast majority of the operational time will comply with government guidance in respect of noise levels, and reducing hours of working to comply with the 42dB requirement outside “daytime periods” and therefore potentially extending the life of any approved development is considered to be inappropriate in this case given the marginal exceedance predicted.

It is considered that the level of noise that could be experienced outside daytime working hours is relatively low and should not constitute a significant adverse effect on the living conditions of any affected noise sensitive property. Furthermore, taking the second test of MPPW into consideration, the overall community and local benefits from the development must be weighed against the loss of amenity from noise.

It must be noted that two local residents have expressed concern regarding the impact of noise on their living conditions. However, a Noise Management and Action Plan submitted sets out acceptable and recognised standards for noise control and suppression along with a monitoring regime to ensure compliance and to maintain reasonable living conditions for residents. It is accepted that noise at any level can be an annoyance to certain individuals but the noise levels that may be encountered by local residents in this case are unlikely to breach government guidance in normal circumstances. Exceedance of the limits set by planning conditions would be a matter for enforcement were these to occur.

Allowing for some minor elevations up to 44dB during early morning and evening hours, it is considered that the development can be operated well within the general criteria for noise under MTAN2 and therefore the proposal is not in conflict with Policies GC2(c), M8(b)(i) or ENV29 of the UDP.

Blasting

It will be necessary to carry out blasting at the site to loosen and fragment harder strata so that digging can be undertaken. Blasting can cause ground vibration, air overpressure, noise and dust. Based on the evidence and experience of operations at the existing site, it is considered that not all overburden would need blasting and none of the overlying drift material would need to be blasted.

Blasting effects can be experienced at locations outside the site boundary and these events will depend on a number of factors which include the location of a blast, atmospheric conditions, and the nature of the strata.

The frequencies and levels that ground vibration is likely to cause any damage to structures is above 20 mm/sec peak particle velocity (ppv) at a frequency of 15 hertz or above 50 mm/sec at 40 hertz and above. It is recognised that blasting vibration is perceived at much lower levels by people and also people react differently to any perceived ground vibration. The main fear is damage to property. MTAN2 contains guidance on maximum vibration limits that should normally be achieved. It is suggested in MTAN2 that a maximum level of ground vibration at vibration sensitive buildings should not exceed a ppv of 6 mm/sec in 95% of the blasts measured over any 3 month period, and a review of blasting if 3 standard deviations above this limit is exceeded.

The current planning condition at Selar has a limit of maximum ground vibration that any vibration sensitive building should not exceed 6 mm/sec ppv for any blast, or 4 mm/sec for 95% of the blast over any 3 month period. At such low levels of ground vibration there is no potential for damage to occur to residential type structures.

Monitoring carried out at the existing site indicates vibration levels are significantly lower than the stated maximum and generally less than 1 mm/sec. Having due regard of the advice in MTAN 2, it would be appropriate in any new conditions to adopt the same limits as expressed in the Selar North conditions.

Air overpressure is a pressure wave in the atmosphere produced by the detonation of explosives consisting of both audible and inaudible energy. This phenomenon is usually measured in decibels. Techniques developed to reduce air overpressure (e.g. down the hole initiation) and the consideration of atmospheric conditions can reduce the incidence or level of effect.

The current planning condition at the Selar Site relating to air overpressure levels states: 'all practicable steps shall be undertaken by careful design of blasting operations to limit air overpressure and in normal circumstances shall not exceed 120dB linear in 95% of the blasts measured in any 12 month period, and no individual blast shall exceed 125dbB, measured in the nearest noise sensitive property'. MTAN2 suggests identical levels. It would be appropriate to adopt the same condition for any new consent.

A Blasting Management and Action Plan is in place which sets out blast control measures, limits on blasting time, measures to restrict air overpressure and the reduction of vibration through correct design and supervision of blasting events. Warnings and notices in both audible and visible form would be undertaken. Associated measures to prevent excessive noise and dust generation would be undertaken. Blasting would also be monitored at agreed locations and reported to the Planning Authority. The Action Plan also includes a problem response protocol in the event of any issues arising from blasting or complaints being received.

It is recommended that any consent for blasting is limited to 10.00 to 13.00 hours and 14.00 to 16.00 Monday to Friday and 10.00 to 13.00 hours on Saturdays. Other conditions would be adopted limiting levels of vibration and air overpressure along with the execution of the Blast Management and Action Plan.

Having due regard of the location and proximity of the site to sensitive properties, it is not anticipated that blasting operations will have an adverse effect on the amenity of any local residents within the locality to warrant any concerns and should not lead to significant complaints and is therefore not in conflict with Policies GC2(c) and M8(b)(i) of the UDP.

Lighting

Lighting will be required during periods of darkness to conform with Health and Safety requirements. Poorly designed lighting can have an adverse effect on the local environment and the amenity of the area. Therefore, sensitive and well designed lighting provisions would need to take account of safety but also to protect the natural environment and prevent glare and respect the amenity of the area. In general, portable lighting will be used in working areas with fixed lighting in the office/workshop complex. Lighting in the working areas will be kept

below surrounding ground level wherever possible. Where screening of lighting is not possible it will be directed to ensure no nuisance from glare.

Some impacts would inevitably be experienced during the operation of the site, however, most of this would be in the form of a general light haze as opposed to direct light installations.

A mitigation strategy should reduce the incidents of light pollution and unwanted light. General review and adjustment of lighting at the site should secure a reduction and control of light intrusion to local residents. It is therefore considered that the development would not have an adverse effect by way of light and illumination on the living conditions of local residents to warrant a refusal subject to adequate review and management under a condition. The issue of illumination is therefore not in conflict with Policy GC2(c) of the UDP.

Health Impact Assessment

The Ministerial Interim Minerals Planning Policy Statement (MIMPPS, 01/2009) published in January 2009 entitled Health Impact Assessment for Opencast Coal Sites, provides that a Health Impact Assessment should be provided to accompany any application for opencast coal working.

Paragraph 121 of MTAN2 states in part

“A planning application for coal working that may have significant effects on human health should be accompanied by HIA as part of the EIA. This does not in itself mean that such developments have unique, significant, or necessarily negative health impacts. It does recognise, however, that to meet expressed concerns, not only should the technical evidence be rigorously assessed, but also the local community should be properly informed and involved and people’s views heard about the application.”

Paragraph 122 goes on

“HIA should assess the potential direct and indirect effect on the health of a population and the distribution of those effects within that population; it is a flexible but systematic way of considering the possible impacts of developments on people’s health. The public seeks a certain level of scrutiny to provide assurance that the potential risks to health have been

considered and can be adequately controlled. HIA will provide this scrutiny.”

The determinants of health as identified by WHIASU are environment, income, employment, education, the organisation of transport, the design and condition of houses, crime, and the social and physical condition of local neighbourhoods.

A HIA is incorporated into the Environmental Statement. The assessment concentrated on the main communities for the assessment of health and social impacts although it also indicates that economic impacts and considerations including an adequate supply of coal for society’s needs play a part. The key issues in relation to Selar Central have been identified as Environment (noise, air quality, visual), Employment and Transport.

Having regard to the strategy for Health, Social Care and Well Being published by this Authority in 2008, it is recorded that the population in NPT has the worst health record in Wales. However, the elements of a complex matrix of issues do not indicate any specific links to any site, any specific activity or development.

Public exhibitions were held by the developer in Rhigos, Cwmgwrach and Glynneath in May 2013 to inform members of the public about the proposals. Although not a formal survey of public opinions it did allow the public an opportunity to express their views about health and social impacts. The primary concern was restoration, security of employment and opportunities for apprenticeships.

Alleged impacts on health from historical and existing opencast operations in the locality have been expressed over a number of years. However, the Newcastle University study in the late 1990’s concluded that there is “little evidence for associations between (people) living near an opencast site and an increased prevalence of respiratory illness, asthma severity, or daily diary symptoms”, adding that for children in communities experiencing surface coal mining, “past and present respiratory health was similar, even though there were more GP consultations for respiratory conditions in opencast communities during the core study period”.

In commenting on the Newcastle study, the Committee on the Medical Effects of Air Pollutants (COMEAP), agreed with the findings of the report adding that “from what is known of the long-term effects of coal

mining on the health of coal miners, it is most unlikely that open cast sites would have any long-term effects on the health of local communities”.

In 2000, COMEAP reported inter alia that air pollution can aggravate, but does not appear to cause, asthma, adding that lifestyle can be a significant contributory factor. COMEAP also suggested avoiding busy roads and the pollution that traffic can generate would help asthma sufferers.

Abertawe Bro Morgannwg University Health Board has concluded that in respect of the current application there is limited potential for risk to public health from activities at the site.

In Paragraph 122 of MTAN2 it states that public perceptions of harm can be a material consideration in planning decision making even if not objectively justified by the facts. However, little or no weight should be attached to those perceptions if they cannot be justified, for example if accepted international standards for protection of public health are met.

Levels of particulate matter, PM₁₀'s have been measured in the past at Selar to inform the preparation of the ES. There is no evidence from the monitoring undertaken at the site and at other sites in the Authority's area that there is any measurable significant contribution from opencast working to local PM₁₀ levels that could affect National Air Quality Standards. Mapped levels of PM_{2.5} indicate levels substantially lower than the NAQS objective.

Nuisance dust can have an effect on the amenity of the closest residents however there is no evidence of any indirect effect on health from nuisance dust. The levels anticipated and controls put forward have been considered above.

In certain concentrations Nitrogen Oxide in the atmosphere are an irritant to the human respiratory system, which can lead to serious health effects for asthma sufferers in particular. In Wales the main producers of Nox are energy producers (36%), followed by exhaust fumes from transport (34%) . Predicted Nox levels for Selar are 8.1 ug/m³ in 2013 reducing to 6.1 ug/m³ in 2020. This is well below the recommended guideline of 40 ug/m³.

SO₂ and other gaseous emissions from the site would not be significant. Other regulatory procedures for site personnel would apply to the workforce however no deleterious impact to health is anticipated.

Noise at a certain level is considered to be a nuisance and noise has been recognised as having a possible indirect effect on health. However based on the assessment of noise impacts outlined above, all noise levels are likely to be within a range that should not cause serious annoyance or above the criteria of the World Health Organisation by limiting levels to a maximum of 55 dB LAeq.

The impacts of blasting, transportation, light and visual impact and amenity have been considered within the HIA along with the cumulative impact of sequential mineral development in the locality. The specific impacts of these issues both alone and in combination have been addressed and considered against policy and government guidance. Social and economic benefits and the reduction in available resources have also been balanced within the HIA. All the above issues have been measured in accordance with potential effects of the proposal and the mitigation and design of the site to counteract the impacts. The Air Quality Section has no concern or objection to the proposal on matters relating to health impact.

It is fully recognised that the well being of the local population must be given due regard within the determination of the application. The process undertaken for the HIA has been proportionate to the level of public consultation required and awareness of the fears of the local population in respect to issues of public health have also been considered in the planning application process and the publicity undertaken. An appropriate level of assessment has been undertaken on the range of criteria considered relevant to health particularly in respect to air quality measurements.

The results of such an assessment conclude that PM₁₀ concentrations would be well within AQS objective levels under worst case scenarios and PM_{2.5} concentrations would be the same. Other criteria indicate acceptable levels of impact. The required consultation to the Authority Air Quality and Environmental Health officers have not raised any serious concerns on the relative impacts of the development and any consequential impacts on health. The Abertawe Bro Morgannwg University Health Board arrived at the same conclusions.

Having full regard of the importance of the HIA and health assessment within the planning process and the advice set out in paragraph 122 of MTAN 2, it is considered that there are no health grounds to justify refusing the application, subject to continuous monitoring of air quality

and other impacts to ensure compliance to recognised standards. There is therefore no conflict with Policies GC2(c) or M8(b)(ii) of the UDP.

Water supply, water quality and quantity, land drainage and flooding

The site is located within the River Neath catchment which at the Resolven Gauging Station is measured as 190.9 sq km. The watercourses in the vicinity of the site all flow along steep sided valleys where the topography falls from south east to north-west, perpendicular to the River Neath. Three water courses have been diverted during the course of working at Selar – the Nant Rhyd-y-gau, Nant yr Eithin, and Nant y Mynydd. There were no detrimental effects identified as part of the diversions nor have any become apparent during the course of coaling operations. These watercourses will be replaced along similar routes during restoration.

All mineral workings have the potential to affect the water environment and it is essential to determine the extent of any effects and if the consequential impacts can be mitigated or controlled to an adequate level. The Environmental Statement and subsequent hydrological/hydrogeological information and water features survey have been submitted as an assessment of the known impacts.

The hydrological assessment indicates that changes to water flow directions and reduction in flows should not have any adverse effect on receiving water courses, culverts and the River Neath. Water treatment areas in the existing site and other drainage provisions would control storm water conditions and attenuate any flood risk. Ground water encountered would be held in the cut of the opencast void and pumped to water treatment areas on the surface.

The existing water treatment areas A and C have adequate capacity to operate effectively with the addition of the extension area. The water treatment areas will cater for polluted water before being discharged to water courses.

The hydrogeological assessment submitted within the ES identifies the surface features and structural geology that influences the hydrogeological regime of the area.

The geological structure within the site is interpreted to be simple comprising strata which dip gently towards the south at roughly 1 in 30.

Structural continuity is disrupted by the Blaen Nant Hir fault, which has created a defined mining barrier of undisturbed coal and has been left in place between areas of previous underground mine workings. This occupies an area more or less centrally within the extension area.

The Selar North scheme impacted on the hydrogeological condition of the area by removing the Blaen Nant Hir barrier (fault zone) where separate groundwater regimes existed either side of the fault. However, the Selar Central extension is not considered to have significant further impact as a result of working through the fault.

The overall change in hydrogeological conditions will be the cessation of groundwater flows from Adit No. 66 which flows from the eastern section into the Nant Gwrelych and rebound water levels which will almost certainly flow to the west and within the Bluers workings and out of an entry known as Level Four and into Nant Gwrach. The outflow from this source on restoration is considered to be acceptable in landownership terms and would not impact on any water controls/culverts downstream.

No direct or indirect hydrogeological impacts are anticipated on the geological S.S.S.I. other than the cessation of flows from Adit 66 which has an insignificant contribution to the overall flows in the watercourse. Similarly the void to be created will not lead to any derogation of flows.

The pumping of water from the excavation sump will occur to remove water that has naturally drained from surrounding strata and old workings. There are no licensed abstractions within 1km of the site and no known natural water supplies that could be impacted by the development.

The assessment of the potential impacts on the water environment has brought forward a number of issues that identify the short term, temporary and permanent changes to the hydrological regime of the site and its surroundings.

Protection of adjacent watercourses and resources is paramount during coal working and it is considered that the existing facilities supplemented by some additional provisions will be of a sufficient capacity and design to protect the environment. The facilities have been satisfactory for the existing Selar operations and subject to appropriate maintenance and management this should prevail during any working of the extension area. Groundwater changes have been noted and assessed and the subsequent

changes are unlikely to bring forward any future consequences that cannot be addressed.

Environmental monitoring of local watercourses and water features identified along with the monitoring of abandoned mine working outflows will be required within schemes along with full details on the water management system and its maintenance.

It is considered that on the basis of the assessment, undertaken and the mitigation measures proposed in association with ongoing monitoring, the water environment will be not be adversely affected to a degree that would result in the need to refuse planning permission and therefore is not in conflict with Policies GC2(d), M8(a)(i) and ENV12 of the UDP.

Ground Contamination & Land Stability

During any operations involving excavations and tipping there is always some risk of slope failure and some instability especially as the site has been worked previously. The current and proposed opencast development is subject to regulatory controls and licensing which seek to secure the safe operation of the site and reduce any risk to land outside the operating area. It is recorded that some slope failure has occurred within the excavation void and such incidents have been addressed appropriately.

The primary responsibility for the safety and stability of a surface mineral working falls to the operator as defined in the Quarries Regulations 1999 as ‘the person in overall control of the working of the quarry’. The monitoring of such activity would be the responsibility of HM Inspector of Mines.

Geotechnical appraisals will be undertaken during the course of the development to design and prevent any effects on land stability outside the limits of the development. Similarly no impacts of land instability are anticipated on adjacent valleys and the Cwm Gwelych Nant Llyn Fach Streams SSSI.

It is considered that there are no objections in relation to land stability or ground contamination and there is no conflict with Policies GC2(e), GC2(f) and M8(a)(vi) of the UDP

Access and Transportation

When the original Selar application was considered in 1994 the intended destination of coal transported by HGV was along the purpose built access road to the A4061 and then to the Tower Colliery processing facility and railhead. Following the privatisation of British Coal in 1995 the commercial interests of the opencast development and the Tower Colliery site became separated. In consequence the coal preparation facility and railhead was not available for the opencast developer. The original permission in 1994 did not restrict the destination of the coal other than it had to use the access road that is the subject of a further application to RCT C.B.C. Coal has largely been transported from the existing site to Onllwyn Washery and Distribution Centre via the A4061, the A465 and the A4109 since 1995. Some lesser quantities have been sent directly to market following coal preparation.

The current proposal seeks to continue the transport of coal from the site along the same route at a rate of approximately 300,000 tonnes per annum. The number of HGV movements was monitored in March 2013 with a daily average of 77 loads (154 two-way movements) per day. Coal traffic is currently restricted to 0700 to 1700 Monday to Friday and 0700 to 1300 on Saturday. There are no proposals to change these times.

The route has been the subject of safety analysis and accident appraisal. The results do not dictate that the associated HGV movements from the site have any detrimental effect on highway safety as there were no accidents involving HGV's along the route in the five year period from 2007-2012.

Previous permissions at the site have sought to retain the Parish Road as an emergency access to Blaengwrach should the A465 become blocked. As this extension would remove a section of the Parish Road an alternative emergency access will be fully constructed prior to the Parish Road being removed. The Parish road will be reinstated to adoptable standard as part of the site restoration scheme.

MPPW encourages the use of rail or waterways rather than road when it is economically feasible to do so. In this case the vast majority of coal will initially be transported for a distance of some 17km to the Onllwyn DP where it will be blended, sorted and distributed, in the main, by rail to Aberthaw power station. Some segregated sized products would leave the DP by road. Alternative arrangements for transporting coal from the opencast site would not appear to be available or practicable in this case.

Having regard to all anticipated impacts on highway safety such as noise impacts, visual intrusion, vehicle emissions and general disturbance it is considered that there will be no noticeable difference to existing conditions as the coal transportation activity will not change. There would be an additional 2 ½ years of traffic movements but this would not be at a level that would be detrimental to the environment or highway safety of the area and would not have an adverse effect on the living conditions of residents along the route.

Rhondda Cynon Taf County Borough Council will consider the planning application made to them for the continued use of the access road for coal transportation in due course. This Council has raised no objection to that application. Subject to restricting all coal movements along the existing access, wheel washing facilities being provided, the sheeting of lorries and the restricted tonnage, days and hours for coal transportation being controlled, it is considered that no objection should be raised to the proposal on access and highway grounds, and the proposal is therefore not in conflict with Policies GC2(g) and M8(b)(iii) of the UDP.

Cultural Heritage and Archaeology

Cultural heritage has been assessed by identifying the cultural heritage resource within the site and in the locality according to recognised methodologies, using criteria for assessing cultural heritage value, the magnitude of the impact of the development and the significance of the effects.

Baseline surveys indicate that there are no World Heritage Sites, Scheduled Monuments, Grade 1, Grade 2 or 2* Listed Buildings, Conservation Areas, Registered Parks and Gardens or Landscapes of Outstanding or Historic Interest in Wales within the study area.

The site is located in an area of opencast mining activity dating from the late 1950's which has resulted in the total loss of any buried archaeological deposits. Therefore, although recent archaeological observations during the development of the Selar North site have recorded archaeological remains, there is no potential for associated remains within the Selar Central extension site.

CADW and Glamorgan Gwent Archaeological Trust do not have any objections to the development and it is considered that the proposal would not inflict damage or any effect on any cultural heritage resource to the extent that a refusal would be necessary.

Having carried out an evaluation as required by Policy EN23 it is considered that the development will have no adverse effect on the cultural heritage resource. There is therefore no conflict with Policies GC2(a) and M8(a)(v) of the UDP.

Soils and Agricultural Land

None of the land within the Selar Central site is classified as agricultural land.

Examination of the soils revealed them to be a compacted stoney grey coal measure mudstone/shale material which was backfill from previous opencast working. There are no soil resources within the extension area as a result of the previous opencast activity.

In terms of restoration there is a surplus of soil forming materials currently on site which will allow for the restoration of the area to a better standard. Approximately 85,000 m³ of soil forming material would be required and there is currently 250,000 m³ available on site.

Welsh Government has indicated that agriculture is an appropriate after-use for the site and the restoration scheme remains largely unchanged from the Selar North application with the only change being to the contours.

Public Rights of Way and Road Severance

A limited number of registered public rights of way will be affected by the development. There will be a requirement to continue suspension on these rights of way until sufficient restoration and development allows for their full reinstatement. The Ramblers Association objects to this delay.

The old Parish Road leading from Parish Road in Blaengwrach to Pen y Cae Farm and Blaen Gwrach Farm in the southwest corner of the existing site will remain suspended until all associated activities with the restoration of the site and ancillary water controls have been completed.

The Parish Road that also links the southern end of Blaengwrach and Cwm Hwnt and forms part of the access route out of the mineral site, has been the subject of a Temporary Prohibition of Traffic Order which which has expired. A temporary prohibition of traffic Order under the Road Traffic Regulation Act 1984 is to be sought for temporary period

until further Suspension Orders are sought from the Welsh Government to enable the Parish Road to be removed for the duration of the works in Selar Central. It is intended to restore this link as a public highway following the completion of the works.

It is acknowledged that the existing suspended rights of way will need to remain as such for a further 4 to 5 years. However, when the opportunity arises, and aftercare has been advanced, there may be an opportunity to bring them back into public use for the benefit of the general community on a phased basis.

The old Parish Road forms part of the eastern boundary of the Blaengwrach Nature Reserve and will be fully restored within the life of the mineral development. The continued suspension of the use of the public rights of way are not considered to be severely detrimental to the requirements of the local community and a further temporary suspension of their use is not considered to be a factor that weighs significantly against the development. There is therefore no conflict with Policy M8(b)(iv) of the UDP.

Restoration and Aftercare

Restoration and aftercare schemes were submitted for the whole site as part of the Selar North development. The land-uses to be restored were as follows:

Enclosed Pasture – 36.8 ha
Open Mountain Grassland – 168 ha
Woodland – 72.8 ha
Wetland & Ponds – 8.9 ha
Purple Moor grass Pasture – 16 ha
Conservation Grassland – 19.3 ha
Undisturbed land – 60.2 ha

It is not proposed that the land-uses will change as part of this development. The only change will be a revision to the restoration site profiles which have been designed to accommodate the overburden from the initial void on Selar Central within the original site.

It is proposed to create a varied landform with incised stream valleys, irregular shaped fields of pasture, nature conservation areas with hedge

bank boundaries and scattered trees, and areas of broad leaf woodland. To the south within the existing Selar site and higher up the valley the wider restored landscape would form a transition into open mountain grassland with upland woodland and scattered wetland areas. Broadleaf tree belts would follow the incised water courses reinstated along their original course and reconnected with the original undisturbed sections outside the site boundary.

The restoration details for the site include provision of the re-establishment of purple moor grassland and associated acidic neutral grassland. A portion of the current purple moor grass areas have been transferred using a soil and turf fragment technique. Other areas would be set aside as improved and semi-improved pasture land associated with the existing farmland operations. The main water courses would be reinstated to a pattern that existed prior to previous mining activity and woodland would be established along the line of water courses to recreate the character of incised valley woodland.

Water treatment areas would be reshaped to provide natural forms of wetlands with associated vegetation and hedge banks created in accordance with field boundary patterns.

Public access would be enhanced by providing additional footpaths linking to existing public rights of way that are to be reinstated.

Coal developments must meet the restoration and aftercare requirements of MPPW and ensure that land is restored to sustainable and beneficial after use. After use and reclamation methods should be addressed and set out in a reclamation scheme and should be agreed at the time that planning permission is granted. Achieving a high standard of restoration, aftercare and after use is one of the key principles of sustainable mineral extraction set out in MPPW. MTAN2 provides further advice and guidance on the standards required of reclamation proposals and after use. Schemes should seek to maintain or enhance the environment for the benefits of local communities and the long term quality of the land for the intended use.

Ecological interests and the enhancement of bio-diversity is one of the main objectives when restoring mineral sites. Paragraph 282 of MTAN2 states in reinstating land following opencast working, the opportunity exists to improve the local environment, enhance landscape and bio-diversity and make provision for public access.

Paragraph 258 of MTAN2 states if there is any significant doubt about whether satisfactory reclamation can be achieved at the site, planning permission should be refused. The provisions of a financial guarantee for the future restoration of the site are considered further below.

It is considered that the reclamation of the site can be achieved utilising the resources available including soil conservation and redistribution and engineering techniques. However, to mitigate the loss of LBAP habitats including broad leaf woodland, water courses, purple moor grass and marshy grassland areas, and to integrate the restored landform into the existing landscape character of the area, it is necessary to establish if the restoration strategy and after use proposals can be achieved and sustained for the benefit of the local community and environment in the longer term.

The reclamation of the site is considered to be a relatively challenging and resource demanding requirement which requires a significant level of planning, management and extended aftercare to ensure the best possible outcome to the restoration of the site.

The Biodiversity Unit of the Authority have no significant objections to the proposed restoration element of the application subject to appropriate schemes and commitments to manage the restored areas. The applicant has indicated a willingness to undertake extended aftercare over ten years following the completion of restoration at the site on all woodland, wetland and nature conservation areas, along with an extended management regime within a dedicated Nature Conservation Steering Committee. This would include the management of areas associated with the Blaengwrach Nature Reserve. These provisions, in part, would be the subject of the requirements of a Section 106 agreement and also under specific conditions and schemes of any consent.

Policy ENV5(d) of the UDP states that all new development should avoid the loss or damage to a habitat or species which is identified as a priority in the Neath Port Talbot Local Biodiversity Action Plan, or for any such loss of habitats/species which can be adequately mitigated against, provide replacement habitats and (e) take full account of opportunities to restore and enhance habitats and ecosystems.

Paragraph 8.9.1 of the UDP indicates that in some instances social, economic or infrastructure interest might justify development proceeding despite adverse impacts on biodiversity, and that the Authority will

consider the provision of mitigation measures to compensate for losses which are otherwise unacceptable.

The provision of adequate restoration with enhanced biodiversity objectives forms a cornerstone to the consideration of this application and any short term conflict with any nature conservation policies, both nationally, and within LBAP targets and within the UDP, must be balanced against the benefits of the proposal. In this case it is not considered that there are any adverse effects on biodiversity and nature conservation that have not been mitigated to an acceptable degree. The restoration scheme is acceptable, ensures a beneficial afteruse and takes account of the potential to create bio-diverse habitat. The proposal does not therefore conflict with Policy GC2(1) or Policy M8(c)(iii, iv and v)

Cumulative Impact

Surface coal mining has taken place in the general locality for some considerable time with the largest opencast operations of recent times being the Derlwyn site operated to the north east of Glynneath between 1989 and 1996. The Selar operation started in 1997 and has continued to the present time. Previous to this, during the late 1980s, operations came to an end at the Ffyndaff site east of the current operations whilst the previous Dunraven opencast occupied the same site during the 1960s to 70s. Smaller and more sporadic coal mining operations have been undertaken at Fforch y Garn which completed operations in the late 1990s.

There is no clear and defined definition of cumulative impact, however, it is considered that continuous and persistent development of broadly a similar nature could inflict a cumulative impact on a locality.

The nearest communities in Neath Port Talbot in particular may have witnessed temporary changes to the landscape and recorded some impacts in the form of noise, dust, blasting, light pollution, and associated transportation movements in association with these developments.

Additionally, the surface facilities for underground working at Aberpergwm and the Unity mine and Cwmgwrach railhead complex will have had some defining impacts on the general area.

It is recognised that there have been relatively low levels of complaint associated with the workings at Selar.. This may be an acceptance of any perceived disturbance by the local residents of the area, however, it is

more likely to relate to the low recorded levels of noise, dust and vibration that has emanated from the site during its life. This is not to say that there have been no complaints but that the level is much lower than at some other sites.

The main mining operations of the Selar site have been, in general, out of view and with the exception of the construction of the overburden mound few areas have had any direct views of major earth work and extraction procedures. The extension site will bring these activities to a more exposed area of the valley side. Longer distance views of the extension area will be available from the upland areas of Pont Nedd Fechan, however, the scale of the impact is not considered to be significant.

MTAN2 refers commonly to the potential cumulative impacts of successive mineral developments. However, on the basis of the scale and further duration of mining at Selar Central, it is considered that the proposal does not inflict serious, continuous harm that merits significant weight to be given to the cumulative impact of the development. There is therefore no conflict with Policy GC2(c) of the UDP.

Socio-Economic Benefits

Employment

Employment benefits would undoubtedly accrue as a result of the development. It is indicated in the application that some 110 people are employed at the site and 90% of those live within 10 miles. These jobs would be sustained for a further 2 ½ years if consent for Selar Central was granted. The development would also help to support the Onllwyn Washery and Disposal Centre which employs 72 people. There are undoubtedly indirect jobs which benefit from the working of the site. Using a multiplier effect of between 1.5 and 3.0 it is reasonable to conclude these indirect jobs amount to between 165 and 330 jobs.

This development will therefore provide a reasonable level of employment and thereby bring forward local economic benefits for the locality. This must be given significant weight within the context of the second test under Paragraph 62 of MPPW where it states that if any development cannot be made environmentally acceptable the development should provide local or community benefits which clearly outweigh the dis-benefits of the likely impacts to justify the grant of planning permission.

The retention of employment within the local coal industry would also serve to provide economic benefits in accordance with the objectives of PPW and the draft guidance set out in TAN 23 :Economic Development (Draft) 2013.

In this case based on the assessment of the impacts it is considered that the site can be worked in an environmentally acceptable manner and employment benefits add further weight to the argument for granting consent.

Need for the coal

One of the key principles of sustainable mineral extraction set out in MPPW is to provide mineral resources to meet society's needs. MTAN2 provides a policy background for the provision of coal resources to meet society's needs.

National energy policies, as set out in MPPW, seeks to ensure a secure, diverse and sustainable supply of energy at competitive prices and this objective takes into account the Government's concerns for the environment, health and safety and a fair deal for all consumers as well as its commitment to all aspects of sustainable development. MPPW goes on to say that "While UK coal is available and the generators continue to choose it, UK coal contributes to energy diversity and supply."

The Overarching National Policy Statement for Energy (EN-1) states that energy is vital to economic prosperity and social wellbeing and so it is important to ensure that the UK has secure and affordable energy.

It is recognised that the UK economy is currently reliant on fossil fuels, and they are likely to play a significant role for some time to come as most of our power stations are fuelled by coal and gas. However, the UK needs to wean itself off such a high carbon energy mix to reduce greenhouse gas emissions and to improve the security, availability and affordability of energy through diversification. This will inevitably lead to a period of transition and some fossil fuels will still be needed during the transition to a low carbon economy. Coal fired power stations add to the diversity and flexibility of supply but they will not be low carbon until such time as fossil fuel generation can operate effectively with Carbon Capture and Storage.

Welsh Government's policy emphasises the increasing importance of low emission power generation, alongside increasing energy efficiency.

Welsh Government policy also includes ambitious plans to generate electricity from renewable resources but this will take time to achieve. .

It is maintained by the applicant that there is a high demand for coal in the domestic and global markets and that local industries such as TATA are also seeking to utilise local coal resources. Support from local industries including TATA indicate the importance and sustainable use of local resources in their energy supply needs and that the coal resource from the extension on site would contribute to this demand.

It is suggested in the application that the direct value of the site in purely economic terms to the South Wales Economy would be significantly in excess of £50 million in respect of wages, coal rates etc.

It is always important to consider the overall requirement and justification of any development. The extraction of indigenous coal resources has been declining for a number of years and a number of factors, not least the opportunity to work areas that are environmentally acceptable have become more difficult to find.

Notwithstanding a general shift in policy to renewable energy technology, there is a definite need for coal either from the UK or from imports to maintain existing coal fired power stations for some time.

The site provides an opportunity to work a resource of coal that may not be economically viable or environmentally acceptable unless it is worked as an extension to the existing site given that the current area can be utilised for overburden distribution, ancillary facilities and access. It is therefore concluded that significant weight should be given to the need to extract the coal at this location at this time.

Community Benefits

Restoration and Aftercare Bonds and Financial Guarantees

Paragraphs 53 and 54 of MPPW states:

“Properly worded and relevant planning conditions should be able to secure the restoration, aftercare and after use of mineral sites. Operators and landowners should ensure that sufficient finance is set aside to enable them to meet restoration and aftercare obligations. The full cost of restoration does not need to be put on deposit at the outset, but it should build up commensurate with the programme of activity of extraction. For

larger sites, progressive restoration should be achieved using a stream of funding required at various stages throughout the operation. Operators are encouraged, as a reasonable alternative, to participate in established mutual funding or guarantee schemes which safeguard against possible financial failure.

Sites left unrestored for a long period or delay in legitimate restoration is not acceptable. To address the uncertainty of local communities about the completion of restoration proposals and having regard to the polluter pays principle, wherever it is reasonable to do so, authorities may require financial guarantees as a means of ensuring that sites will be restored properly and in a reasonable time period. An authority may require financial guarantees by way of a Section 106 planning obligation/agreement, as part of the approval of planning permission to ensure that restoration will be fully achieved.”

Policy M10 of the UDP states:

‘Where planning permission is granted for coal mining, the Authority will require a deposit of a financial bond or other agreed means of financial security capable of securing satisfactory landscaping restoration and aftercare.

In all other cases where the Authority is minded to grant planning permission for mineral development, the Authority will, where appropriate, seek to ensure, by agreement or other means, that adequate resources are available to secure compliance with landscaping, restoration and aftercare requirements.’

The West Glamorgan County Council Act 1987 enables the Authority to attach a planning condition to any coal mining permission requiring the deposition of a financial bond to secure restoration and aftercare to any operator other than British Coal Corporation (and their successors but limited to 10 years).

Paragraph 66 of the MTAN2 states:

‘The private sector successors to British Coal Corporation acquired certain long-term leases over coal reserves, along with the mining assets which they purchased. The provisions in the Local Acts (which included the West Glamorgan County Council Act 1987) did not apply to British Coal, nor did they apply to the successor companies for a period of ten years; a period which has now expired.’

In accordance with the policy of this Authority, and government guidance, the Authority negotiated a Financial Guarantee Bond arrangement rising in staged payments to £22 million as a result of the planning permission for Selar North in 2010. This Bond has currently reached £20 million. Having considered the revised working scheme it has been agreed in principle following extensive discussions with the developer that the Bond should increase to £23.5 million if permission is granted. A phased refund of the financial contribution would be undertaken during the course of the restoration of the site, but no refund would be made until the full amount of £23.5 million had been contributed.

It is considered that this sum of £23.5 million is appropriate and in the event of a planning permission being granted for the proposal, the above mentioned structure for financial contribution should be agreed under the terms of a Section 106 agreement, as opposed to a planning condition (which, in normal circumstances, could be appealed against) which will secure the reclamation of a major and extensive mineral site.

Community benefits have historically been made to the local communities. Following initial payments amounting to £400,000, community benefits have been paid at a rate of 50p per tonne of coal. Celtic Energy has proposed to continue with the same contribution towards the community fund in relation to the proposed extension.

Buffer Zones

MTAN2 indicates in paragraphs 26 to 29 that in relation to Local Development Plan preparation MPA's should take into account where areas of coal working will not be acceptable and also states within paragraph 29 that coal working will generally not be acceptable within 500 metres of settlements, or within International or National Designations of environmental or cultural importance.

Paragraph 49 in MTAN2 goes on to say

“Exceptionally, having considered the evidence put forward with a surface or underground coal working application coal working may be permitted within 500 metres of settlements. Factors to be considered include:

- where coal working provides the most effective solution to prevent risks to health and safety arising from previous mineral working
- to remediate land damaged by shallow coal workings or mine waste, where coal extraction appears to be the most sustainable option
- where topography, natural features such as woodland, or existing development, would significantly and demonstrably mitigate impacts
- where major roads or railways lie between the settlement and the proposed operational area and coal working would not result in appreciable cumulative and in-combination effects
- where the surface expression of underground working does not include the significant handling or storage of the mineral or waste
- when the proposal is of overriding significance for regeneration, employment and economy in the local area; or
- where extraction would be in advance of other, permanent, development which cannot reasonably be located elsewhere.”

The above advice and guidelines set out in MTAN2 on the limits of coal working needs to be considered in planning applications along with Policy M9 of the UDP which states:

Proposals for opencast coal operations (i.e. the extraction or storage of minerals or overburden) will not be permitted within the following areas or sites:

- 1) i) a buffer zone of 200 metres from a Settlement Limit;
- ii) a landscape, park or garden identified by Cadw as being of Special Historic Interest, or designated as a Country Park;
- iii) land designated as of national or international importance in terms of ecology or geology (i.e. SSSIs or SACs);
- iv) a Scheduled Ancient Monument or Conservation Area.

- 2) A buffer zone of 200 metres from a ‘sensitive building’ which is not in the ownership or control of the applicants.
- 3) A listed building.

The site boundary within the planning application identifies the original extent of the existing Selar opencast site and the extension area to the north. None of the proposed coal extraction operations and the storage of minerals and overburden encroach within the 200 metre buffer zone identified within Policy M9. Existing water treatment facilities and soil storage currently exist partially within the 200 metre buffer zone south of Parish Road. However the general activities associated with the recovery of soils and the operation of the temporary water treatment areas do not conflict with this policy which relates specifically to the extraction or storage of minerals or overburden. The remaining operations within this area will be necessary to restore the existing site and maintain adequate water treatment arrangements for a further temporary period of some 2-3 years and during aftercare.

The eastern extent of the proposed north extension has a boundary adjacent to the Cwm Gwrelych and Nant Fach Stream SSSI and no operations are to be carried out within the designated area. The utilisation of the Parish Road as a means of access across the area of the SSSI has been undertaken for the last 13 years and has had no effect on the features of the SSSI. The boundary is also at least 270 metres from a nearest sensitive building although coal working in the extension area would be more than 500 metres from such buildings. The impact of coal working within Selar/Selar North have already been assessed and found to be acceptable when planning permission was granted for those areas. Selar North in particular was considered in terms of MTAN2.

On the basis of the proposed extension it is therefore considered that the proposal does not conflict with Policy M9 of the UDP.

It is considered that the exemptions under Paragraph 49 of MTAN2 do not need to be assessed or applied in this case as no additional areas of coal working would be undertaken within 500 metres of any settlement.

Local Authority Land

Members should note that some 7 hectares of the application site at Pontwalby is in the ownership of this Council. The Pontwalby Tips are to

be remediated as part of this application. The issue of ownership should not be taken into account in the decision of this application.

Section 106 Agreement

The current development at Selar/Selar North has a Section 106 Agreement in operation. In considering this proposal it is necessary to review and amend the required provision of a Section 106 Agreement.

In the event of a consent being granted the following provisions are considered appropriate:

- a) the adequate management and maintenance of the Blaengwrach Nature Reserve up to 31st December 2028.
- b) prohibit the sale, leasing or transfer of any of the land within the Blaengwrach nature reserve or the nature conservation areas unless it is to a member of the Celtic Group or as agreed by the local planning authority;
- c) the continuation of the Steering Committee for the monitoring and management of the Nature Reserve and Nature Conservation Areas in accordance with the scheme approved on 11 August 2010;
- d) a timetable for the phased provision of public use of the Blaengwrach Nature Reserve
- e) maintaining an emergency access along Parish Road or a realigned route replacing the Parish Road;
- f) Financial provisions within a phased payment structure to provide £23.5 million as a financial guarantee for the purposes of reclaiming the site. Staged repayments would be made to the developer on the completion of phases of restoration and aftercare once the final figure of £23.5 million is achieved;
- g) Community benefits to be contributed over the period of coal mining and utilised for the benefit of the communities of Glynneath and Blaengwrch, will continue at a rate of 50p per tonne
- h) Extended aftercare of the Nature Reserve, woodlands, wetlands and pond areas, Molinia grasslands and areas of grassland for species enhancement for a period of 10 years after coaling has ended;

- i) The provision of funding for the reasonable costs incurred by the Council for the processing, arranging and confirmation of Public Rights of Way.

Representations

Comments on these representations received in respect of objections are as follows: -

Environmental impacts relating to noise, dust, and air quality, have been considered in the general assessment above. In addition specific consideration has been given to health and the local population including the nearest residents to the site.

Restoration achievements and current progressive restoration is carried out in an acceptable manner and compensatory levels of biodiversity are considered reasonable including translocation proposals.

Applications can be made for planning consent notwithstanding any comments that may have indicated an approximate timescale during previous application processes.

Comments on those representations expressing support are as follows: -

The environmental performance of an existing site can only be given appropriate weight and it is more relevant to assess the projected impacts of any new development.

All relevant issues in terms of employment, economic, business, coal production and need have been addressed above.

Conclusion

This is a major application for an extension to an existing opencast coal site and has been assessed against National Policy within PPW 5th Edition and MPPW and all relevant policy considerations within the development plan. Relevant guidance has also been considered within the appraisal and the assessment has considered the relevant issues within MTAN2.

Coal deposits are relatively widespread in the County Borough. However, economic resources are dictated by the geological sequence and the position of such resources. They are also invariably in the open

countryside. Coal can only be worked where the mineral exists but also is dependent on the geological arrangements and economic viability for working the resource.

Paragraph 41 of MPPW states extensions to existing workings are often more generally acceptable than new green field sites. Extensions to existing sites have some clear benefits where associated ancillary and access facilities can be utilised. The Selar site has existing facilities which will adequately serve any extension proposals.

Part 1 Policy 20(A) of the UDP recognises the role that coal can provide in contributing national, regional and local supplies. High quality anthracite coal contributes to the overall requirement of the energy needs of the country and general policy states that it is right to make the best use of UK energy resources including coal reserves where it is economically viable and environmentally acceptable to do so.

The coal produced from the extension site would contribute to the coal requirements at Aberthaw Power Station, the TATA Steelworks, and some ancillary domestic supplies and cement manufacture. Whilst the extraction rate and total reserve is relatively large in regional terms, it is also recognised that Aberthaw currently imports a high proportion of its coal, and the proposal in itself would only provide a small proportion of its requirements.

MPPW advises that extensions to existing mineral workings should not be designed to protect existing suppliers. The coal from this site could contribute to some of national and local supplies and would provide a number of economic benefits in terms of the provision of employment and spin off economic benefits in related industries within the context of an environmentally acceptable development.

One of the main objectives in relation to sustainable mineral development is to ensure an adequate supply to meet the needs of society. Appropriate weight therefore needs to be given to the requirement of the mineral and notwithstanding the broader change to renewable energy resources there is a reasonable requirement to maintain coal production from indigenous resources for the foreseeable future.

Opencast proposals should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage (paragraph 62 of MPPW). In relation to this test the assessment undertaken has identified that the proposals in respect of a

number of environmental criteria is either acceptable or can be made acceptable through a combination of conditions and a Section 106 agreement.

The assessment of the potential impacts on health, a fundamental requirement for opencast development in Wales, concludes that there are no overriding reasons or impacts that would inflict any injurious effects on the local population in respect of health to warrant a refusal.

The ecological impacts of the development have been balanced against the benefits of the wider enhancement of biodiversity habitats in the restoration strategy for the site. It is considered that sufficient ecological benefit will accrue in the longer term secured by extended aftercare and management techniques.

The impacts on statutory designated areas have been fully assessed and there are no residual effects that demonstrate any consequential impacts on the geological resource within the Cwm Gwrelych and Nant Llyn Fach Streams SSSI.

There are no recorded objections from any statutory consultee. This broadly leads to a conclusion that the proposal can be worked in an environmentally acceptable manner subject to conditions and other controls.

The proposal has generated little public concern and has also given rise to a greater level of support. PPW Paragraph 3.1.8 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 policy M8 and other policies of the UDP, it is considered that a refusal of planning permission on the grounds of objection received would be unreasonable.

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.

Therefore it is considered that the proposed development accords with the general policies of the development plan and the requirements contained in national and regional planning policy and that the balance is in favour of the proposal. It is recommended that planning permission be granted subject to the conditions listed below and the terms of a Section 106 Agreement.

All environmental information submitted within the ES and additional 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 relevant European directives, legislation and regulations have been taken into account.

RECOMMENDATION: That upon the signing of a Section 106 Legal Agreement in the following general terms, the application be approved subject to the conditions set out in this report.

- a) The continued management and maintenance of the Blaengwrach Nature Reserve until 31st December 2028
- b) A covenant to prohibit the selling, leasing, transfer or disposing of any part of the Nature Reserve and Nature Conservation Areas as identified in the application unless it is to an approved company, body or organisation that is acceptable to the planning authority.
- c) the continuation of the Steering Committee for the monitoring and management of the Nature Reserve and Nature Conservation Areas in accordance with the scheme approved on 11 August 2010;
- d) a timetable for the phased provision of public use of the Nature Reserve
- e) The contribution of community benefits to a fund at a rate of 50p per tonne of coal produced for the first 350,000 tonnes and 25p per tonne thereafter , such provisions to be split equally between the communities of Glynneath and Blaengwrach.
- f) The provision of a financial guarantee of £23.5 million for the reclamation of the site.
- g) The maintenance of an emergency access route along Parish Road or a realigned route as a replacement for Parish Road.
- h) Extended aftercare of all areas within the Nature Reserve, woodlands, wetlands, ponds, Molinia grassland and areas of grassland managed for species enhancement for a minimum of

5 years following the initial 5 year aftercare period such 10 year aftercare period to commence after coaling.

- i) Financial provision for the processing of Statutory Orders for Public Rights of Way.**

RECOMMENDATION: Approved subject to s.106

CONDITIONS

Time Limits, Working Programme and Phasing

(1) Unless otherwise approved in writing by the local planning authority, the development in the additional extraction area hereby permitted shall begin not later than 6 months from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 and prevent any protracted delay in the start of operations.

(2) Written notification of the date of the commencement of operations within the Selar Central extraction area shall be submitted to the local planning authority not less than 7 days before the development commences. The terms 'commencement of the development' means any works undertaken in respect of vegetation clearance, soil stripping, construction of haul roads, construction of water treatment areas and drainage facilities, excavation of overburden and the extraction of coal.

Reason

To prevent development commencing until relevant pre-commencement requirements have been met and in the interest of clarity.

(3) Coal extraction at the site shall cease on or before 31st October 2018.

Reason

To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents and to allow a timescale for the completion of coaling at the site.

(4) Unless otherwise approved in writing by the local planning authority, final restoration of the site shall be completed by 31st October 2020 in full accordance with the site restoration plans as approved under this

consent, or as may be subsequently amended by any condition or approval under this consent.

Reason

To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents.

(5) Coal washing activities shall cease and all coal stocks shall be removed from the site within 6 months of the cessation of coaling operations.

Reason

To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents.

(6) Unless otherwise approved in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the following documents and plans or as otherwise modified by any revisions or by other conditions, schemes or approvals by the local planning authority.

Planning Application and accompanying Annex dated 19th July 2013.

Environmental Statement (Volumes 1-6) July 2013 as revised by the following plans:

a) Restoration Context Plan Drawing No. 07A03773/A

b) Restoration of the Extension Site Drawing No. 07A/03774/A

Reason

To avoid ambiguity as to the development hereby permitted.

(7) Unless otherwise approved in writing by the local planning authority the barrel wash facility utilised at the site shall accord with the specification and details set out on Drg No.. 07A03358, Drg. No. 07A03359A (dated 26.2.10) and Drg. No. 1153T (dated 28.3.02).

Reason

To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents

(8) Unless otherwise approved in writing by the local planning authority the progressive restoration of the site shall be undertaken in accordance with the phasing as identified on the approved plans. If progressive restoration has not been carried out within the timescales as identified on the drawings, coal extraction shall cease until restoration has been completed in accordance with the plans. The timescales indicated on the plans shall be deemed to be the 31st October in each calendar year.

Reason

To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents and to ensure progressive restoration is undertaken within the approved timescales.

(9) The amended landform in the original Selar void area shall be backfilled and restored to final contours by 31st October 2015

Reason

To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents and to ensure progressive restoration of the site within agreed timescales.

(10) The reclamation of the Pontwalby tips area as detailed within document Ref. PW/1 shall be begun before 31 October 2015. All restoration works associated with the scheme shall be complete within 6 months of the commencement of the reclamation works and the area subsequently landscaped in accordance with the approved details unless otherwise modified within any other approvals or conditions as approved by the Local Planning Authority.

Reason

To ensure that the proposed reclamation works are completed in a reasonable timescale in the interest of the amenity of the area.

(11) Unless specifically required for the purposes of aftercare or otherwise approved in writing by the local planning authority, all plant, machinery, hardstanding ancillary workshops, buildings or other works associated with the development (or any phase thereof) shall be removed off site within 3 months of completion of the restoration of the site. The affected areas shall be reclaimed in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority. The scheme shall be submitted for approval not less than 6 months prior to the cessation of coal extraction indicating the resources that are to be

conserved for its restoration and the final contours and land use for that area.

Reason

To protect the character and appearance of the site and the surrounding area.

(12) In the event of coaling ceasing, the local planning authority shall be notified of the date of cessation in writing within one month of the date of cessation. In the event of coaling ceasing for a period of 6 months, or as otherwise approved in writing by the local planning authority, a revised scheme for the restoration of the site shall be submitted to the local planning authority within 6 months of the cessation of coaling for written approval. The revised scheme shall be implemented within 6 months of its approval, or as may be otherwise approved in writing by the Local Planning Authority.

Reason

To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents.

(13) No coal stocking shall take place on the site except in the area identified on Drawing No. 07A03785 and all coal stocks on that area shall not exceed 6 metres in height above ground level at any time.

Reason

To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents.

(14) At no time shall any coal extraction be undertaken on the site except within that area defined as the limit of extraction area on Drawing No. 07A03764.

Reason

To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents.

(15) No development shall take place until the area proposed for surface activities has been enclosed with stock proof fencing. The stock proof fencing shall thereafter be retained until the completion of restoration operations and where necessary the aftercare period.

Reason

To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents.

(16) From the commencement of the development and until personnel are no longer based at the site, a copy of this permission, including all documents hereby approved or cited in the conditions of this consent, and any other document subsequently approved in accordance with any condition of this permission shall be kept available for inspection at the site offices during site operating hours.

Reason

To ensure the monitoring of site operations can be monitored at any time.

(17) All areas of Ancient Woodland within the approved site that are to be conserved and protected shall be fenced off at a distance of 10 metres from the outer edge of the canopy of any tree within these areas. The fencing works shall be completed prior to any other preliminary works, soil stripping or any other activity on the extraction area is undertaken and maintained for the duration of site operations.

Reason

To ensure adequate segregation and protection of areas of Ancient Woodland.

(18) Prior to the commencement of any development in the Selar Central extension area as defined in the application, a revised scheme for the phased removal of vegetation and woodland areas 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

To protect the character and appearance of the area in the interest of amenity.

(19) Unless otherwise approved in writing by the local planning authority, the external walls and roofs of buildings and the external surfaces of structures shall be dark green in colour. The colour shall thereafter be maintained until the buildings and structures are removed from the site.

Reason

To protect the character and appearance of the site and the surrounding area.

(20) From the date of the commencement of coaling the site operator shall maintain records of monthly output and shall make them available to the local planning authority at any reasonable time upon request. These records shall be kept for the duration of coaling operations at the site.

Reason

In order that the local planning authority can monitor output at the site.

Hours of Working

(21) Except in an emergency which shall be notified to the Local Planning Authority within 72 hours, no development or other activities associated with the development (other than water pumping, servicing, environmental monitoring, maintenance and testing of plant) authorised or required by this permission shall be carried out on the site except between the following times:

06.00 to 22.00 hours Mondays to Fridays.

07.00 to 13.00 hours Saturdays.

In addition, no soils shall be stripped or replaced, no topsoil or subsoil mounds shall be formed or removed and no water treatment areas shall be constructed or removed except between the following times:

08.00 to 17.00 hours Mondays to Fridays.

08.00 to 13.00 hours on Saturdays.

There shall be no development or other activities other than those in relation to water pumping, servicing, environmental monitoring, maintenance and the testing of plant undertaken on Sundays, Bank or Public Holidays.

Reason

To protect the living conditions of nearby residents.

(22) Unless otherwise approved in writing by the local planning authority all reclamation works to be carried out at Pont Walby Tips shall only take place between the following times:

08.00 to 17.00 hours Monday to Friday

08.00 to 13.00 hours Saturday

No such reclamation work shall be carried out on Sundays, Bank or Public Holidays.

Reason

To protect the living conditions of residents

Noise

(23) Operational noise from the site shall not exceed the specified sound pressure levels, measured as an LAeq 1 hour (free field) under the measurement criteria of BS4142, at the specified noise sensitive properties listed below, such levels not to be exceeded between 07.00 and 19.00 hours Monday to Fridays and between 08.00 and 12.00 hours on Saturdays.

Parish Road - (Location 287732E/205226N) - 52dBLAeq 1 hour free field

Hendrewyddil Farm - (Location 288946E/206121N) - 49dBLAeq 1 hour free field.

Glan Gwrelych - (Location 288943E/206455N) - 55dBLAeq 1 hour free field

Penrhiw - (Location 289351E/206365N) - 55dBLAeq 1 hour free field.

The sound pressure level for operational noise from the site, measured at any other noise sensitive property, shall not exceed 55dBLAeq 1 hr free fields, under the measurement criteria of BS4142 between 07.00 and 19.00 hours Monday to Fridays and between 08.00 and 12.00 on Saturdays.

Reason

To protect the living conditions of nearby residents.

(24) Operational noise from the site shall not exceed the specified sound pressure levels, measured as an LAeq 1 hour (free field) under the measurement criteria of BS4142, at the specified noise sensitive properties listed below, such levels not to be exceeded between 06.00 and 07.00 and 19.00 and 22.00 hours Mondays to Fridays and 07.00 to 08.00 and 12.00 to 13.00 hours on Saturdays.

Parish Road - (Location 287732E/205226N) - 42dBLAeq 1 hour free field.

Hendrewyddil Farm - (Location 288946E/206121N) - 44dBLAeq 1 hour free field.

Glan Gwrelych - (Location 288943E/206455N) - 42dBLAeq 1hour free field.

Penrhiw - (Location 289351E/206365N) - 44dBLAeq 1hour free field.

The sound pressure level for operational noise from the site, measured at any other noise sensitive property, shall not exceed 42dB LAeq 1hr (free field) under the measurement criteria of BS4142 between 06.00 and 07.00, 19.00 and 22.00 hours Monday to Fridays and 07.00 to 08.00 and 12.00 to 13.00 hours on Saturday.

Reason

To protect the living conditions of nearby residents.

(25) At all other times, outside those identified in Conditions (23) and (24), the sound pressure level for operational noise from the site, measured at any noise sensitive property, shall not exceed 42dB LAeq 5mins (free field) under the measurement criteria of BS4142.

Reason

To protect the living conditions of nearby residents.

(26) Notwithstanding the noise level limits set out in Conditions (23), (24) and (25), the sound pressure level for operations for the stripping of topsoils and the construction and removal of soil mounds, baffle mounds and water treatment areas, measured at any noise sensitive property, shall not exceed 67dB LAeq 1hr (free field) for up to 8 weeks in any calendar year.

Reason

To protect the living conditions of nearby residents.

(27) Notwithstanding the noise limits set out in Conditions (23), (24), (25) and (26) the sound pressure level for the duration of operations of the reclamation works on the Pontwalby Tips shall not exceed 55dB LAeq 1 hr (free field) under the measurement criteria of BS4142 at any noise sensitive property

Reason

To protect the living conditions of nearby residents.

(28) All pumps used in connection with the development shall be powered by electricity or otherwise acoustically insulated.

Reason

To protect the living conditions of nearby residents.

(29) All vehicles, plant and machinery operated within the site shall, at all times, be fitted with and use silencers and acoustic covers in accordance with the manufacturers' recommendations. Save for the purposes of maintenance, no machinery shall be operated with the acoustic covers open or removed.

Reason

To protect the living conditions of nearby residents.

(30) Mobile plant and vehicles shall be fitted with ambient related, broadband or low-tone reversing warning devices.

Reason

To protect the living conditions of nearby residents.

(31) All site operations shall be undertaken and monitored in accordance with the Noise Management and Action Plan submitted within the application (Appendix 11.3, Volume 2).

Reason

To protect the living conditions of nearby residents

Soil Stripping, Handling and Storage of Soils

(32) All topsoil and subsoils shall be stripped, conserved and re-spread in accordance with the proposals described in the Environmental Statement and in the report entitled 'Proposed scheme for stripping, storage and re-spreading of Soil Resources'. Any amendments to this specification shall be agreed in writing by the local planning authority before being implemented.

Reason

To ensure adequate management, conservation and utilization of soil resources for the restoration of the site.

(33) All areas of excavation, overburden, proposed storage mounds, haulage and temporary access roads, hardstandings, water treatment and lagoon sites, drainage channels and any other areas likely to be disturbed by any subsequent operations shall be stripped of topsoil, subsoil and any soil forming material which shall be stored in separate mounds or used in the progressive restoration of the site. The soil mounds shall be stored without overlapping and shall be sited, constructed and managed to prevent contamination by any other material, liquid or compound.

Reason

To ensure adequate management, conservation and utilization of soil resources for the restoration of the site.

(34) All natural topsoil found within any soil mound previously identified as subsoil or soil-forming material shall be separated from the mound and treated separately in the restoration. Where such material is contaminated by Japanese knotweed, this shall be controlled by a course of treatment, the details of which shall be submitted to, and approved in writing by, the local planning authority prior to the placement of the contaminated material.

Reason

To ensure adequate management, conservation and utilization of soil resources for the restoration of the site.

(35) All soil stripping operations shall be by truck and shovel. The only equipment permitted on areas of unstripped soils shall be 360 degree tracked vehicles involved in the soil loading operations. Vehicles to be used in transporting and discharge of recovered soils shall only be those that discharge their load at the rear extremity of the vehicles. Any alternative methods shall be approved in writing by the local planning authority prior to commencement of any such method.

Reason

To protect the character and appearance of the site and the surrounding area.

(36) No turf, topsoil, subsoil and or soil forming material shall be removed or sold from the site.

Reason

To protect the character and appearance of the site and the surrounding area.

(37) All storage mounds of topsoil, subsoil and soil-forming material, and their margins shall be seeded to grass within the first growing season, and in any event within 6 months of their construction, maintained to encourage a dense grass sward to develop and shall not be allowed to over winter without grass cover. All vegetation growing on soil storage bunds and their margins within the site shall be maintained by cutting at least once during the growing season. All noxious weed growth shall be controlled by cutting or herbicide spraying to prevent weed seed contamination of the soil resource on site or on surrounding land.

Reason

To protect the character and appearance of the site and the surrounding area.

(38) Other than those essential for site access, only those vehicles involved in loading soils shall be permitted on unstripped areas, and then restricted only to operations to recover the soils. Vehicles used in transporting soils shall only travel over areas of ground that have previously been stripped of topsoil and subsoil.

Reason

To protect the character and appearance of the site and the surrounding area.

Lighting

(39) External lighting sets to be erected or used on the site in accordance with the following provisions:

(i) All current site lighting shall be reviewed within 3 months of the date of this permission and where necessary fitted with additional cowlings/shrouds to ensure all lights are directed downwards.

(ii) Lighting towers equipped with lights on more than one side shall have switches fitted that allow lights not required for Health and Safety purposes to be switched off.

(iii) Lights within the administration and workshop areas to be connected to PIR sensors after 10pm to ensure that when not required for Health, Safety or Security reasons they will remain turned off.

(iv) All new lighting equipment shall be fitted with shrouds and maximum height of equipment when at surface to be no more than 5m.

(v) At all times lights shall be directed away from light sensitive areas.

(vi) Regular surveys of site lighting shall be conducted at locations to be agreed with the Local Authority within the Site Technical Working Party. The results shall be made available to the Local Authority and reported at the Site Technical Working Party.

(vii) Monitoring of complaints shall be undertaken through a documented complaints procedure together with reports received during Technical Working Party and Site Liaison Committee meetings.

Reason

To protect the living conditions of nearby residents.

Blasting

(40) Except in the case of an emergency, blasting within the site shall only take place between 10.00 to 13.00 hours and 14.00 to 16.00 hours Monday to Fridays and 10.00 to 13.00 on Saturdays. If blasting takes place outside these hours, in the case of an emergency, full written details of the circumstances and the time of blasting shall be submitted to the Local Planning Authority within three days after the occurrence. No blasting shall take place during the hours of darkness, or on Sundays, Bank or national holidays.

Reason

To protect the living conditions of nearby residents.

(41) Notwithstanding the times referred to in condition (40) above, any charges which misfire or any blasts which cannot be detonated within the prescribed period may be detonated for safety or emergency reasons as soon as possible after the specified period if, in the opinion of the site operator, this is necessary for safety or emergency purposes. Any such occurrences shall be notified to the Local Planning Authority within 24 hours after the event.

Reason

To protect the living conditions of nearby residents.

(42) Unless otherwise approved in writing by the local planning authority, blasting shall be designed so that the ground vibration measured as peak particle velocity in any one of three orthogonal planes shall not exceed 6mm/s at any residential or similarly vibration sensitive property. However, within this design limit ground vibration for at least 95% of all blasts in any 20 week period shall not exceed a peak particle velocity of 4mm/s.

Reason

To protect the living conditions of nearby residents.

(43) Blasting shall only take place within the proposed coal extraction areas hereby permitted.

Reason

To protect the living conditions of nearby residents.

(44) All practicable steps shall be undertaken by careful design of blasting operation to limit air overpressure and in normal circumstances shall not exceed 120dB linear in 95% of the blasts measured in any twelve month period and no individual blast shall exceed 125dB, measured at the nearest noise sensitive property.

Reason

In the interest of the amenity of the area.

(45) All blasting operations and activities shall be carried out in accordance with the Blasting Management and Action Plan submitted with the application (Appendix 12.1, Volume 2) and all monitoring shall be undertaken in accordance with the terms of the document for the duration of coaling operations at the site.

Reason

To protect the living conditions of nearby residents.

Dust and Air Quality

(46) The control, suppression and monitoring of fugitive dust and PM10 particulates shall be undertaken in accordance with the Dust Management and Action Plan (Appendix 13.1, Volume 2) for the duration of all

operations at the site unless otherwise approved in writing by the local planning authority.

Reason

To protect the living conditions of nearby residents.

Water Management

(47) Drainage ditches, settling ponds and lagoons shall be de-silted and maintained in such condition that they are able to perform effectively for the purpose for which they have been provided.

Reason

To protect the water environment.

(48) Unless otherwise approved in writing by the local planning authority, any ditch, watercourse or culverts passing through the site shall be protected, supported or diverted so as to not impair the flow or to render less effective drainage onto and from adjoining land.

Reason

To protect the water environment.

(49) Unless otherwise approved in writing by the Local Planning Authority or as modified by other conditions or scheme under this consent the scheme for a detailed maintenance programme of all water treatment areas and systems as approved on 5th August 2010 shall be implemented in accordance with the details approved.

Reason

To protect the water environment.

50) Unless otherwise approved in writing by the Local Planning Authority or as modified by other conditions or schemes under this consent the scheme for the monitoring of water features 21 to 27, 30 and 32 as identified in the Water Features Survey as approved on 5th August 2010 reference P2010/0757 shall be implemented in accordance with the details approved.

Reason

To protect the water environment and to monitor water features number 21 to 27, 30 and 32 as identified in water feature survey for Selar North O.C.C.S. (March 2010).

(51) Unless otherwise approved in writing by the Local Planning Authority or as modified by other conditions or schemes under this consent the scheme for the monitoring of the Nant Rhyd y Gau, Nant Eithin and Nant Hir and the monitoring of abandoned minewater discharges as approved on 11th August 2010 under reference P2010/0758 shall be implemented in accordance with the details approved.

Reason

To monitor and protect the water environment.

(52) Unless otherwise approved in writing by the Local Planning Authority or as modified by other conditions or scheme under this consent the scheme for the protection and conservation of soil to prevent pollution of the water environment as approved on 5th August 2010 under reference P2010/0759 shall be implemented in accordance with the details approved.

Reason

To prevent the destruction of the soil structure and the pollution of the water environment.

(53) Within 3 months of the date of this permission revised details in the form of a method statement shall be submitted to the local planning authority for the pollution prevention measures during the operational and post operational phase of the development. The method statement shall include details, inter alia, for

(i) the storage facilities and emergency containment for all fuels, oils, chemicals and explosives and any other polluting substances;

(ii) construction compounds, car parks offices;

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

(iv) details of maintenance of site access/coal haulage roads to ensure no polluting discharge.

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

(vi) details of emergency contacts.

The scheme shall be implemented in accordance with the approved details.

Reason

To protect the water environment.

(54) Notwithstanding the requirements of Condition 53, for the period until the revised details required under Condition 53 are approved by the Local Planning Authority, the provisions set out in the approved scheme for pollution prevention measures during the operational and post operational phase of development approved on 5 August 2010 under reference P2010/0760 shall be implemented.

Reason

To protect the water environment.

(55) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason

To prevent pollution of the water environment

Archaeology and Cultural Heritage

(56) Unless otherwise approved in writing by the Local Planning Authority or as modified by other conditions or schemes under this consent the scheme archaeological recording and programme of archaeological observation work as approved on 5 August 2010 under reference P2010/0751 shall be implemented in accordance with the details approved.

Reason

To protect any interests of archaeological importance

(57) On no account shall heavy goods vehicles carrying coal or any other mineral from the site utilise any other route or access point other than the purpose built access road indicated in the application documents that emerges onto the A4061 south of Hirwaun.

Reason

In the interest of highway safety and amenity.

(58) Unless otherwise approved in writing by the local planning authority no more than 10,000 tonnes of coal shall be transported from the site in any 7 day period, but no more than 2,000 tonnes of coal per day Monday to Fridays and no more than 1,000 tonnes on Saturdays. No coal transportation shall occur on Sunday, Bank or Public Holidays.

Reason

To protect the amenity of residents along the intended route of the public highway.

(59) Before entering onto the public highway the wheels, undersides and bodies of all vehicles travelling from the site shall be cleaned and, their loads shall be secured and fully covered by sheeting and in such a condition as to avoid the deposit of slurry, mud, coal or other material upon the public highway.

Reason

To ensure that such reasonable precautions are taken and provision made as is necessary to prevent the exit of vehicles onto the public highway which would be likely to deposit material on the public highway to the detriment of highway safety and amenity.

(60) Unless otherwise approved in writing by the local planning authority, movement of heavy goods vehicles employed in the utilisation of coal transportation shall not occur other than between 07.00 and 17.00 hours Monday to Friday and between 08.00 and 12.00 hours on Saturdays.

Reason

To protect the living conditions of nearby residents and in the interests of highway safety.

General

(61)) Unless otherwise approved in writing by the Local Planning Authority the scheme for the provision of a Site Liaison Committee as approved on 16th May 2011 under reference P2011/0318 shall be implemented in accordance with the details approved.

Reason

To aid the monitoring of site activities.

(62) Unless otherwise approved in writing by the Local Planning Authority the scheme for the provision of a Technical Working Party as approved on 16th May 2011 under reference P2011/0329 shall be implemented in accordance with the details approved.

Reason

To aid the monitoring of site activities.

(63) Unless otherwise approved in writing by the local planning authority, the only coal to be prepared, treated and stocked at the site shall be that extracted from the site and no other mineral shall be imported into the site for any such preparation, treatment or stocking.

Reason

To prevent operations and activities not considered within the application.

(64) All waste and scrap materials generated on the site shall be collected and stored, in a screened position within the site area until such time as they are removed from the site.

Reason

To protect the character and appearance of the site and the surrounding area.

(65) Unless otherwise approved in writing by the Local Planning Authority or as modified by other conditions or schemes under this consent the scheme for the temporary seeding of existing overburden mound, soil and baffle mounds and other areas as approved on 5 August 2010 under reference P2010/0752 shall be implemented in accordance with the details approved.

Reason

To aid in the landscaping and mitigation of site features.

(66) At intervals of 6 months commencing with the date of this permission, details in the form of a land survey, sectional details and calculations, shall be provided to the local planning authority indicating the extent and volume of the extraction void and the overburden mound at each such interval.

Reason

To aid in the monitoring of the site.

Restoration and Aftercare

(67) Unless otherwise approved in writing by the local planning authority, or as modified by conditions and schemes under this permission, the reclamation of the site shall be carried out in accordance with the Restoration Strategy Proposals as contained in the submitted Environmental Statement dated July 2013, Restoration Context Plan Drawing 07A03773/A and Restoration Plan Drawing No. 07A03774/A.

Reason

To ensure the adequate reclamation of the site and biodiversity objectives.

(68) Within 6 months of the date of this permission, or in the event of the cessation of winning and working of coal which in the opinion of the local planning authority constitutes a permanent cessation within the terms of Schedule 9 of the Town and Country Planning Act 1990, a detailed restoration scheme (in the form of written statements and plans) for the whole of the site shall be submitted to the local planning authority for its approval. The scheme shall include, inter alia, details of the following unless modified by other conditions of this consent.

- (a) the nature or intended after use of the whole site
- (b) the removal of buildings, plant and machinery and the reinstatement of the site and access roads by clearing plant, buildings, machinery, road base, concrete or brickwork and any temporary river crossings;
- (c) details of the re-spreading of overburden, subsoil and topsoil previously stripped from the site, including depths and placement;
- (d) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping to take place before placing the topsoil;

(e) the machinery to be used in soil re-spreading operations and the method of soil replacement;

(f) the final proposed levels of the reclaimed land, as a contour plan at 5m intervals, and the gradient of the slopes which shall be graded to prevent ponding of, or erosion by, surface water and to conform with the surrounding land;

(g) the drainage of the reclaimed land (including the formation of suitably graded contours to promote natural drainage), the installation of artificial drainage where necessary, and the position and design (including longitudinal and transverse sections) of main outflow ditches and watercourses where all such features shall be designed to achieve maximum ecological diversification and as set out in application and The Ecological and Habitat Monitoring and Management Plan.

(h) the position and erection of fencing, hedge on bank constructions, gates, walls, cattle ditches and water supplies in order to show field layouts and sections;

(i) the creation of attenuation ponds, water features, wetlands and reed beds and their detailed construction to be designed to maximise ecological diversification and as set out in the Ecological and Habitat Monitoring and Management Plan.

(j) the distribution of woodlands and nature conservation features;

(k) provision of and position of any footpaths and bridleways to be reinstated or linked with existing Public Rights of Way, including the crossing and surfacing of such routes;

(l) the reconstruction and reinstatement of public highways;

(m) where ditches or streams cross the route of any public highway the detailed assessment of any exiting or proposed culverts or bridges and their reconstruction or maintenance requirements Unless otherwise approved in writing by the local planning authority, development shall be carried out in accordance with the approved details.

Reason

To secure adequate reclamation of the site.

(69) Unless otherwise approved in writing by the local planning authority, or as modified or approved in the restoration scheme under condition

(68), the restoration of those areas of the site for agricultural use shall conform to the following requirements:

(a)all plant, machinery, buildings, fixed equipment, roads and areas of hardstanding, including site compounds, shall be removed unless any feature forms part of the approved restoration plan;

(b)when they cease to be required for pollution control purposes, settlement ponds shall be emptied of contents, their floors and sides broken up and the voids filled with suitable material to the approved levels prior to the spreading of soils;

(c)following the construction of the final landform, the resultant base material shall be comprehensively ripped to a minimum depth of 0.3m before any soil material is spread. All stones and boulders greater than 300mm in length in any direction, and other foreign material arising from the ripping operations shall be removed and disposed of;

(d)original ground beneath soil and other material bunds shall be loosened to a minimum depth of 0.3m;

(e)any topsoil, subsoil and soil forming material set aside for use for agricultural restoration shall be spread uniformly and in the correct sequence in accordance with the approved restoration scheme. Any soil compaction caused by soil placement operation shall be removed by a loosening or cultivation method; and

(f)a minimum soil depth of 0.7m (200mm topsoil over 500mm subsoil) shall be provided throughout the area restored to agriculture, unless otherwise approved in writing with the local planning authority.

Reason

To ensure adequate management, conservation and utilization of soil resources for the restoration of the site.

(70) The local planning authority shall be given a minimum of 48 hours written notice prior to the commencement of any phase of soil replacement operations, including the dismantling of soil mounds.

Reason

To aid in the monitoring of site activities.

(71) All soils or soil forming materials shall be placed by the "narrow bed, loose tipping" technique, unless otherwise approved by the local

planning authority or as modified by other schemes or conditions of this consent. The following rules shall apply:

- (a) the soils shall be in a dry condition before any attempt is made to move them;
- (b) no wheeled dumped trucks shall be allowed across laid soils;
- (c) the final topsoil, subsoil and soil forming material surface shall be placed and levelled by backacter machine and not by bulldozer;
- (d) ripping or other soil loosening operation within the loose laid soils shall only be carried out with the prior approval of the local planning authority;
- (e) stone removal from topsoil, or subsoil used as topsoil substitute, shall be carried out to achieve an acceptable seedbed;
- (f) the final surface shall only be traversed by agricultural machinery suitably adapted to reduce ground pressure.

Reason

To ensure appropriate handling of soil resources.

(72) Unless otherwise approved by the local planning authority, all settlement ponds or lagoons shall be emptied of water and slurry, their impounding banks breached, their voids filled with dry inert material originating from the site and their surfaces graded to approved levels.

Reason

To protect the character and appearance of the site and the surrounding area.

(73) No soils shall be replaced on any areas restored to finished ground profiles until the levels achieved, in the form of a written statement and plan, have been submitted to, and agreed by a representative of the local planning authority.

Reason

To ensure adequate restoration.

(74) The developer shall inform the local planning authority in writing of the termination of coal extraction from the site within 14 days of the cessation of coaling.

Reason

To aid the monitoring of site activities.

(75) Unless otherwise approved in writing by the local planning authority and notwithstanding any progressive restoration undertaken during the course of the coaling period, backfilling of the void and the full restoration of the site shall commence no later than four weeks after the completion of coaling at the site or within 5 years of the date of this permission whichever is the sooner.

Reason

To protect the character and appearance of the site and the surrounding area.

(76) Within 6 months of the date of this permission, or in the event of a cessation of winning and working of coal (which in the opinion of the local planning authority constitutes a permanent cessation, within the terms of paragraph 3 of schedule 9 of the Town and Country Planning Act), details of an aftercare scheme, to bring the site to the required uses for agriculture, amenity and nature conservation, shall be submitted to the local planning authority for its approval. The details shall include the steps that are to be undertaken and the period during which they are to be taken together with the following:-

- (a) the designated areas of the intended after uses for the whole site;
- (b) the timing and pattern of vegetation establishment (including species to be planted, grass seeding mixtures and application rates, stock types and sizes, spacing, method and position of planting);
- (c) cultivation practices for the preparation of soils;
- (d) hedgerow construction;
- (e) fertiliser and lime application and weed control based on soil and chemical analysis and identification and justification of any areas that would be the subject of treatment by biogran or biosolids;
- (f) drainage proposals including the timing of installation, maintenance and temporary drainage measures including any ponds and wetlands;
- (g) grassland management, including class of grazing stock, livestock, stocking density and mowing practices;

- (h) The provisions for the seeding of woodland ground flora;
- (i) watering facilities and the provision of supplies;
- (j) the full assessment of the introduction of areas to be restored to nature conservation and their application to local biodiversity objectives;
- (k) the creation, management and maintenance of any paths, tracks or roads;
- (l) any other agricultural, silvicultural or conservation treatment relevant to the site; and
- (m) fencing.

Unless otherwise approved in writing by the local planning authority development shall be carried out in accordance with the approved details.

Reason

To ensure adequate aftercare of the site.

(77) Within 4 months of the date of this approval and every 12 months thereafter the site operator shall arrange a formal review and meeting to consider the restoration and aftercare operations which have taken place on the site during the previous year, and also the programme of management for the following year. The parties invited to this review shall include the site operator, the owners of the land, any other occupiers, the Local Planning Authority, Natural Resources Wales and the Regional Planning Advisor. At least four weeks before the date of each annual review, the site operator shall provide the local planning authority with a record of the management and operations carried out on the site during the period covered by the review.

Reason

To ensure adequate restoration and aftercare.

(78) Except as modified within the Section 106 Agreement attached to this consent, the site shall be subject to aftercare for a period of 5 years from the date of completion of restoration and aftercare shall be carried out in accordance with the provisions of an aftercare scheme as approved by the Local Planning Authority.

Reason

To ensure adequate aftercare of the site.

(79) Unless otherwise approved in writing by the Local Planning Authority or as modified by other conditions or schemes under this consent the scheme for Ecological and Habitat Monitoring and Management as approved on 27th June 2012 under reference P2011/0810 shall be implemented in accordance with the details approved.

Reason

In the interests of nature conservation

(80) Where any species listed under Schedule 2 or 4 of The Conservation (Natural Habitats, &c.) Regulations 1994 are found to be present on the site during the course of the development, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted, in accordance with the aforementioned Regulations, and a copy has been provided to the local planning authority.

Reason

In the interests of nature conservation

(81) Unless otherwise approved in writing by the Local Planning Authority or as modified by other conditions or schemes under this consent the scheme for the mitigation of impacts on badgers as approved on 22 December 2010 under reference P2010/1135 shall be implemented in accordance with the details approved.

The details shall be implemented as approved.

Reason

To protect the badger population of the area.

(82) The Watching Brief and Contingency Plan for badgers as submitted within the Additional Supplementary Information for bats and badgers dated 18th May 2010 shall be carried out for the duration of the operations of the site.

Reason

To protect the badger population.

(83) Unless otherwise approved in writing by the Local Planning Authority or as modified by other conditions or schemes under this

consent the scheme for the translocation of selected shrubs, trees, mossy boulders and deadwood as approved on 11 August 2010 under reference PP2010/0753 shall be implemented in accordance with the details approved.

Reason

In the interest of nature conservation.

(84) Unless otherwise approved in writing by the Local Planning Authority or as modified by other conditions or schemes under this consent the scheme for the capture and release of reptiles as approved on 11 August 2010 under reference P2010/0754 shall be implemented in accordance with the details approved.

Reason

To protect the reptile population.

(85) The strategy set out for invertebrates under Paragraph 4.7.4.2 of the Environmental Statement of October 2009 shall be implemented for the application site.

Reason

In the interest of nature conservation.

(86) Unless otherwise approved in writing by the Local Planning Authority or as modified by other conditions or scheme under this consent the scheme for methods and timing of pre-felling checks within any trees identified with high potential for bats as approved on 11 August 2010 under reference P2010/0755 shall be implemented in accordance with the details approved.

Reason

To ensure further inspection and survey is undertaken to ensure no bat roosts have been created followin initial survey for bats.

(87) Prior to the commencement of any phase of tree felling or vegetation clearance during the development further checks and surveys shall be undertaken to ensure that there is no presence of Crossbills, Honey Buzzard, Marsh Fritillary, Small Pearl Bordered Fritillary, or nesting birds within the areas to be developed.

Reason

To ensure that the species are not present following initial surveys.

(88) Unless otherwise approved in writing by the Local Planning Authority the scheme for the review of protection and security measures for Pen Y Cae and Blaengwrach Farm as approved on 13th August 2009, under reference P2009/0536 shall be implemented for the duration of operations on the site and until the site has been fully restored.

Reason

To protect the integrity and structures of important buildings in the area.

(89) Unless otherwise approved in writing by the Local Planning Authority or as modified by other conditions or scheme under this consent the scheme for the treatment of the Blaengwrach and Empire Tips as approved on 20th October 2009 under reference P2009/0537 shall be implemented in accordance with the details approved.

Reason

To ensure adequate treatment of derelict land within the application site.

(90) In the previous conditions, the term 'emergency' means any circumstance in which the site operator has a reasonable cause for apprehending injury to persons or serious damage to property.

Reason

To protect the living conditions of nearby residents and in the interest of clarity

<u>ITEM 1.4</u>	
<u>APPLICATION NO:</u> P/2013/1010	<u>DATE:</u> 30/10/2013
PROPOSAL:	One detached dwelling house
LOCATION:	Land Adjacent To Glas Y Dorlan, 65 Cardonnel Road, Skewen, Neath, SA10 6BS
APPLICANT:	Mr Arthur Davies
TYPE:	Full Plans
WARD:	Coedffranc Central

BACKGROUND INFORMATION

Reason for Committee Submission:

The applicant is Councillor Arthur Davies who is an elected Ward Member and also the Vice Chairman of the Planning and Development Control Committee.

Planning History:

None

Publicity and Responses if applicable:

A Site Notice was displayed adjacent to the site.

Coedffranc Community Council: No objections
Head of Engineering and Transport (Highways): No objections
Head of Engineering and Transport (Drainage): No objections

Description of Site and its Surroundings:

The application site is located within the curtilage of the applicants existing dwellinghouse, which itself is located within settlement limits for the purposes of the adopted Unitary Development Plan.

The land slopes down generally from north to south and measures approximately 0.09 hectares. The donor property consists of a detached bungalow and there are number of outbuildings present on site. Both pedestrian and vehicular access to the site is via an existing concrete drive

off the track located at the bottom of Cardonnel Road. The A465 can be seen from the application site some 50m away to the south and a railway to the east. The surrounding area of Cardonnel Road comprises of a residential road with a mixture of detached and semi-detached properties with a variety of designs and styles.

Brief description of proposal:

The application seeks full planning permission for the construction of a detached dormer bungalow located to the south west side of the host bungalow. The submitted plans indicate that the proposal will measure a maximum 14m in width, 9.9m in depth and have a maximum height to ridge level of 6m. The proposed bungalow would incorporate a gable roof design with external materials consisting of face brick.

With respect to parking, the plans show the provision of three off-street parking spaces accessed off a new vehicular entrance.

Material Considerations:

The main consideration in the determination of this application are the principle of the proposed development; the impact upon the character and appearance of the surrounding area; the impact upon residential amenity of the occupiers of the adjacent dwellings and the impact upon highway and pedestrian safety.

Policy Context:

Neath Port Talbot Unitary Development Plan

Policy GC1 New buildings/structures and changes of use

Policy ENV17 Design

Policy H3 Infill and windfall Settlements

Policy T1 Location, layout and accessibility of new proposals

The application site is located within the identified settlement limits as set down within the Neath Port Talbot Unitary Development Plan, where the principle of development is considered to be acceptable subject to the development complying with the requirements of the other development plan policies.

The applicant has provided a pre-assessment for the Code For Sustainable Homes legislation. Under the pre-assessment the proposal is predicted to achieve a Code Level 3 with one unit under ENE 1. Should the

application be successful, suitable conditions will be attached to ensure that the code requirements are met.

Visual Amenity:

The local character of the immediate area is that of detached bungalow within the confines of a large plot with a number of outbuildings where the applicant carries out gardening activities ancillary to the enjoyment of the dwellinghouse. The surrounding area of Cardonnel Road located 50m away can be described as a residential area of a mixture of house types and designs utilising a number of different materials.

In view of this it is considered that the addition of a detached bungalow with its gable roof design, of a scale and siting which reflects the appearance of the existing bungalow and is in keeping with the existing character of the area, will not have an adverse effect on the visual amenity of the surrounding.

Residential Amenity:

The nearest dwelling to the proposed development is the donor property, Glas y Dorlan. The separation distance between the proposed dwelling's side elevation and this existing dwelling is 11.5m. This, together with the topography of the site and the restricted ridge height (6m), will ensure that there will be no overbearing or overshadowing impact on any existing residential properties.

A window is proposed in the side elevation (north) facing the donor dwelling. This window however is planned to serve a bathroom and therefore should any permission be granted a condition will be attached requiring the window to be obscurely glazed. This condition will eliminate any issues of overlooking.

The applicant has indicated that he plans to incorporate a boundary fence to separate the two properties. No detail has been submitted, as such these details will be secured by condition and subject to suitable design an appropriate means of enclosure has the ability to further ensure the privacy of both the applicant and neighbouring property.

The submitted plans indicate sufficient private amenity space is to be provided to serve the dwellinghouse. This level of amenity space is considered to be more than adequate for a property of the size proposed.

Therefore in view of the above, it is considered that there would be no adverse affect on residential amenity.

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

The submitted plans detail the creation of a new vehicular access and provision for 3 parking spaces. The Head of Engineering and Transport (Highways) has offered no objection subject to the imposition of suitable conditions to secure the provision of off-street parking spaces.

Ecology (including trees & protected species):

No issues related to Ecology or trees have been identified.

Others (including objections):

The application site lies within the consultation distance of a major hazard pipeline. The PADHI check undertaken generated a response where no adverse feedback was given; stating that they do not advise on safety grounds against granting planning permission.

Wales and West Utilities have recommended that the developer contact them directly to discuss the possibilities of any diversion works (concerning potential gas pipeline), should they be needed. An informative will be attached to any decision notice issued explaining this, should the application be successful.

Conclusion: The proposal development by reason of its size, design and siting will not have an adverse affect on visual or residential amenity, nor will it adversely affect highway and pedestrian safety. The proposal therefore complies with Policies GC1, ENV17, H3 and T1 of the Neath Port Talbot Unitary Development Plan.

Recommendation: Approval subject to 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) The 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.

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

Reason

In the interests of Sustainability.

(4) Unless otherwise agreed in writing, the dwelling hereby approved shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out in relation to it, and a Final Code Certificate has been issued for it certifying that Code Level 3 and 6 Credits under Ene1 have been achieved under Technical Guide April 2009, if the site was registered with a code assessor prior to 11th December 2010, or Level 3 plus 1 credit under Ene 1 are achieved if the site was registered with a code assessor either on or after the 11th December 2010 under the requirements of Code for Sustainable Homes Technical Guidance November 2010. The certificate shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of Sustainability.

(5) Prior to first beneficial use of the dwelling, the driveway including parking and turning facilities as detailed on drawing no: 66/2b shall be surfaced in porous material or a provision must be made to direct run-off water from the hard surface to a soakway located within the curtilage of the dwelling and must be permanently maintained so that it continues to comply with the above requirement.

Reason:

To ensure an adequate turning and parking facility is provided

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

(7) Prior to the commencement of works on site, details of the slab level of the approved dwelling shall be submitted to and agreed in writing with the Local Planning Department. The development shall then be carried out in accordance with these approved details.

Reason

in the interest of residential and visual amenity.

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

Reason

To protect the integrity of the public sewerage system

(9) 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.

(10) Prior to the first occupation of the dwellinghouse a scheme shall be submitted and approved in writing by the local Planning Authority detailing a means of enclosure to the property boundaries. The agreed scheme shall then be implemented prior to first occupation and retained as such on site unless otherwise agreed in writing.

Reason

In the interest of visual and residential amenity.

(11) The window serving the side elevation (north side) serving the bathroom shall be fitted with obscure glazing prior to the dwelling being brought into beneficial use, and shall thereafter be retained as such unless otherwise approved in writing by the local planning authority.

Reason:

In the interest of residential amenity

REASON FOR GRANTING PLANNING PERMISSION

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

The proposal will not have an adverse effect on visual or residential amenity, nor will it adversely affect highway and pedestrian safety. The proposal therefore complies with Policies GC1, ENV17, H3 and T1 of the Neath Port Talbot Unitary Development Plan.

2. PLANNING APPLICATIONS RECOMMENDED FOR REFUSAL

<u>ITEM 2.1</u>	
<u>APPLICATION NO:</u> P/2013/741	<u>DATE:</u> 06/11/2013
PROPOSAL: Change of Use from Retail (Class A1) to part Retail (Class A1) part Hot Food Take-Away (Class A3).	
LOCATION:	49a Castle Drive, Cimla, Neath, SA11 3YF
APPLICANT:	Miss Sara Javed
TYPE:	Full Plans
WARD:	Cimla

BACKGROUND INFORMATION

Planning Committee: The application has been called into the Committee by the Local Ward Member Councillor Carter in response to the petition of 528 signatures which accompanied the application submission in favour of issuing a Hot Food License.

Planning History:

89/210 - New entrance from Glannant way. Approved 8/5/89

89/810 - Hot food takeaway – Refused 5/01/90

90/767 - Change of use of vacant retail premises to take away hot food shop – Refused 21/02/91

91/392 - Convert existing first floor flat into flat for multiple occupation 4 number persons. Refused 5/3/92

92/262 – Change of use shops to flats – Full plans approved 18/06/92

A315 – Town and country planning act 1990, section 78 and schedule 6 appeal by Mr. A. George application no:- 2/3/90/0767/03

08/194 – Change of use to hot food takeaway and installation of flue to rear elevation. Refused 28/4/08

08/1452 - Change of use of no 51 for the preparation and sales of hot and cold foods including delicatessen counter, alterations to external elevations to no 49 to 53 inclusive together with bicycle shed, bin store, landscaping and enclosure of fire escape to side elevation (amended description and plans received 24/2/09) Withdrawn 6/4/09

09/0763 – Envelope scheme to improve the amenity and services at 49-55 Castle Drive. Including renovation of buildings, landscaping, cycle provision, car parking, waste management and change of use of 51 and 53 to Hot food takeaway: Refused 13/10/2009

APP/Y6930/A/102125467 – Appeal of refusal P2009/0763: Appeal dismissed 07/07/2010

Publicity and Responses if applicable:

Statutory Consultees:

Neath Town Council: Support the application

Head of Engineering and Transport (Highways): No objections

Head of Social Services, Health and Housing (Environmental Health): Stated that they do not consider sufficient controls to protect amenity have been provided given the proximity of residential properties and the topography of the site.

12 properties have been consulted and a site notice was displayed on site.
Number of replies received: 0

Description of Site and its Surroundings:

The application site, Numbers 49A and 49 Castle Drive, form a convenience store within a small parade of shops with flats above, which lies close to surrounding dwellings in a primarily residential area.

Originally constructed as two separate retail units in the early 1960's, the two premises were combined in 1997 by the removal of the internal wall between them creating one retail unit.

Background:

The application site along with the rest of the parade of shops was subject

to a Planning application in 2009 (P2009/0763). The development proposed was an envelope scheme to improve the amenity and services at 49-55 Castle Drive, and included renovation of buildings, landscaping, cycle provision and improved sustainability, car parking, waste management with sustainable surface water drainage, and change of use to food sales at 51 and 53 with hot and cold takeaway and delivery. This application was determined by Planning Committee where it was subsequently refused against the Planning Officer recommendation due to the negative effect it would have on the local residents living conditions, with particular regard to noise and disturbance.

Following the refusal the applicant appealed the decision to the Welsh Government's Planning Inspectorate. The opening paragraph of this appeal established an agreement with the Council to include hot and cold food sales for home consumption at No 51 only. Therefore the appeal was considered on this basis. The appeal was dismissed with the Planning Inspector citing noise and disturbance caused by the singular (Number 51) takeaway element of the proposal.

Brief description of proposal:

The application seeks full planning permission to change the use of No. 49a to a Pizza and Kebab hot-food takeaway. The convenience store use at 49 will remain along with its existing ramped access. The proposed resultant use of the unit will therefore be classed as part retail (A1) and part hot-food takeaway (A3). In order to facilitate the takeaway use, external alterations are proposed to the rear of the premises to install an extraction flue pipe. The submitted plans indicate the flue will have a diameter of 500mm, be positioned 2.4m above ground level coming out of the rear elevation and have a maximum length of 5.4m. The dimensions are such that it projects 700mm above the flat roof of the convenience store.

Material Considerations:

The main issues for consideration with regard to this application relate to the principle of a hot food retailer at this location, the impact upon visual amenity of the surrounding area, the amenities of surrounding residents and highway safety having regard to the Development Plan Policies.

Policy Context:

Neath Port Talbot Unitary Development Plan:

Policy GC1 New buildings/structures and changes of use
Policy ENV17 Design
Policy EC3 Creation or expansion of businesses within settlement limits
Policy ENV29 Environmental Quality and Amenity
Policy T1 Location, layout and accessibility of new proposals
Policy T10 Parking
Policy TR16 Local Retail Units

Planning Policy Wales (paragraph 7.6.3)
Tan 12 Design

Policy EC3 promotes the creation or expansion of business within settlement limits, therefore the principle of this type of use is acceptable at this location subject to the development complying with the requirements of the other policies within the Development Plan.

Visual Amenity:

The retail units and associated 2 residential flats above lie in a prominent location on a highway junction, within a residential suburb. The block that the retail units form part of are significant in scale and massing, in an area which is predominantly characterised by two storey semi-detached properties within modest plots. This together with the use of the property means that the block is very prominent within this area.

The application seeks permission for the change of use of part of the retail unit and has proposed no external alterations other than the proposed installation of a flue at the rear of the premises. .

The flue protrudes 700mm above the roof of the premises and while located to the rear and attached to the inside facing wall of Number 49, would nevertheless be clearly seen from viewpoints along Glannant Way. Furthermore the submitted plans indicate that the flue is of a size/scale that is out of context with the primarily residential character of the area and out of keeping with the scale of the building to which it relates. Accordingly it will form a prominent and incongruous feature which would adversely impact upon the visual amenity of the area, and have a detrimental impact upon the character and appearance of the surrounding area.

Residential Amenity:

It has already been established in the Appeal to the Planning Inspectorate in 2010 that the introduction of a single hot-food takeaway use within this parade of shops would adversely affect the residential amenity of existing residents. In particular, the Inspector offered the following conclusions:

7. *...would still be likely to attract youths who would gather in the evening to eat hot takeaway food outside, and who would at times be likely to become boisterous and noisy. It would also tend to attract customers who would travel by car to ensure that their meal would be kept hot on the journey home, even if the area served is essentially local. It is therefore also likely that the proposed use would increase the prevailing noise of engines revving, car radio and music systems playing, and car doors slamming.”*
8. *I have taken into account that an adjacent convenience store would have similar opening hours. However, in the above respects the proposed use would differ significantly from that of the convenience store or other form of shop. Additional noise and disturbance would therefore be generated at a time in the evenings when peace and quiet would reasonably be expected.”*
9. *I consider for these reasons that the proposed development would be likely to have a significant adverse impact on local residents’ living conditions, with regard to noise and disturbance. It would conflict in this respect with Policies GC1(I) and EC3 of the Neath Port Talbot Unitary Development Plan (UDP). These policies resist proposals involving a change of use that would create and unacceptable impact and fail to ensure adequate levels of amenity, and businesses that would have a significant detrimental effect on the amenity of the existing residents of an area. There would also be conflict with national planning policy set out at paragraph 7.6.3 of Planning Policy Wales, which requires particular care to be taken to safeguarding residential amenity when considering application for business developments in primarily residential areas”.*

There has been no material change in site or policy circumstances since the dismissal of the appeal other than the unit proposed has changed from Number 51 to Number 49a. Nevertheless it still relates to a single unit, the impacts of which would be identical to those considered at appeal.

In view of the Inspector’s conclusions above, therefore, and the lack of

any material changes in circumstances since the appeal, it is considered that there is no justification in reaching a different conclusion to the Inspector, such that the proposed change of use, albeit at a different unit, would still adversely affect residential amenity.

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

The site benefits from existing car parking within a layby to the front of the units to serve the purpose built retail units. The Head of Engineering and Transport (Highways) offers no objection. The proposals would therefore accord with Policies T1 and T10 of the Neath Port Talbot Unitary Development Plan.

Ecology (including trees & protected species):

There have been no ecological issues relating to this application identified

Others (including objections):

A petition of 528 signatures has been received with this application. The petition states: *“We, the undersigned, want Neath Port Talbot County Borough Council to issue hot food takeaway business license (A3) at 49A Castle Drive.”*

In the interest of clarity, at the time of writing the applicant had not applied for a hot food license at this premises, and the petition has been submitted by the applicant as part of his supporting submissions.

Conclusion: There has been no material change in circumstances between the submission of this planning application and the dismissal of an appeal for a hot food takeaway at Number 51 Castle Drive. Therefore whilst the unit seeking the change of use has changed, the unit still remains within the parade of the shops that formed the basis of the 2010 appeal. Therefore the conclusion that such a change of use at Number 51 will negatively affect residential amenity can also be applied to Number 49a. The proposed change of use will by reason of the increased number of visitors and associated vehicular movements to the unit have an unacceptable affect on the amenity of the neighbouring residents. Noise and disturbance levels will be amplified by virtue of the sound of engines revving, car radios and music systems playing, car doors slamming and attracting youths to gather outside who at times are likely to become boisterous and noisy.

In addition, the proposed flue to be attached to the rear of the premises is of a size and scale, along with its protrusion above the roofline, that is considered out of context with the residential character of the immediate area. Furthermore its scale is also out of keeping with the building to which it is attached and is therefore considered to form a prominent incongruous feature which will be to the detriment of the visual amenity of the building and to the character and appearance of the surrounding area. There has also The proposal therefore is contrary to Policies GC1, ENV17 and EC3 of the Neath Port Talbot Unitary Development Plan.

Recommendation: Refusal

REASONS FOR REFUSAL

(1) The proposed change of use will, by reason of the increased number of visitors and associated vehicular movements to the unit, have an unacceptable effect on the amenity of neighbouring residents by reason of an increase in noise and disturbance. The proposal therefore is contrary to Policies GC1 and EC3 of the Neath Port Talbot Unitary Development Plan.

(2) The proposed external flue would, by reason of its size, projection above the roofline and siting, form a prominent and incongruous feature which would be out of character within this predominantly residential area, and would adversely impact upon the visual amenity of the building and surrounding area, contrary to Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan and TAN 12 : Design.

<u>ITEM 2.2</u>	
<u>APPLICATION NO:</u> P/2013/962	<u>DATE:</u> 14/10/2013
PROPOSAL: Change of use of chapel (Class D1) to dwelling (Class C3), construction of a single storey front extension, partial demolition of rear extension, installation of two velux windows on front roof plane, two windows on side elevation	
LOCATION: Former Church (Seion Chapel), Land Between 28 & 30 Heol Y Gors, Cwmgors, Ammanford, SA18 1PT	
APPLICANT: Mr Arfon Davies	
TYPE: Change of Use	
WARD: Gwaun-Cae-Gurwen	

BACKGROUND INFORMATION

Members should note that this application is reported to the Planning and Development Control Meeting at the request of Councillor L Williams who requests that members should be given the opportunity to consider the recommendation of the planning section.

Planning History:

P2011/1117	Demolition of existing church and erection of one dwelling with detached garage (outline)	Approved	01/06/12
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Publicity and Responses (if applicable):

Gwaun Cae Gurwen Community Council – No Response

Biodiversity Unit – No objection, subject to condition

Contaminated Land Section - No Objection, subject to condition

Head of Engineering & Transport (Highways): No Objection, subject to conditions

Head of Engineering & Transport (Drainage): No Objection

A site notice was displayed and 2 neighbouring properties were consulted
– No Response

Description of Site and its Surroundings:

The application site is Seion Chapel on Heol y Gors, Cwmgors which is a redundant chapel.

The chapel is a stone built detached building which is 7.66 metres in height. The building has a wrap around spar dash rendered extension. The side extension will be demolished as part of this application together with a part demolition of the rear extension. The chapel has a brown tiled pitched roof with the ridge running parallel to the highway to the front of the application site and has white fenestration.

The chapel is sited on a rectangular parcel of land measuring 0.0842 hectares in area. It is relatively flat in profile and has a frontage of approximately 23 metre onto Heol y Gors. Access and egress is off an existing access off Heol y Gors. The site has residential dwellings to either side and beyond the highway to the front of the dwelling and there is a lane to the rear. The site has outline planning permission to demolish the chapel (ref P2011/1117) and construction of one dwelling on the land.

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

Brief Description of Proposal:

This application seeks planning approval to change the use of the chapel (Class D1) to dwelling (Class C3), construction of a single storey front extension, partial demolition of rear extension, installation of two velux windows on front roof plane and installation of two windows on side elevation.

The main section of the chapel will be one open plan room which will provide space for a kitchen, dining room and reception room. It is proposed to provide a mezzanine floor above the kitchen and dining area which will provide space for three bedrooms, an en-suite and a bathroom. There will be two velux windows on the front roof plane to provide more light to the upstairs rooms. The existing vehicular access will be utilised to gain access to a parking and turning area in the front garden of the

property.

The single storey side extension will be constructed to the front of the existing remaining rear extension (as the remaining rear extension is to be demolished as part of this application). It will have a mono pitched roof which will be a gabled pitched roof over the front extension projection and a semi pitched roof over the existing rear projection and will be finished in a render frontage with brick quoins with a stone plinth, will have brown roof tiles and white fenestration to match the existing chapel. It will measure 15.98 metres in length, 6 metres wide on the front elevation increasing to 6.06 metres at the rear and will be 2.9 metres to the eaves rising to a height of 4.25 metres to the ridge of the gable with the mono pitched roof being at a height of 4.4 metres to the rear of the gable. The side extension will provide space for a living room, utility room, wc shower room and lobby. It is proposed that there be two living room windows on the front elevation which will replicate the window design of that of the front elevation of the chapel. There will be three side facing windows, one of which was an existing wc window and the new windows will serve the living room and utility room. These windows will have more of a horizontal emphasis. There will also be 2 no velux windows one on each side roof plane of the front projection of the extension located over the living room. The inward facing side elevation of this front projection will have a four panelled bi-folding door serving the living room. There will be fenestration on the rear elevation of the extension.

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 main issues for consideration with regards to this planning application are the principle of development at this site, together with the impact of the proposal upon visual and residential amenity, and also highway and pedestrian safety having regards to prevailing planning policies.

Policy Context:

Neath Port Talbot Unitary Development Plan:

GC1 New Buildings/Structures and Changes of Use
ENV17 Design
T1 Location, Layout and Accessibility of New Proposals
H3 Infill and Windfall Development within Settlement Limits

As the proposed site is located within the H3 settlement limits defined in the Unitary Development Plan, the principle of a residential development is generally acceptable, provided there are no overriding highway, amenity or service objections.

Visual Amenity:

The chapel is a traditionally styled building with a front gabled porch projection. The introduction of a single storey side extension which projects beyond the front (primary elevation) of the chapel both in principle and by reason of its poor design, materials and roof proportions would result in the addition of an incongruous and unbalancing addition to the property undermining the traditional design and proportions of the building and creating a dominating and unbalancing effect on the primary elevation, to the detriment of the character and appearance of the building and surrounding area. Whilst it is acknowledged that there is consent for the demolition of the chapel, it is still considered that building has merit in the streetscene and should the building be extended it should be done in a sensitive manner.

In terms of design, TAN 12 states that developments should be well designed, and if the design of proposals are inappropriate in their context, or fail to grasp opportunities to enhance the character, quality and function of an area or building, they should not be accepted, as they could have a detrimental effect on existing communities.

Discussions have taken place with the applicant when the concerns regarding the scale and siting of the side extension, projecting in front of the front elevation were explained. It was also suggested that if the proposal was amended to remove the element of the extension which extended beyond the front elevation of the building, thereby restricting it to a side extension only, it was likely that the proposal would be supported. This was on the basis that its reduced scale and siting only on the side elevation would no longer dominate or adversely affect the proportions of the building. Despite this advice, the applicant wishes the application to be considered in its current form.

It is therefore considered that given the size, siting and design of the proposed extension, projecting beyond the front (Primary) elevation of the building, would dominate and unbalance the appearance of the original building in terms of scale, design and proportions to the detriment of its character and appearance and also the visual amenity of the surrounding area.

Residential Amenity:

With regard to overlooking, overbearing or overshadowing issues, it should be noted that the chapel is sited to the rear of the plot (the separation distances from the rear of the neighbouring properties being approximately 11 metres to No 28 and 15 metres to No 30), therefore any issues with regard to residential amenity would mainly be concerning the possible effect of the proposal on the private amenity space of the two adjacent neighbouring properties.

With regards to any potential overlooking, there will be side facing windows on the side elevation of the proposed side extension, these windows will serve two non-habitable rooms and a further window will serve the living room which is classed as a habitable room. It is considered that these side facing windows are acceptable in principle as the existing extension has three side facing windows which serve a classroom and two toilets provided there are mitigation measures provided. There are also two new windows proposed on the first floor side elevation, these again are considered to be acceptable, due to the separation distance between the windows and the side boundary provided that mitigation measures are undertaken regarding any overlooking issues that these side windows could pose. In this regard, if the proposal were to be approved a condition could be imposed on the consent requiring the windows to be obscurely glazed and/or for an agreed scheme of boundary screening or obscure glazing.

With regard to the forward facing windows on the side extension, as the chapel is set well back from the neighbouring residential properties the views from these windows will be mainly over the front garden of the property but there will also be views over the rear amenity space of the neighbouring property (No 28). Even though the rear garden is the only private amenity space for this property, No 28 has an outbuilding on the boundary which will obscure any overlooking issues over the rear of the dwelling or the rear garden from these windows. It is therefore considered that the proposal would not create adverse overlooking issues for the neighbouring property.

With regard to the neighbouring property (No 30), as there will be no alteration to the fenestration on the side elevation facing this neighbouring property, however there will be a new window and door on the projecting section of the side extension which is to be constructed on the other side of the chapel, this is approximately 11 metres away from the side boundary of this neighbouring property (which is at the very top of their rear garden), as it is considered that as there are no side facing windows on the side elevation at No 30, that the proposed development would not result in any adverse overlooking issues.

As a result it is considered that the proposed development would not result in unacceptable overlooking issues of either neighbouring property.

With regard to and potential overbearing or overshadowing impact on neighbouring properties, due to the fact that the chapel is sited to the rear of the application site (the separation distances from the rear of the neighbouring properties being approximately 11 metres to No 28 and 15 metres to No 30), together with the fact that the main body of the extension (minus the front projection) is of similar size to the existing extension which is to be demolished, it is considered that the proposal would not have an adverse effect on the residential amenity of the residents of either neighbouring property.

The change of use of the chapel, using the existing vehicular access is considered to be acceptable with regard to residential amenity.

As a consequence, the amenities of neighbouring residents would be safeguarded and the proposal would therefore be contrary to the Household Extension Design Guide in addition to policies GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan.

It is considered therefore that the proposed development would not cause unacceptable overlooking, overbearing and overshadowing issues. As a consequence, the amenities of neighbouring residents will be safeguarded. It is therefore considered that the proposal would be acceptable in terms of residential amenity.

Highway Safety (Access, Parking and Traffic flows):

It should be noted that the Head of Engineering and Transport offers no objection to the proposed development, subject to a condition regarding

the provision of off street parking provision.

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

Landscaping:

None

Ecology (including trees & Protected Species):

The applicants with the agreement of the Council's Biodiversity Section have resubmitted a bat survey carried out for a previous application for the demolition of the chapel at this site. The report was inconclusive as to whether bats were present at the chapel and considered that there was a limited possibility that bats exist on the site.

The reports indicated that were bats present on the site they would occupy the narrow area between the ceiling and the roof of the existing building. It is therefore considered that in dealing with any roof works, consideration should be given to the possible presence of bats. It is considered that mechanical demolition would not be suitable and that hand removal of ridge tiles, fascia boarding and soffit box areas would ensure that if bats were to be encountered on the site they would not be disturbed. In addition it is considered that the retention of a licensed bat worker on an 'on-call' basis to advise and attend site in the unlikely event that bats are encountered. A suitably worded condition could be attached to a consent to ensure this working practice together with a condition requiring the cessation of works if during demolition that bats are found in the building that work should stop immediately and Natural Resources Wales be informed.

Flooding:

Not Applicable

Pollution (air and ground):

The Contaminated Land Unit has been consulted on the application, and offers no objection to the proposal, subject to a condition being imposed on the consent. This condition is a standard condition which relates to the finding of unexpected contamination on the land. It is therefore considered that the proposed development would be acceptable in terms of pollution.

Others (including objections):

None

Conclusion:

It is considered that the change of use from a chapel (D1) to a dwelling (C3) is acceptable and would not have a detrimental impact upon highway and pedestrian safety or the amenities of residents within nearby dwellings with regard to residential amenity. However, it is considered that the proposed side extension would have a detrimental impact upon the visual amenity of the area. This would be due to the poor design, roof proportions and materials of the proposed extension and its siting projecting beyond the front elevation, which is the primary elevation of the building, which will result in the introduction of an extension that unacceptably dominates the primary elevation and further detracts from the original character, together with the traditional design and proportions associated with the original building. It is therefore considered that the proposal would result in the addition of an incongruous and unbalancing addition to the property on the primary elevation of the dwelling, which would adversely affect its overall appearance, to the detriment of the area. Hence, the proposed development would be contrary to Policies GC1, T1 and ENV17 of the Neath Port Talbot Unitary Development Plan, together with the objectives of the design guide for household extensions.

REASON FOR REFUSAL

(1) It is considered that whilst the change of use of the chapel (D1) to a dwelling (C3) would be acceptable, the size and design of the proposed extension, which projects beyond the front elevation (primary elevation) of this traditional chapel, will introduce an incongruous and unbalancing feature on the front elevation. This will in turn undermine the design, scale and proportions of the original building to the detriment of its visual amenity and the character and appearance of the streetscene. Hence, the proposed development would be contrary to Policies GC1, ENV17 and T1 of the Neath Port Talbot Unitary Development Plan, together with the objectives of the Household extension design guide.

SECTION B – MATTERS FOR INFORMATION

3. APPEALS RECEIVED

- a) **Appeal Ref:** A2013/0020 **Planning Ref:** P2013/0346
- PINS Ref:** APP/Y6930/A/13/2208199
- Applicant:** Dr Wendy Hurst
- Proposal:** Single storey side extension (amended plans received 23.09.13)
- Site Address:** LIDL Vale of Neath Retail Park, Vale of Neath Retail Park Neath SA10 7AY
- Start Date:** 06/11/2013
-
- b) **Appeal Ref:** A2013/0023 **Planning Ref:** P2012/0719
- PINS Ref:** APP/Y6930/A/13/2208436
- Applicant:** Mrs Jenny Madge
- Proposal:** Retention of single-storey rear extension for use as residential flat
- Site Address:** 68 New Road, Skewen, Neath SA10 6HA
- Start Date:** 15/11/2013
-
- c) **Appeal Ref:** A2013/0024 **Planning Ref:** P2013/0577
- PINS Ref:** APP/Y6930/A/13/2208895
- Applicant:** Mr J Brinkworth
- 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.

Site Address: Old Road Garage, Old Road, Skewen, Neath
SA10 7NF

Start Date: 20/11/2013

4. APPEALS DETERMINED

Appeal Ref: A2013/0010 **Planning Ref:** P2013/0286

PINS Ref: APP/Y6930/A/13/2201157

Applicant: Portacover Machinery Movements Ltd.

Proposal: Change of use of land to self-storage container and caravan storage depot (B8 Use) with associated office and access works

Site Address: Portacover Machinery Movements, Edwards Works, Llandarcy

Start Date: 16/07/2013

Decision Date: 05/11/2013 **Decision Code:** Allowed in part

Members should note that an appeal was made against Conditions 1 and 2 imposed on the grant of planning permission ref. P2013/0286 which required as follows: -

- (1) The development hereby approved shall cease within three years from the date of this permission. Following the expiry of this permission or cessation of the use, whichever is the earlier, all containers, caravans, buildings and equipment shall be removed, and the site restored to its previous hardstanding state.

Reason: In the interest of visual amenity, as the proposal is for a temporary period.

- (2) Unless otherwise agreed in writing, there shall be no stacking of the storage containers, and prior to first beneficial use of the approved storage area, all containers shall be painted a uniform grey colour, and retained as such for the duration of the approved development.

Reason: In the interest of visual amenity.

The Inspector considered that the main issue concerned whether the conditions were reasonable or necessary in the interests of the character and appearance of the area.

The inspector noted that the appeal site would be visible to motorists travelling west or joining the motorway from the west bound slipway. Nonetheless, the proposal would comprise a low height development of storage containers and caravans arranged in a neat linear form. As well as being low profile, the containers would be consistent in size and appearance, and whilst the appearance and proportions of individual caravans might vary, they would display a visual continuity by reason of their commonality in purpose and function. Overall, the Inspector considered that the development would be subsumed comfortably with the existing industrial character and it would not harm the wider countryside context.

he Inspector concluded that Condition 1 was not necessary, and neither would it be reasonable in the light of the significant capital costs of acquiring the large number of containers and preparing the site for the intended use. The appeal was therefore allowed in part whereby the temporary permission (Condition 1) was replaced with a standard 5 year time limit condition

In terms of Condition 2, the inspector considered that control over the stacking of the containers was necessary in the interests of visual amenity, and considered that it would be necessary to ensure a consistent colour to the storage containers to prevent an *ad hoc* and untidy appearance to the site. She noted that whilst it would be unduly onerous to restrict the colour to uniform grey, the condition nevertheless provides for an alternative colour to be agreed with the Local Planning Authority. Accordingly, this condition was not varied.

Appeal Ref: A2013/0009 **Planning Ref:** P2013/0120

PINS Ref: APP/Y6930/A/13/2200438

Applicant: Mr John Arnott

Proposal: Construction of a single dwellinghouse

Site Address: Plot 14, The Oaks, Cimla, Neath, SA11 3RJ

Start Date: 22/10/2013

Decision Date: 22/11/2013 **Decision Code:** Dismissed

The main issues in the determination of the appeal was whether the living conditions of the occupiers of Numbers 91 and 93 Bwlch Road and 15 The Oaks were adversely affected, together with the impact on the character and appearance of the streetscene within The Oaks.

The application was refused by the Council on the grounds that “the proposed development by reason of its size, both in terms of depth and height, together with its siting and the significant change in ground levels between the application site and the adjacent properties, would result in the formation of an obtrusive and overly dominant dwelling which would have an unacceptable overbearing impact upon the neighbouring dwellings to the detriment of their amenities”.

In considering the impact on neighbours living conditions, the Inspector noted that the proposed dwelling would be sited on land at a height significantly higher than the house and garden at No. 93. Having regard to the distance between the rear facing bedroom window at No. 93 and the proposed dwelling, the intervening boundary fence and the height of the proposed dwelling and the level at which the proposed house would be built, he concluded that the proposed dwelling would be sited too close to the aforementioned bedroom window and as a result would dominate the outlook from that window. As a result this would materially harm the living conditions for the occupiers of No. 93.

In addition, should the roof lights be opened in the rear of the proposal there would be clear uninterrupted views into part of the garden of 93 Bwlch Road and this would severely reduce the privacy enjoyed by the occupiers of that property. The inspector also noted that there would be

unacceptable overlooking from the ground floor dining room door and windows as well as the open roof lights looking into an existing bedroom window.

With regard to neighbouring properties at No. 91 and 15 The Oaks, the Inspector concluded that the proposed dwelling would be sited too close to their private rear gardens and habitable room windows. He had particular regard to the additional height at which the house would be built compared with the level of the garden/house and concluded that as a result the proposal would have an overbearing impact for the occupiers of those dwellings and this would materially harm their living conditions.

In considering the impact on the character and appearance of the streetscene within The Oaks, the Inspector disagreed with the Planning Authority's assessment, considering that the proposed orientation, positioning and design of the dwellinghouse would be acceptable.

Nevertheless the appeal was dismissed by reason of the adverse impact the proposal would have on the residential amenities of existing neighbouring residents as detailed earlier in this report.

Appeal Ref:	A2013/0011	Planning Ref:	P2013/0241
PINS Ref:	APP/Y6930/A/13/2201685		
Applicant:	Dr Wendy Hurst of Lidl UK GmbH		
Proposal:	Proposed extension incorporating ancillary retail area		
Site Address:	Lidl Supermarket, Ffordd Parc, Ynysderw, Pontardawe SA8 4EG		
Start Date:	24/7/2013		

Decision Date:	13/11/2013	Decision Code:	Dismissed
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The Inspector noted that the appeal property was in a prominent position in an area characterised by large buildings of various designs and the store's large and the existing prominent ridged roof made a significant contribution to the appearance of the area. It was noted that the proposal was on the main elevation of the building and had the appearance of a flat roof.

Notwithstanding the presence of a small flat roof on an adjacent building the Inspector concluded that the proposed design would be poorly related to the store's existing roofscape and would appear as an incongruous element that would detract from the appearance of the parent building and the surrounding area.

Appeal Ref: A2013/0012 **Planning Ref:** P2012/0860

PINS Ref: APP/Y6930/A/13/2201630

Applicant: Mr Richard Bowen

Proposal: Change of use and alterations to 2 No barns into tourist accommodation

Site Address: Plas Farm, Lane From Church Road To Plas Farm,
Rhos Pontardawe SA8 3JQ

Start Date: 31/7/2013

Decision Date: 24/10/2013 **Decision Code:** Allowed with conditions
The inspector noted that the proposal was on the site of an established tourist facility providing accommodation in a number of cottages, set well away from the nearest public highway at the end of a long drive and is not prominent in any public views.

The Inspector considered that the increase in the ridge heights by about 480 mm and 375 mm respectively, would not be significant as the roof levels would still be lower than most of the other buildings in the complex. Moreover, he considered dormer roofs to be design features of several of the other buildings on the site, such that they would not look unduly out of place.

He noted that there was a proposal to extend one of the properties but the small extension would be insignificant and not have a detrimental effect on the character and appearance of the area.

The Inspector noted the external changes proposed that related specifically to new windows and doors. He concluded that overall these would be of modest size and would provide attractive contemporary

design features that would enhance the appearance of the proposed cottages. It was considered that on balance, while these features would erode the traditional character of the original barn buildings, they would not be unacceptable changes.

On balance, the Inspector concluded that the proposed conversions would strike an acceptable compromise between rigid retention of the present form and character of the buildings and alterations and extensions needed to ensure their practical use for holiday cottages, such that they would not have an unacceptable impact on the character and appearance of the buildings concerned and would sit well within the surrounding buildings.

Members are advised, however, that Officers are currently awaiting legal advice in respect of this decision, on the basis that the Inspector failed to impose a restrictive 'holiday occupancy' condition.

**5. DELEGATED APPLICATIONS
DETERMINED BETWEEN 4TH NOVEMBER AND 22ND
NOVEMBER 2013**

1	App No. P/2010/828	Type Full Plans
Proposal	Block of four terrace dwellings and associated parking.	
Location	Former Jenkins Arms Hotel, Commercial Street, Glyncorrwg, Port Talbot, SA13 3AT	
Decision	Refusal	
Ward	Glyncorrwg	

2	App No. P/2012/226	Type Full Plans
Proposal	Retention of existing car wash and change of use of land for car sales with associated lighting and means of enclosure	
Location	Land adjacent to garage, Works Road, Pontardawe, Swansea	
Decision	Approval with Conditions	
Ward	Pontardawe	

3	App No. P/2012/836	Type Full Plans
Proposal	Change of use from office to 3 No flats including external alterations and new vehicular / pedestrian access	
Location	117 Swansea Road, Trebanos Pontardawe, Swansea, SA8 4BN	
Decision	Approved subject to s.106	
Ward	Trebanos	

4	App No. P/2012/922	Type Outline
Proposal	Demolition of existing care home and construction of 6 dwellings and associated works (outline) (topography survey received 10-6-13)(Amended site plan and Bat Roost method statement-Rec 17-7-13)(Geological and Mining Desk Study Report -Rec 26-9-13)	
Location	Ty Maes Marchog, Main Road, Dyffryn Cellwen, Neath, SA10 9HR	
Decision	Approval with Conditions	
Ward	Onllwyn	

5	App No. P/2013/420	Type Outline
Proposal	Detached dwelling (outline)	
Location	Land adjacent to, 78 Main Road, Onllwyn, Neath SA10 9LG	
Decision	Approval with Conditions	
Ward	Onllwyn	

6	App No. P/2013/503	Type Full Plans
Proposal	retention of a timber fence, trolley bays and parking bays.	
Location	Tesco Supermarket, Prior Street, Port Talbot, SA13 1LZ	
Decision	Approval with no Conditions	
Ward	Port Talbot	

7	App No. P/2013/504	Type Advertisement
Proposal	Retention of 55 illuminated and non-illuminated signs to store, car park and petrol filling station.	
Location	Tesco Supermarket, Prior Street, Port Talbot, SA13 1LZ	
Decision	Approval with Conditions	
Ward	Port Talbot	

8	App No. P/2013/587	Type Full Plans
Proposal	Installation of play and skate equipment.	
Location	Tennis Courts Blaengwynfi Recreation Park, Park Lane, Blaengwynfi, Port Talbot	
Decision	Approval with Conditions	
Ward	Gwynfi	

9	App No. P/2013/590	Type Advertisement
Proposal	Installation of 2no. Illuminated fascia signs and one non illuminated Information sign	
Location	Unit 1, Pentwyn Baglan Road, Baglan, Port Talbot, SA12 8EB	
Decision	Approval with no Conditions	
Ward	Baglan	

10	App No. P/2013/621	Type Full Plans
Proposal	Replacement shopfront and external lighting above fascia.	
Location	27 Commercial Road, Taibach, Port Talbot, SA13 1LN	
Decision	Approval with Conditions	
Ward	Taibach	

11	App No. P/2013/647	Type Full Plans
Proposal	Replacement shopfront and installation of external lighting.	
Location	46 Commercial Road, Taibach, Port Talbot, SA13 1LG	
Decision	Approval with Conditions	
Ward	Taibach	

12	App No. P/2013/648	Type Full Plans
Proposal	Replacement shopfront and installation of external lighting.	
Location	48 Commercial Road, Taibach, Port Talbot, SA13 1LG	
Decision	Approval with Conditions	
Ward	Taibach	

13	App No. P/2013/727	Type Householder
Proposal	Raising height of ridge line of roof and insertion of two dormer windows to front and two dormer windows to rear roof slope, plus a single storey side extension, and a front porch.	
Location	22 New Road, Jersey Marine, Neath, SA10 6JT	
Decision	Approval with Conditions	
Ward	Coedffranc West	

14	App No. P/2013/768	Type LawfulDev.Cert-Exist
Proposal	Certificate of lawfulness (existing) for access road for existing residential development	
Location	Church Place, Seven Sisters, Neath	
Decision	Issue Lawful Dev.Cert.	
Ward	Seven Sisters	

15	App No. P/2013/772	Type Householder
Proposal	Retention of raised decking area plus erection of a new 1.1m boundary fence above decking level.	
Location	25 Heol Glynderwen, Waunceirch, Neath, SA10 7RR	
Decision	Approval with Conditions	
Ward	Bryncoch South	

16	App No. P/2013/773	Type Full Plans
Proposal	Single-storey side and rear extension, plus erection of railings to side and front boundary walls.	
Location	44 Victoria Gardens, Neath, SA11 3BH	
Decision	Approval with Conditions	
Ward	Neath North	

17	App No. P/2013/806	Type Householder
Proposal	Single storey rear extension and new pitched roof over existing single storey rear extension	
Location	33 Maes Ty Canol, Baglan, Port Talbot, SA12 8UW	
Decision	Approval with Conditions	
Ward	Baglan	

18	App No. P/2013/819	Type Householder
Proposal	Retention of existing works and proposed alterations to dwelling to comprise of first floor gable extensions to front and rear elevations, two no. dormers to front and rear, four pane roof light to front roof plane, 2 roof lights, single storey extension to western elevation with roof terrace, first floor extension to eastern elevation, lobby extension and conversion of garage to living accommodation	
Location	Willowbrook, Heol Y Glo, Penybryn, Pyle, Bridgend, CF33 6PU	
Decision	Approval with Conditions	
Ward	Margam	

19	App No. P/2013/834	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 29 (garden levels for Phase 1B only) of Planning Permission P2011/0880 granted on 30/5/12.	
Location	Phase 1A and 1B Coed Darcy, Former Llandarcy Oil Refinery, Llandarcy, Neath	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

20	App No. P/2013/842	Type Full Plans
Proposal	Scooter store	
Location	3 Penrhiw Street, Bryn, Port Talbot, SA13 2SA	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

21	App No. P/2013/848	Type Full Plans
Proposal	Detached stable block	
Location	Tyn-Y-Graig Isaf Farm, Graig Road, Gellinudd Pontardawe, Swansea, SA8 3DS	
Decision	Approval with Conditions	
Ward	Rhos	

22	App No. P/2013/850	Type Full Plans
Proposal	Retention of menage and the use of the land for equestrian purposes, together with the erection of a detached storage barn.	
Location	Land at Lower Banwen Farm, Fforest Goch, SA8 3EZ	
Decision	Approval with Conditions	
Ward	Bryncoch North	

23	App No. P/2013/852	Type Section34Food& EnvironmentAct
Proposal	Marine license to dredge and dispose of dredged material from deep water harbour and approaches Port Talbot (consultation from Natural Resources Wales)	
Location	Approach to Port Talbot Harbour, The Docks, Port Talbot	
Decision	No Objections	
Ward	Margam	

24	App No. P/2013/859	Type Householder
Proposal	Single storey rear extension	
Location	37 Village Close, Bryncoch, Neath, SA10 7TE	
Decision	Approval with Conditions	
Ward	Bryncoch North	

25	App No. P/2013/860	Type Change of Use
Proposal	Change of use from Light Industrial (B1) to Health and Safety Training and First Aid facility (D1)	
Location	Unit 15 Mardon Park, Central Avenue, Baglan Energy Park, Port Talbot	
Decision	Approval with Conditions	
Ward	Baglan	

26	App No. P/2013/864	Type Full Plans
Proposal	One two storey detached dwelling and garage (change of house type)	
Location	Land At Pearson Way, Neath, SA11 2EJ	
Decision	Approval with Conditions	
Ward	Neath East	

27	App No. P/2013/865	Type Vary Condition
Proposal	Variation of Condition 1 of Planning Permission P2007/0057 (approved on the 20/10/2008) to extend the date for the commencement of development for a period of two years.	
Location	Rockfield, Longford Road, Neath Abbey, Neath, SA10 7HQ	
Decision	Approval with Conditions	
Ward	Dyffryn	

28	App No. P/2013/869	Type Householder
Proposal	Single side extension including garage.	
Location	38 Crymlyn Gardens, Skewen, Neath, SA10 6EU	
Decision	Approval with Conditions	
Ward	Coedffranc West	

29	App No. P/2013/874	Type Full Plans
Proposal	Detached dwelling and detached garage	
Location	4 Tudor Grove, Taibach, Port Talbot	
Decision	Approval with Conditions	
Ward	Margam	

30	App No. P/2013/921	Type Householder
Proposal	Alterations to existing hipped roof to form two gable ends and formation of 3 dormers windows to rear roof plane	
Location	85 Pen Yr Alltwen, Alltwen Pontardawe, Swansea, SA8 3EA	
Decision	Approval with Conditions	
Ward	Rhos	

31	App No. P/2013/925	Type Householder
Proposal	Single storey rear extension	
Location	22 Ynys Y Mond Road, Alltwen Pontardawe, Swansea, SA8 3BA	
Decision	Approval with Conditions	
Ward	Alltwen	

32	App No. P/2013/939	Type Change of Use
Proposal	Change of use to Beauty Salon (Sui-generic use)	
Location	33 Windsor Road, Neath, SA11 1NB	
Decision	Approval with Conditions	
Ward	Neath North	

33	App No. P/2013/944	Type Lawful Dev.Cert-Prop.
Proposal	Certificate of Lawful Development (Proposed) for a single storey rear and side extension.	
Location	24 Tyla Road, Briton Ferry, Neath. SA11 2TB	
Decision	Issue Lawful Dev.Cert.	
Ward	Briton Ferry East	

34	App No. P/2013/953	Type Householder
Proposal	Single storey rear extension	
Location	6 Robert Street, Glynneath, Neath, SA11 5EG	
Decision	Approval with Conditions	
Ward	Glynneath	

35	App No. P/2013/958	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 extension of an industrial unit	
Location	Orion, Kenfig Industrial Estate, Margam, Port Talbot, SA13 2PG	
Decision	EIA Not Required	
Ward	Margam	

36	App No. P/2013/960	Type App under TPO
Proposal	Works to trees covered by Tree Preservation Order T44/A1 comprising T1 (Elm) Crown Lift; T2 (Laurel) Crown Lift; T3 (Chestnut) Removal of two branches overhanging adjacent bridleway.	
Location	Trees At The Old Coach House, Leiros Parc Drive, Bryncoch, Neath, SA10 7EW	
Decision	Approval with Conditions	
Ward	Bryncoch South	

37	App No. P/2013/965	Type Neigh.Auth/Nat.Park
Proposal	Consultation under section 42 of the Planning Act 2008 for a proposed Gas Fired Power Station (299MW) land at Hirwaun Industrial Estate.	
Location	Land north of Rhigos Road, Hirwaun Industrial Estate, Rhondda Cynon Taf	
Decision	No Objections	

Ward	Outside Borough
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38	App No. P/2013/967	Type	Householder
Proposal	Single-storey side garage extension.		
Location	10 Mill Race, Neath Abbey, Neath, SA10 7FL		
Decision	Approval with Conditions		
Ward	Bryncoch South		

39	App No. P/2013/968	Type	Householder
Proposal	Single storey rear extension		
Location	24 Rhyd Hir, Longford, Neath, SA10 7HR		
Decision	Approval with Conditions		
Ward	Dyffryn		

40	App No. P/2013/971	Type	Discharge of Cond.
Proposal	Details to be agreed in association with condition 3 (land drainage) of application P2009/1021 approved on the 22/2/2011.		
Location	Former Royal Buildings, Talbot Road, Port Talbot, SA13 1DN		
Decision	Approval with no Conditions		
Ward	Port Talbot		

41	App No. P/2013/977	Type	LawfulDev.Cert-Prop.
Proposal	Certificate for Lawful Development (Proposed): Engineering operations to facilitate hardstanding for off-street car parking.		
Location	16 Lucy Road, Lonlas, Neath, SA10 6RR		
Decision	Not to Issue Lawful Dev.Cert.		
Ward	Coedffranc North		

42	App No. P/2013/979	Type	Neigh.Auth/Nat.Park
Proposal	Consultation under Section 47 of the Planning Act 2008 (Power enhancement project) agreement for community consultation		
Location	Land at, TATA Steelworks, Margam Works, Port Talbot		
Decision	No Objections		
Ward	Margam		

43	App No. P/2013/995	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development (Proposed) for alterations to door and window to principal elevation.	
Location	2 Maes Y Ffynnon Close, Neath, SA11 1HQ	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath East	

44	App No. P/2013/1000	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 10 (Slab Levels) of P2013/0634 approved on 19/09/13	
Location	Land At, Cwmavon Road, Port Talbot, SA12 8RD	
Decision	Approval with no Conditions	
Ward	Bryn & Cwmavon	

45	App No. P/2013/1003	Type Section34Food&EnvironmentAct
Proposal	Consultation under Marine and Coastal Access Act 2009 - Part 4 Marine Licensing	
Location	Green Park Weir, Port Talbot	
Decision	No Objections	
Ward	Aberavon	

46	App No. P/2013/1015	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension - Lawful Development Certificate Proposed	
Location	79 Margam Road, Taibach, Port Talbot, SA13 2LB	
Decision	Issue Lawful Dev.Cert.	
Ward	Taibach	

47	App No. P/2013/1019	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension - Certificate of Lawful Development Proposed	
Location	6 Verdi Road, Sandfields, Port Talbot, SA12 7TW	
Decision	Issue Lawful Dev.Cert.	
Ward	Sandfields West	

48	App No. P/2013/1027	Type Screening Opinion
Proposal	Screening opinion for solar farm	
Location	Site of former Abernant Colliery adj A474, North of Pontardawe	
Decision	EIA Not Required	
Ward	Pontardawe	

49	App No. P/2013/1030	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension - Lawful Development Certificate Proposed	
Location	53 Hawthorn Avenue, Baglan, Port Talbot, SA12 8PH	
Decision	Issue Lawful Dev.Cert.	
Ward	Baglan	

50	App No. P/2013/1052	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Proposed Lawful Development for a single-storey rear extension.	
Location	31 Glen Road, Neath, SA11 3DS	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath North	