

# **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**17 JUNE 2014**

## **ENVIRONMENT**

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

#### **INDEX OF REPORT ITEMS**

#### **PART 1 – Doc.Code: PLANDEV-170614-REP-EN-NP**

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

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

1.1	APP NO: P/2013/1087	TYPE: Full Plans	Page Nos: 4-31	Wards Affected: Bryn & Cwmavon
PROPOSAL:	Installation of a ground mounted photovoltaic (solar electricity) plant, including the erection of a control room, switching room, inverter stations and other equipment, tracks, drainage, fencing, landscaping and all associated building and engineering operations, for use for a period of up to 25 years			
LOCATION:	Tyle'r Fedwen Farm, Tyle'r Fedwen Farm Access Road, Cwmavon, Port Talbot, SA12 9YA			

1.2	APP NO: P/2014/46	TYPE: Full Plans	Page Nos: 32-57	Wards Affected: Aberavon
PROPOSAL:	Demolition of existing industrial buildings and replacement with 34 no. residential units with associated parking, access and landscaping works			
LOCATION:	Land At Green Park Industrial Estate, Green Park Street, Aberavon, Port Talbot, SA12 6LD			

## 2. PLANNING APPLICATIONS RECOMMENDED FOR REFUSAL

2.1	APP NO: P/2012/759	TYPE: Minerals	Page Nos: 58-91	Wards Affected: Ystalyfera
PROPOSAL:		Exploratory driveage and associated engineering works to investigate coal seam		
LOCATION:		Pen y Darren, Cwm Du Valley, Godregraig		

<b>3. Nationally Significant Infrastructure Project (NSIP) : Tidal Lagoon Swansea Bay Local Impact Report and Written Representations</b>	Page Nos:  92-95	Wards Affected:
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APPENDIX A – Local Impact Report (PLANDEV-170614-APPA-EN-NP)

APPENDIX B – Written Representations (PLANDEV-170614-APPB-EN-NP)

<b>4. Planning Appeal: P/2008/0024 Clarification of Reason For Refusal</b>	Page Nos: 96-97	Wards Affected: Seven Sisters
LOCATION:	Farmland Adjoining Forestry, East Of Crynant And South Of Seven Sisters, Neath (Hirfynydd)	

## SECTION B – MATTERS FOR INFORMATION

<b>5. APPEALS RECEIVED</b>	Page Nos: 98	Wards Affected:
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<b>6. APPEALS DETERMINED</b>	Page Nos: 99-101	Wards Affected:
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<b>7. DELEGATED APPLICATIONS DETERMINED BETWEEN 17<sup>TH</sup> MAY 2014 AND 6<sup>TH</sup> JUNE 2014</b>	Page Nos: 102-110	Wards Affected: All
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## **Human Rights Act**

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

## **Background Papers**

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

## SECTION A – MATTERS FOR DECISION

### 1. PLANNING APPLICATIONS RECOMMENDED FOR APPROVAL

<b><u>ITEM 1.1</u></b>	
<b><u>APPLICATION NO:</u> P/2013/1087</b>	<b><u>DATE:</u> 19/12/2013</b>
<b>PROPOSAL:</b> Installation of a ground mounted photovoltaic (solar electricity) plant, including the erection of a control room, switching room, inverter stations and other equipment, tracks, drainage, fencing, landscaping and all associated building and engineering operations, for use for a period of up to 25 years	
<b>LOCATION:</b> Tyle'r Fedwen Farm, Tyle'r Fedwen Farm Access Road, Cwmavon, SA12 9YA	
<b>APPLICANT:</b> EEW Eco Energy World Limited	
<b>TYPE:</b> Full Plans	
<b>WARD:</b> Bryn & Cwmavon	

#### **Planning History:**

Application P2013/542 – Request for screening opinion – decision 18/7/2013 Environmental Impact Assessment not required.

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

Site notices have been displayed, the application has been advertised in the press as a major development, with one property directly notified by letter.

To date, one objection has been received, which in summary states that it will be an eyesore in the countryside.

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

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

Public Rights of Way Footpaths: No objections subject to conditions.

Contaminated land: No objections subject to conditions.

Biodiversity: No objections subject to conditions.

Natural Resources Wales: No objections subject to conditions.

Gwent Glamorgan Archaeological Trust: No objections.

CADW: No objections.

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

The site is located below the elevated ridge of Mynydd y Gaer which runs from east to west within open countryside approximately 2 kilometres to the north east of the M4 and to the north of the minor road running between Baglan and Cwmafan. The site slopes steeply from south to north gaining approximately 100 metres in height over a distance of 400 metres and consists largely of semi improved grassland and rough grazing with a combined site area of approximately 34.4 hectares (82.5 acres). Agricultural land and forestry surrounds the site on all boundaries with the exception of the extreme eastern boundary which adjoins the minor Baglan to Cimla road.

The nearest settlements are Baglan approximately 350 metres to the southwest and Cwmafan approximately 800 metres to the south east. The nearest residential property is Bwlch Farm which is located approximately 100 metres from the southern boundary of the site. The site is partly bounded by forestry plantations to the north east and northwest whilst the remainder of the site is bounded by open ground.

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

Members are advised that during the course of the planning application the scheme was amended. Whilst the site boundary has not been altered the applicant was requested to reduce the footprint of the solar array. The amended layout has resulted in a reduction of the footprint of the solar array from approximately 26% 8.5 hectares (21 acres) of the site to approximately 20% or 6.8 hectares (17 acres).

As amended, the proposed development now involves the installation of 45,912 ground mounted solar panels (was 53,112) capable of producing in excess of 11.47 megawatts-peak (MWp) (reduced from the initial 13.27 MWp) with an operational life of up to 25 years.

The development would consist of the following elements:

- The creation of two access points, to facilitate access to the site for construction vehicles and construction workers.
- The solar panels are approximately 1656mm x 995mm. They would be orientated to the south at a fixed angle of 15 degrees. The maximum height of the panels when installed would be 2.09m. The panels would be mounted on a metal framework supported on steel posts, which would be driven into the ground to a maximum depth of 1.9m. The area of panels covers approximately 18% of the site.
- The construction of 10 inverter cabins, each measuring 12.21m long x 2.44m wide x 2.9 m high.
- The construction of a switching room measuring 9.4m long x 4.52m wide x 3.2m high.
- The construction of a control room, measuring 6.5m long x 2.5m wide x 2.9m high.
- The construction of a switchroom measuring 11.5m long x 5.3m wide x 3.725 m high.
- The panels would be connected to the inverters and sub-stations by underground cables installed in trenches to a depth of 1.2m.
- The installation of a security fence, 2.4m high, dark green in colour, around the perimeter of the development with gates.
- The plant would not be illuminated, but would be protected by CCTV cameras mounted at corners and at 50m intervals.
- The construction of access tracks 3.0-3.5m wide and drainage swales.

The plant would be connected to the National Grid. The connection would be approximately 400m north-west of the site boundary, where there is an existing 132kV transmission line which crosses the site from north-west to south-east.

### **Material Considerations:**

The material planning considerations with regard to the application are the prevailing national and development plan policies, visual amenity, ecology, access, drainage, traffic generation and sustainability. There are

no known statutory or non statutory planning or environmental constraints on the application site. It does not lie within a “sensitive area” as defined by the EIA regulations and is not located within an historical landscape or conservation area or other designated area.

### **EIA Screening opinion:**

With regards to Environmental Impact Assessment the proposal is of a type that requires a decision as to whether an Environmental Impact Assessment needs to accompany the application. This is called a ‘Screening Opinion’. A screening opinion has been undertaken (P2013/542) and it was concluded that the development is not likely to have significant environmental impacts by virtue of factors such as nature, size or location. It was determined under delegated powers that an Environmental Impact Assessment was not required.

### **Policy Context:**

The application is considered with reference to both national and local planning policies. The policies referred to below form the framework within which the planning application will be considered.

### **Planning Policy Wales (Edition 6) (PPW) states that:**

An objective of the Welsh Government relating to this form of planning application is highlighted in Planning Policy Wales (PPW6) this refers to the promotion of the generation and use of energy from renewable and low carbon energy sources at all scales and to secure an appropriate mix of energy provision which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. Paragraph 4.6.4 sees the countryside as a sustainable energy source and solar is recognised as a source of renewable energy.

Section 12 (Infrastructure and Services) of PPW provides the following guidance: -

12.8.1 The UK is subject to the requirements of the EU Renewable Energy Directive. These include a UK target of 15% of energy from renewables by 2020<sup>11</sup>. The UK Renewable Energy Roadmap sets the path for the delivery of these targets, promoting renewable energy to reduce global warming and to secure future energy supplies<sup>12</sup>. The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing

carbon emissions as part of our approach to tackling climate change (see 4.5) whilst enhancing the economic, social and environmental wellbeing of the people and communities of Wales in order to achieve a better quality of life for our own and future generations. This is outlined in the Welsh Government's Energy Policy Statement *Energy Wales: A Low Carbon Transition* (2012)<sup>13</sup>.

12.8.8 The Welsh Government is committed to using the planning system to:

- optimise renewable energy generation;
- optimise low carbon energy generation;
- facilitate combined heat and power systems (and combined cooling, heat and power) where feasible; and
- recognise that the benefits of renewable energy are part of the overall commitment to tackle climate change by reducing greenhouse gas emissions as well as increasing energy security.

12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change. Specifically, they should make positive provision by:

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



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

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

There is therefore explicit, in principle national planning policy support for renewable energy development that will contribute to meeting legal obligations and policy objectives to significantly increase energy production from renewable sources.

*Technical Advice Notes (TANs):*

TAN 6 - Planning for Sustainable Rural Communities considers farm

diversification, and advises as follows:

- 3.7.1 When considering planning applications for farm diversification projects, planning authorities should consider the nature and scale of activity taking a proportionate approach to the availability of public transport and the need for improvements to the local highway network. While initial consideration should be given to converting existing buildings for employment use, sensitively located and designed new buildings will also often be appropriate.
- 3.7.2 Many economic activities can be sustainably located on farms. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses.

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

Within TAN 8, it is recognised that the planning system has an important role to play in achieving the Assembly Governments commitment to enabling the deployment of all forms of renewable energy technologies in Wales. In addition TAN 8 gives guidance on relevant criteria and issues that are specific to renewable energy developments. In particular, relevance to this application, TAN 8 paragraph 3.15 which states

- 3.15 Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.

The TAN also gives guidance on relevant criteria and issues that are specific to renewable energy developments. Planning implications include visual intrusion, traffic, local and ecology.

*Other National Guidance / Statements:*

“A Low Carbon Revolution – The Welsh Assembly Government Energy Policy Statement – March 2010”

“Energy Wales: A Low Carbon Transition - March 2012” : sets out what the Welsh Government intend to do to drive the change to a sustainable, low carbon economy for Wales. It also emphasises that Wales has

significant assets in virtually every energy source, including one of the best solar resources in the UK.

Welsh Government Practice Guidance: “Planning Implications of Renewable and Low Carbon Energy - February 2011”

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

The adopted development Plan comprises the Neath Port Talbot Unitary Development Plan within which the following Policies are of relevance:-

- Policy 1 Countryside
- Policy 2 Ecology
- Policy 6 Historic Environment
- Policy 9 Economy and Employment
- Policy 19 Infrastructure and Energy
- GC1 New buildings, structures and changes of use
- GC2 Engineering works and operations
- ENV1 Development in the countryside
- ENV 3 Impacts upon the landscape
- ENV 5 Nature conservation
- ENV17 Design
- T1 Location Layout and Accessibility
- IE2 Infrastructure facilities
- IE6 Renewable energy

In assessing the principle of the development on the site consideration must be given to Policies ENV3, ENV1 ENV 13, IE6 of the Neath Port Talbot Unitary Development Plan

Policy ENV1 states (inter alia)

*A proposal for development in the countryside will not be permitted unless: -*

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

The development falls within the exemptions outlined in paragraph (h) and therefore accords with the development plan subject to an assessment of its impacts (having regard also to Policy IE6 below).

Policy IE2 states

*Where proposals for new infrastructure facilities are being considered, the following shall be adequately taken into account:*

*A) the use of existing facilities and the opportunities to co-ordinate different types of infrastructure has been considered and maximised;*

*B) the location and design minimise risk to human health, the environment and highway safety and pays adequate regard to the landscape, seascape, townscape and biodiversity and ensure that unacceptable impacts would not be created.*

Policy IE6 states

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

With regard to the above policies, the proposed development of the solar farm is a renewable energy source, the principle of which should be viewed favourably provided unacceptable impacts would not be created including impacts upon landscape, biodiversity, archaeology, mineral resources and safety issues. The impacts of the development are considered in detail below, having particular regard to Policies ENV 1, IE2 and IE6, and policies including GC1 New buildings, structures, ENV 3 Impacts upon the landscape, ENV 5 Nature conservation, ENV17 Design, ENV 22 Archaeological remains and T1 Location Layout and Accessibility.

### **Landscape Impact / Visual Amenity:**

Planning Policy Wales (Section 12.8-10) makes it clear that renewable energy projects should generally be supported by Local Planning Authorities provided environmental impacts are avoided or minimised, and nationally and internationally designated areas are not compromised.

The importance of renewable energy schemes in Wales, and the need for consistency in dealing with applications for such developments, is

indicated by the Welsh Government Practice Guidance – “Planning Implications of Renewable and Low Carbon Energy – issued in February 2011. This advice includes guidance in respect of solar arrays, and advises (at para 8.4.9) that “designated landscapes such as National Parks and AONBS are likely to be particularly sensitive in respect of one or more of these types of visual effect. Extreme care therefore needs to be taken to ensure the siting of solar arrays does not affect the special qualities of designated landscapes”.

Nevertheless, at 19.2.4 it is generally acknowledged that designated areas and in particular protected landscapes have a vital role to play in contributing towards reducing carbon emissions. The reference to ‘protected landscapes’ relates primarily to national designations, which is pertinent insofar as, at a local level, the application site falls outside of any such protected landscape.

In terms of local Policy, the visual impact of the proposed development upon the countryside proposal will be considered within the following policy framework:

Policy ENV3: Proposals that would create unacceptable impacts on the landscape will be resisted.

Particular emphasis will be placed on protecting :-

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

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

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which includes the use of LANDMAP methodology to identify and assesses the significance of the likely impacts of the proposed development upon the surrounding area including residential amenity, the adjacent footpath network and Landscapes of Special Historic Interest or other designated landscape areas.

With regard to the latter areas it is noted that the application site is not located within or immediately adjacent to any nationally designated landscape sites. Open access land is located to the east at Foel Fynyddau,

Mynydd Dinas approximately 1 km to the south and Mynydd Emroch approximately 1.5 km to the south east. The Margam Mountain Landscape of Special Historic Interest is located approximately 2.6 km to the south eastern boundary of the site and Margam Park approximately 3.5 km to the south east. Jersey park is located approximately 1.2 km to the north west. CADW and NRW have confirmed that there are no objections with regard to the impact of the proposal on the local landscape.

The submitted Zone of Theoretical Visibility (ZTV) identifies areas from where the majority, moderate and small parts of the site will be visible. 15 viewpoints are indicated on plan number LA 06, six of these are within the 1 km circle of the site and nine are within the 2.5 km circle or just outside. The pattern of visibility is located mainly to the south east and south west of the site and includes the lower lying areas of Cwmafan, the elevated areas of Mynydd Emroch and Mynydd Bychan. In addition the lower lying areas of Baglan offer views up the valley to the site and there are several elevated areas to the north which offer limited views.

The LVIA concludes that the landscape impact of the development is, on balance, considered to be slight/moderate on the adjacent footpath network and there is no significant adverse effect on residential receptors. It is therefore considered that it is unlikely that the scheme would result in any significant adverse effect on the wider area.

To summarise, views of the site are available from three main directions, either where relative elevation allows views over intervening features or where there are no intervening features to obscure views and in addition near views. The key areas of visibility are:

- **Views from the north** of the site, from elevated ground in Neath
- **Views from the southeast** from Cwmafan, Mynydd Emroch and Mynydd Bychan
- **Views from the southwest** from the coastal plain in Sandfields, the valley between Baglan and Cwmafan.
- **Near views from the south**, from Bwlch Road, the minor road to the south of the site.

It is clear that this proposal represents the introduction of a significant change to the traditional agricultural landscape. Nevertheless, having regard to the policy presumption in favour of renewable energy, this in itself does not make the development unacceptable, rather it is dependent on the siting and scale of the development.

Indeed, when assessing the visual impact of such development, the nature and scale of the structures should be borne in mind. In this respect, whilst the development relates to an area of approximately 34 ha, the form of the development would follow the contours of the ground and, given the spacing between panels, the panels would cover only 18% of the site (approx), with each array of panels having a maximum height of 2.09m. The dark appearance of these south facing panels is likened at para.8.4.7 of TAN 8 to straw bales wrapped in black plastic. As assessed below, the impacts of the development also vary according to distance and orientation.

In addition, other than the substation, the proposed structures are below 2.5m in height the highest building being 3.75 metres in height. In relation to the scale of the wider landscape, there are also forestry plantations located immediately to the north east, north and south west with tree heights of approximately 10m plus.

#### Views from the north and west

Due to the location of the proposal on the southern slopes of Mynydd y Gaer view points from the north within the 2.5 km circle of the site indicate that very small proportions of the site will be visible from the southern settlement limits of Cimla, with only the upper edge of the site visible along with existing forestry. A view from Briton Ferry located to the north west of the site and at a distance of approximately 2.4 km presently shows a small section of the northern edge of the site between the existing forestry plantation and the mound of Buarth Y Gaer. The assessment shows the proposal will result in a small area of security fence surrounding the solar array being visible on the horizon line.

These impacts are considered to be minor and acceptable.

#### From the south east and south west

The main visual impact and impact upon the landscape will be in views from the south, south east and at greater distance from the south west of the site. Sections of the development will be visible from the lower lying residential areas of Cwmafan, those located on raising the ground in Ynysygwas and sections of the B4282 road from Bryn and the A4107 Afan Valley Road.

As indicated above there are partial views within 1 km – 1.5 km distance

from the settlement of Cwmafan many of which are obscured by surrounding buildings, vegetation and the orientation of the dwellings many of which face the south east. In relation to the effect upon sensitive receptors, the LVIA has selected Penlyn within the settlement of Cwmafan. The view is of high sensitivity due to the prominence of the site from front and rear gardens and potentially from windows in the dwellings although the dwellings primary views are facing southwest away from the site. From this viewpoint the solar array and security fence would be visible from the road at a distance of approximately 1.5 kilometres. The scale of change resulting from the proposed development has been assessed as small and slight to adverse impact due to the proportion of the view occupied by the site and the change in appearance of the site associated with the introduction of the development.

From the residential areas adjacent to the Afan Valley in the vicinity of Hawthorne Close and Ynys Lee the development will be readily visible as a darker area immediately below the ridge however, significant areas of the ridge line are already dominated by the darker areas of well-defined forestry plantations.

There are a number of areas where intervening features do not obscure the views, in particular from the main roads including the A4107 Afan Valley Road and higher sections of the B4282 Bryn Road, where the site will be intermittently visible at a distance of between 2 km and 2.7 km, however depending on the speed of travel the development would only be in the field of view for a relatively short periods of time.

With regard to longer distance views including Lletyharri and Sandfields to the south and south west the development is largely restricted by surrounding buildings and vegetation and while the solar array is visible at this distance it is intermittent and is unlikely to affect the visual amenity of residents in these areas.

Accordingly, while there are views of the site as described above, it is considered that these impacts would be local (as opposed to landscape changes on a regional or more widespread scale) and when viewed within the context of a more expansive rural landscape would not be unacceptable, having regard to the national and local policy context.

#### Closer views

The main receptors within the immediate surrounding area are likely to



be people using the local footpaths, bridleways and highway network.

Bwlch road is an unclassified largely single track road serving local farms and dwellings, and while it is used for access between Cimla and Cwmavon, it is in general lightly trafficked.

A visual impact assessment has been carried out on the view taken from the public byway which connects Bwlch Road with Heol Y Graig (byway 111), the view from which is considered to be of medium sensitivity as experienced by users of the footpath. It concludes that the scale of change resulting from the proposed development would result in a moderate adverse impact. The site will also be visible from footpath 107 which is located at a lower level to the south of the site again this will result in a moderate adverse impact.

The central section of the solar array is located immediately below the ridge of Mynydd y Gaer and will be seen from a number of points along the Bwlch Road, which lies approximately 120 metres to 80 metres lower than the site to the south. The proposed development from this viewpoint would create regular pattern of solar panels spread over approximately 24 hectares of open countryside interspersed by ancillary buildings and access tracks. The site will be viewed intermittently from the road by car borne receptors at distances of approximately 400 m to 800m when travelling from Baglan to Cwmavon. When travelling in the opposite direction the solar array is rarely in direct line of sight.

Due to the colour and regular pattern of the panels the character would be markedly different from the grass and scrub vegetation which presently covers the site and would introduce an unfamiliar element into the landscape. However, the predominant features of the view including the field patterns and areas of rough grazing immediately below the site and the darker areas of forestry on the ridgeline to the east and west will compete with the readily discernable areas of solar panels.

Finally, it is considered that the ancillary associated equipment (the substation, inverter cabinets etc.) and enclosures are of a relatively modest scale and it is considered that these aspects of the development, which would be viewed in the direct context of the solar park, would in their own right not impact significantly on the character of the land.

Accordingly, while it is accepted that the development will materially change the character of the site, given the relatively local nature of such impacts it is concluded that any harm arising from the development in

landscape terms will be local and would not unacceptably undermine the character of the countryside or be so severe that it outweighs the benefits in terms of renewable energy production.

In view of the above, it is accepted that the development will materially change the character of the site and that the proposal would have a moderately harmful visual affect and as such the proposal does not fully accord with Policy ENV 1, IE2 and IE6 of The Neath Port Talbot Development Plan. Nevertheless, it is emphasised that the solar park with a capacity of 11.47 MWp would make a significant contribution to meeting targets for renewable energy, with the resultant contribution to the reduction of greenhouse gases according with the government's aims concerning climate change, while also having energy security benefits. These are all important considerations that appeal Inspectors have recently emphasised should be given considerable weight in the overall planning balance. In this respect, they emphasise that landscape and visual impacts are only one part of the assessment, and must be considered alongside the wider environmental, economic and social benefits that arise from renewable projects. Accordingly, notwithstanding the impacts described above, the impact upon the landscape is considered to be acceptable.

### **Archaeology and impact upon the historic environment**

With respect to archaeological issues the applicant has submitted an archaeological desktop study which identifies the hill forts described above. Gwent Glamorgan Archaeological Trust acknowledges that the 50m buffer zones allowed will ensure that there will be no disturbance of the identified sites and accordingly have no objection. With regard to the setting of the monuments GGAT defers to CADW comments.

With regard to impacts upon Scheduled Ancient Monuments and registered Historic Landscapes, Parks and gardens, it is noted the proposed development is located in the vicinity of the scheduled ancient monuments of Buarth y Gaer hill fort and Craig Ty Isaf fort, with special regard to be given to the need to protect their settings.

The proposed development is located on the south facing slope with Buarth Y Gaer 50m off the northern boundary and Craig Ty Isaf 50 m off the southern boundary. CADW have commented that there would be no direct impact upon the sites and that there would be only minor adverse impact in terms of impact upon the settings of the monuments and as such raise no objections to the development. CADW have also commented

that the development will not have any detrimental impact upon the registered historic landscape of Margam Mountain. Natural Resources Wales have confirmed that there would be no detrimental impact upon the setting of Margam Mountain Landscape of Special Historic Interest.

Accordingly the development is considered to have no unacceptable impacts on the historic environment, and thus accords with Policy ENV 22 of the Neath Port Talbot Unitary Development Plan.

### **Residential Amenity:**

Bwlch farm and the associated neighbouring dwelling are the nearest residential properties to the proposed development, with the solar array located within approximately 100 metres, immediately to the rear of these dwellings on steeply rising ground. It is noted that the main habitable rooms of the dwellings are orientated towards the south and this orientation, together with the location of the panels on steeply rising ground and the proposed planting scheme to the perimeter of the development, will ensure that the panels will not be in direct view and despite their proximity will not have any unacceptable overbearing or overshadowing impact upon the residents of these dwellings.

Additional dwellings in the area include Blaen Baglan farm and Tyler Fedwen which are located within approximately 800m to the south west and 400metres to the south east respectively. Both these properties are again orientated in a south westerly direction and will therefore not overlook the proposal although parts of the scheme will be visible from other points within the curtilage of the properties. It is considered that whilst sections of the proposal would be visible from these properties it would appear unlikely that due to the distance and orientation with the site that the development would unacceptably affect the visual amenity of the residents.

This assessment continues to be made in light of the strong emphasis on providing such renewable energy infrastructure in countryside locations, and given the conclusions reached above on landscape impact, it is considered that the degree of visual intrusion would not be so harmful that it unacceptably impacts upon the living conditions of the occupiers.

### **Power connection:**

The plant would be connected to the National Grid. The connection would be approximately 400m north-west of the site boundary, where

there is an existing 132kV transmission line which crosses the site from north-west to south-east. The applicant has confirmed that this element of the proposal does not form part of this application and would require a further planning application.

### **Mining Consultation:**

A coal mining report has been carried out for the site which raises no objections however, in view of the past mining circumstances it is recommended that advice is obtained before beginning work on the site and no development should be undertaken that intersects disturbs or interferes with any coal or mines of coal without permission from the Coal Authority. The applicant is also made aware that there is a requirement for effective measures to prevent gases entering public properties either during investigation or after development.

### **Highway Safety, Access:**

Access to the application site is via Bwlch Road an unclassified road which links Baglan, Cimla and Cwmavon. The application identifies two site accesses one located to the south of the site and one to the west.

It is noted that the site entrance to the west is only accessible via a section of poorly maintained road over a culvert. While the location of the access is considered to be acceptable, a condition is attached requiring the applicant to carry out repairs to this section of road to an adoptable standard prior to work commencing on site. In addition The Head of Engineering and Transport has confirmed that a road condition survey is undertaken of the unclassified highway network in order to identify any damage which may occur as a result of the proposal should planning permission be granted.

The applicant has submitted a Transport Construction Method Statement as part of the application. The strategy sets out the route to be used during the construction phase and the vehicle numbers and types of vehicles together with the timing of deliveries. A vehicle tracking and swept path analysis has also been undertaken for the types of vehicles involved. The proposed route follows the existing route used by bus service 1, commencing from the A4241 along Tabernacle Terrace, Heol Y Parc turning onto Camlais Road onto Cefncoed Road then turning onto Heol Y Bwlch and on to the proposed development site.

The Transport Construction Method Statement details the following.

Weeks 1 and 2 will involve initial deliveries to the site including site security measures such as site security fencing and establishment of a site construction compound. It is estimated that the security fencing and construction compound will result in approximately 24 - 27 HGV deliveries with another 4 - 5 HGVs associated with hedgerow and tree planting. There will be a number of other deliveries to the site including the cabling, machinery and temporary site welfare office. These are expected to total approximately 13 HGV deliveries. This equates to between 3 and four deliveries per day.

Following Week 2, delivery of items such as the inverters, transformers, control room and solar panel support frames (estimated at 1350 frames per lorry load) will result in an estimated 20 deliveries.

Typically, about 360 solar panels can be transported on an HGV. On this basis, delivery of approximately 45,912 panels will result in approximately 128 deliveries to the site.

Spread over 10 weeks (Week 3 – Week 12) this will result in approximately 12 - 13 deliveries per week.

Weeks 13 to 14 would involve commissioning and testing of the works, and the removal of the site compound and temporary welfare. This would result in no more than about 13 HGVs entering the site to remove the items.

In total, construction of the solar park will result in approximately 226 HGV deliveries to the site spread over the 14 week construction period. Therefore, even at the most intense period of construction when solar panels and frames are being delivered, there would not be more than 3 - 5 HGV deliveries per day. In addition the applicant has confirmed that no deliveries will take place between 08:15 – 09:00 and 15:00 – 15:45 (school hours).

Whilst it is acknowledged that there are sections of the road which are subject to on street parking at all times of the day it is noted that in item 2.1.2 of the construction method statement reference is made to rigid lorries up to 11.0 metres in length for which swept path analysis has been carried out. These vehicles are no larger than buses and it is reasonable to assume the vehicles presently use the existing highway to serve farms in the locality. The Head of Engineering and Transport has confirmed that this type of vehicle is the preferred option for all deliveries, it is

therefore intended should planning permission be granted that a condition is imposed that unless otherwise agreed in writing (to cover a one off delivery via articulated lorry) the size of delivery vehicles would be limited to 11.00 metres in length.

It is considered that providing appropriate conditions are imposed there would be no detrimental impact upon highway safety.

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

An extended Phase 1 habitat survey was carried out in December 2013. No evidence of protected species was recorded on the site, it was concluded that the site was of low ecological and biodiversity value and that there would be no loss of protected habitats or species. The report recommends, however, that all retained habitats should be protected in line with best practice guidance and that foraging habitats for badgers be maintained. Natural Resources Wales (NRW) have welcomed the commitment to retain all areas of marshy grassland and scrub and to provide a buffer of native species at the north eastern boundary. It is likely that the land will continue to be used for rough grazing.

The biodiversity section has responded with no objections to the proposal providing suitable conditions are imposed should planning permission be granted.

### **Land Drainage:**

A significant proportion of the application site is located on sloping or steeply sloping topography with an under lying clay boulder substructure. The applicant submitted a surface water impact assessment which detailed the drainage works required for the development. In response the authorities' drainage engineers expressed concern with regard to surface water run off especially the intensification of run off from the lower edges of the solar panels onto steeply sloping ground and requested further detailed designs for drainage channels and ditches. Subsequently a revised scheme was submitted based on these comments, the details included redesigned drainage channels utilising additional materials and construction techniques. The Head of Engineering and Transport considers that the revised scheme has significantly addressed the issues raised, although it is intended to impose a condition should permission be granted requiring details of the scheme to be submitted prior to the commencement of works on site.

## **Decommissioning and Restoration**

In accordance with Policy IE6 at the end of the operational life of the development, the plant would be decommissioned and the site restored in accordance with a Restoration Plan to be approved by the local planning authority. Restoration would entail:

- removal of the solar panels, mounting framework and their supports;
- removal of the inverters, switch rooms, control room and all other above
- ground infrastructure;
- removal of the perimeter security fence and CCTV;
- reinstatement of the land to full agricultural use.

## **Objections**

One objections has been received which states that the proposal will be an eyesore in the countryside. It is considered that this response has been fully addressed in the above report.

## **Community Involvement and Benefits**

TAN 8 Renewable Energy (2005) considers “Community Involvement and Benefits” and recognises the opportunities that large developments provide in making contribution that benefit the community, and experience has shown that there are opportunities to achieve community benefits through major renewable energy developments including solar.

These include where developers offer benefits not directly related to the planning process. However such contributions should not impact on the decision making process, and should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.

Having regard to the above, and to the Authority’s recent success in ensuring other such large-scale renewable energy proposals directly benefit the community from hosting such development, the applicant has offered to provide a community benefit contribution of £10,400 per annum over the lifetime of the development of 25 years.

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

the planning application.

### **Conclusion:**

This application has been assessed with reference to both national and local policies. The national policies are strategically aimed at increasing renewable energy production, in order to achieve reductions in carbon emissions and reducing greenhouse gases. However, these objectives have to be balanced against the impact of such developments upon a number of criteria including primarily visual impacts ecology, the effects on communities within the local area and the visual impact.

In view of the above, it is accepted that the development will materially change the character of the site and that the proposal would have a moderately harmful effect on the character and appearance of their rural surroundings. However, it is concluded that the impact would not be of such a significant impact as to cause undue harm to the visual amenity of the area and would not be unacceptably detrimental to the character of the local landscape in accordance with policies ENV1, ENV3, ENV 13, IE6 of the Neath Port Talbot Unitary Development Plan and Welsh Government Technical Advice Note (TAN 12).

Impacts upon ecology are minimal and no objections have been received from either Natural Resources Wales and the Authority's biodiversity section, it is considered that this is a benign form of development, there are no industrial emissions or by products and ultimately the site can be reinstated after the 25 year operational period. Therefore the proposal accords with policies Policy 1, Policy 2 and ENV5 of the Neath Port Talbot Unitary Development Plan.

The Head of Engineering and Transport has responded with no objections with regard to access during the construction or operational phases the proposal is therefore in accordance with Policy T1 of the Neath Port Talbot Unitary Development Plan.

Bearing in mind the overarching national commitment for the generation of electricity from renewable sources it is considered that these material considerations outweigh any detrimental impacts in terms visual impact. It is noted that there have been no objections from the statutory consultees with regard to impacts upon historic or designated landscapes. It is accepted that both national and local policies offer support to renewable projects and that the criteria detailed in Local and national policies have been met in terms of policies including Planning Policy



Wales (PPW6) and Technical Advice Note (TAN 8) it is therefore recommended that the proposal is approved subject to conditions.

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

**CONDITIONS**

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

Reason

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

(2) The development hereby permitted shall be carried out in accordance with the amended plan REV 1 submitted on 22/4/2014.

Reason

In the interests of clarity

(3) Within 25 years and six months following completion of construction of the development, or within six months of the cessation of electricity generation by the solar photovoltaic facility, or within six months following a permanent cessation of construction works prior to the solar photovoltaic facility coming into operational use, whichever is the sooner, the solar photovoltaic panels, frames, foundations, and all associated structures and fencing hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production or within 25 years of the completion of construction, whichever is the sooner.

Reason:

In the interests of visual amenity

(4) A Decommissioning Plan shall be submitted to and approved in writing by the local planning authority prior to the first beneficial use of the development for the generation of electricity. The Decommissioning Plan shall include details of the works necessary to revert the site to its

original condition, including the method for the removal of all the solar panels, cabins, structures, enclosures, equipment and all other apparatus above and below ground level from the site and details of their destination in terms of waste/recycling, and details of how the site is to be restored to its original condition.

Reason:

In the interests of visual amenity

(5) Prior to the erection of the security fence hereby approved a plan detailing the location of badger gates shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved prior to first beneficial use of the development for the generation of electricity.

Reason

In the interests of biodiversity

(6) The development hereby permitted shall be carried out in accordance with the Transport Construction Method Statement submitted on 7/5/2014.

Reason

In the interests of highway safety

(7) No development shall commence on site until the culvert/road repairs identified in the Addendum to the flood consequences statement dated 10th April 2014 have been completed in accordance with a scheme shall first have been submitted to and approved in writing by the Local Planning Authority, such scheme including:- A minimum pipe diameter of 600mm; Inlet & outlet headwalls; Retaining works; and Reinstatement details.

Reason

In the interests of highway safety and the satisfactory drainage of the site

(8) Prior to work commencing on site a condition survey of the existing unclassified highway network from the junction of the B4286 and Tabernacle Terrace to the site access points shall be submitted to and approved in writing by the Local Planning Authority. On completion of the installation works within the site, a further inspection of the route shall be undertaken and any damage identified as attributable to the

development shall be repaired in accordance with a scheme and agreed timetable which shall first have been submitted to and approved in writing by the Local Planning Authority.

## Reason

In the interests of highway safety

(9) Prior to the installation of any solar panels, a scheme at a scale of 1:500 shall be submitted to and approved in writing by the Local Planning Authority detailing the following:-

a) Location of berms and ditches.

b) Typical construction details.

c) Access tracks details and locations

The scheme shall be implemented as approved prior to the first generation of electricity and shall be retained as such until the cessation of electricity generation.

## Reason

To ensure the adequate drainage of the land

(10) Prior to first beneficial use of the development for the generation of electricity a drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the LPA, and the development shall thereafter be operated in accordance with such approved plan.

## Reason

To ensure the adequate drainage of the land

(11) No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The Method Statement shall identify as a minimum:

1) Storage facilities for all fuels, oils and chemicals

2) Construction compounds, car parks, offices etc

3) Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off

4) Details of measures to ensure no polluting discharge from haul roads/disturbed areas

- 5) Details of the nature, type and quantity of materials to be imported on to the site
- 6) Measures for dealing with any contaminated material (demolition waste or excavated waste)
- 7) Identification of any buried services, such as foul sewers, so that they are protected
- 8) Details of emergency contacts, for example the Environment Agency Pollution hotline 0800 807 060

The development shall be undertaken in accordance with the approved Method Statement, which should be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

Reason

To prevent pollution to controlled waters.

(12) No development shall be commenced until details of the means of connection to the electricity grid from the site have been submitted to and approved in writing by the local planning authority. The grid connection shall be implemented in accordance with the approved details.

Reason

In the interests of clarity

(13) Prior to work commencing on site a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, which shall include details of locations of all existing trees and hedgerows within the site and those to be retained, and details of the composition and specific location of the new hedgerows to be provided within and along the boundaries of the site and additional tree planting within the boundaries. The planting scheme shall be implemented during the first planting season following the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced the next planting season with others of a similar size and the same species unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of visual amenity

(14) No development shall commence until such time as full details of the proposed site compound - to include details of any site office, parking, manoeuvring areas, enclosures and storage areas - and the precise route and any alterations to facilitate the temporary access to the site, have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity

(15) Within two months of the completion of construction of the development, the temporary construction compound and access (where such access route included a new route or hard surfacing) shall be removed from site and the land restored in accordance with a scheme, the details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity.

(16) No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours: Monday to Friday 0800 – 1800; Saturday 0800 – 1300; Unless such work:

a) is associated with an emergency (relating to health and safety or environmental issues);

(b) is carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents.

#### 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.

This application has been assessed with reference to both national and local policies. The national policies are strategically aimed at increasing renewable energy production, in order to achieve reductions in carbon emissions and reducing greenhouse gases. However, these objectives have to be balanced against the impact of such developments upon a number of criteria including primarily visual impacts ecology, the affects on communities within the local area and the visual impact. In view of the above, it is accepted that the development will materially change the character of the site and that the proposal would have a moderately harmful effect on the character and appearance of their rural surroundings however it considered that the impact would not be of such a significant impact as to cause undue harm to the visual amenity of the area would not be unacceptably detrimental to the character of the local landscape in accordance with policies ENV1, ENV3, ENV 13, IE6 of the Neath Port Talbot Unitary Development Plan and Welsh Government Technical Advice Note (TAN 12).

Impacts upon ecology are minimal and no objections have been received from either Natural Resources Wales and the Authority's biodiversity section, it is considered that this is a benign form of development, there are no industrial emissions or by products and ultimately the site can be reinstated after the 25 year operational period. Therefore the proposal accords with policies Policy 1, Policy 2 and ENV5 of the Neath Port Talbot Unitary Development Plan.

The Head of Engineering and Transport has responded with no objections with regard to access during the construction or operational phases the proposal is therefore in accordance with Policy T1 of the Neath Port Talbot Unitary Development Plan.

Bearing in mind the overarching national commitment for the generation of electricity from renewable sources it is considered that these material considerations outweigh any detrimental impacts in terms visual impact. It is noted that there have been no objections from the statutory consultees with regard to impacts upon historic or designated landscapes. It is accepted that both national and local policies offer support to renewable projects and that the criteria detailed in Local and national policies have been met in terms of policies including Planning Policy Wales (PPW6) and Technical Advice Note (TAN 8) it is therefore recommended that the proposal is approved subject to conditions.

<b><u>ITEM 1.2</u></b>	
<b><u>APPLICATION NO:</u> P/2014/46</b>	<b><u>DATE:</u> 17/02/2014</b>
<b>PROPOSAL: Demolition of existing industrial buildings and replacement with 34 no. residential units with associated parking, access and landscaping works</b>	
<b>LOCATION: Land At Green Park Industrial Estate, Green Park Street, Aberavon, Port Talbot, SA12 6LD</b>	
<b>APPLICANT: Mr Dom Amirat</b>	
<b>TYPE: Full Plans</b>	
<b>WARD: Aberavon</b>	

### **Background Information**

Cllr Tony Taylor requested on 9.4.14 that the application be determined at Committee, as he considers that it is an important development for the Aberavon Ward and that this is a chance to openly debate this application which would help the transparency of the process.

### **Planning History**

**P2007/0412** – Outline application for the redevelopment of industrial Estate to provide new trade counter/commercial unit and a zone of residential development – Not yet determined.

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

The application was advertised on site, and in the press as a major development on 27<sup>th</sup> February 2014, and 1 neighbouring property was consulted: To date no responses have been received.

Head Of Engineering and Transport (Highways) - No objection subject to conditions

Head Of Engineering and Transport (Drainage) - No objection subject to conditions

Welsh Water - No objection subject to conditions

Natural Resources Wales - No objections subject to conditions



Coal Authority – No objections

Glamorgan Gwent Archaeological Trust – No objections subject the submission of an archaeological evaluation.

Contaminated Land Officer –No objection subject to conditions

Biodiversity Unit – No objections subject to conditions

Property and Regeneration – No response to date

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

The application site comprises an irregular shaped parcel of land located between Green Park Street and Water Street. It has a site area of approximately 0.73 Ha and is relatively flat. The site is centrally located within the urban area of Aberavon. The majority of the site is currently occupied by a large industrial building with associated car parking and a storage yard. The site is also enclosed to the direct northern corner by Brandon Tool Hire, whilst a public house, The Craddock Arms and a fast food restaurant/drive through takeaway lie adjacent to the north-east and south west respectively. Further to the south of the site lies the River Afan, wherein a national cycle path runs alongside the river.

Historically, the application site formed part of a large industrial estate, however many of the neighbouring industrial units have been removed, including those along the river bank. The majority of the application site is currently occupied by a builders merchant which comprises of a large industrial building with associated car parking and storage court yard. The remaining part of the site which is bounded by Water Street and the site of Brandon Tool Hire comprises of a long parcel of land laid to grass with areas of vegetation and hardstandings.

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:**

Full planning permission is sought for the construction of 34 residential units with associated car parking and landscaping. The overall schedule of accommodation is as follows:

- 14 no. 2 bedroomed dwellings
- 7 no. 3 bedroom houses
- 5 no. 2 bedroomed bungalows
- 4 no. 2 bedroomed flats
- 4 no. 1 bedroomed flats.

The applicant has submitted details of the proposed external materials as follows:-

- Roofs: grey concrete tiles (smooth grey colour).
- Walls: facing brickwork and timber cladding features.
- Doors and window frames will be constructed of upvc.

In respect of proposed means of enclosures, the developer has submitted a detailed scheme in support of the application. This specifies a 2 metre brickwork walls where applicable to the side of the dwellings and close boarded fencing of between 1.2 and 1.8 metres to the side and rear of the properties.

The submitted layout indicates that the development would be served by a single vehicular access road located centrally along Green Park Street, which would lead internally into a circular turning area from which the internal estate road extend either side in a T shape. A new pedestrian access from Water Street will connect to the turning area.

Two storey dwellings are proposed along the frontage of Green Park Street and the dual aspect blocks of flats are proposed either side of the new pedestrian walkway fronting Water Street. Within the site a further 5 bungalows and 3 dwellings will be sited either side of the internal estate road.

## **Statutory Requirements**

### **Environmental Impact Assessment**

Under The Town and Country Planning (Environmental Impact Assessment ) (Amendments) (Wales) Regulations 2008, the proposal is considered to be an infrastructure project with a site area exceeding 0.5ha falling within Schedule 2 and a screening opinion has to be made as to whether an EIA is required.

In assessing whether an EIA is required, regard must be had to the

characteristics of the development, including its size, cumulation with other developments, use of natural resources, production of waste, pollution and nuisance and the risk of accidents having regard to the substances and technologies used; the location of the development and the characteristics of the potential impact.

Having regard to the above, it was concluded that the development would be unlikely to have a significant environmental effect and is not therefore EIA development.

### **Material Considerations:**

The main issues for consideration with regard to this application relate to the acceptability of this development in terms of land use; the appropriateness of the design having regard to the character of the surrounding area; the impact upon the amenities of neighbouring residents; the impact upon highway and pedestrian safety and lastly the impact upon biodiversity having regard to development plan 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
- H2 Housing Density
- H3 Infill and Windfall Development within Settlement Limits
- H4 Affordable Housing
- ENV5 Nature Conservation
- RO3 Provision of Open Space to Serve New Residential Developments
- ENV11 Proposals in Areas of Flood Risk
- ENV13 Brownfield, Derelict and Waste Land

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

Technical Advice Note (TAN) 15: Development and Flood Risk

Affordable Housing Supplementary Planning Guidance.

### **Principle of Development**

The site is currently in employment use, but is not allocated within the UDP. Although not able to be given great weight in the assessment, it is nevertheless pertinent that the emerging Local Development Plan seeks to allocate the site as part of the Harbourside Strategic Regeneration Area (SRA), with residential use the preferred option. The site is also identified as a key site by the Council's Vibrant and Viable Places programme (VVP).

Within this context, and having regard to the existing acceptable employment landbank, the loss of employment and replacement by residential development is considered to be acceptable in the context of Policy EC1.

Having regard to the above, as the application site is located within the settlement limits defined by Policy H3 in the UDP, the principle of residential development at this location is generally acceptable, provided there are no overriding highway, amenity or service objections. The site has previously been developed for industrial purposes and is therefore considered to be brownfield land and its redevelopment is therefore in accordance with Policy ENV13 of the UDP. It also represents an important element of the Harbourside Regeneration Area whose use for residential is to be welcomed.

With regards to Policy H2 of the UDP specifically, this refers to housing density. It states that:

“Proposals will generally be expected to achieve a density of 30 dwellings per hectare, and higher where the proposal is sited at or immediately adjacent to locations with good public transport accessibility such as town, district, village and local centres or in public transport corridors. In the interests of sustainability and to avoid the unnecessary loss of land to development, the Authority is concerned to ensure that the land taken by development is minimised (while recognising that the range of sites will need to provide a mix of housing types and sizes). Generally, the Authority will expect residential development proposals whether on previously developed land or green field sites to achieve a density of 30 dwellings per hectare (having excluded major distributor roads, schools, open spaces serving a wider area and significant landscape corridors, but including access roads within the site, private garden space, car parking areas, incidental open space, landscaping and children's play areas). Higher density development will be expected within and adjacent to areas which are well located in terms of good public transport accessibility and

existing centres and this should be reflected with regard to on-site parking provision”.

In this particular case, the site provides 34 dwelling units on an area of 0.73 hectares, which equates to 46.5 dwellings per hectare. As this exceeds the 30 dwellings per hectare minimum specified in the UDP, it is considered that the proposed layout will result in the development of a site, the density and design of which is in accordance with the broad thrust of the criteria within Policy H2, in addition to national guidance, which encourages the most efficient use of land in sustainable locations.

With regards to policy H4, affordable housing, although this application would exceed the threshold in the Affordable Housing SPG, it should be noted that the development would be undertaken by Coastal Housing Group who are a Registered Social Landlord. As such, it would be entirely Affordable Housing. It is considered that it would meet the requirements of the SPG, and would not require a Section 106 Legal Agreement for the provision of Affordable Housing in this instance.

Turning to the issue of open space, this site is within the Harbourside Regeneration Area and forms part of the Vibrant and Viable Places (VVP) Strategy. This Strategy proposes a suite of different projects which aim to introduce a range of different land uses and associated public realm to regenerate both Port Talbot town centre and the Harbourside area. In addition to the development which is the subject of this application, it is also proposed to introduce a riverside park which will be sited immediately adjacent to the application site and will run along the length of the River Afon. Given the need to maximise the use of sustainably located sites, it is not appropriate in this specific case to incorporate public open space on the site when a larger scale provision is proposed in the immediate vicinity of the site which will benefit the residents of the development as well as the wider community. It is therefore considered that the delivery of public open space adjacent to the site addresses the requirements of Policy RO3 of the UDP.

In respect of Code for Sustainable Homes and TAN 22, the applicant has provided a pre-assessment to demonstrate that the proposed dwellings would reach the required Code Level 3 and achieve 1 credit under category ENE1. Suitably worded conditions will be imposed on the permission, should it be granted, requiring a design stage assessment and related certification, together with a post construction stage assessment and a final code certificate indicating the levels achieved.

Issues of design, highway safety, flooding and biodiversity are addressed in the report below.

### **Visual Amenity:**

In respect of the siting and design of the proposed dwellings, the area is characterised by a mixture of commercial and residential properties of differing design and external materials with no defined local vernacular. The nearby residential properties along Water Street comprise a mix of two storey semi-detached and terraced dwellings finished in a mix of render, brick, pebbledash and stone walls. The adjoining Brandon Tool Hire is finished in painted blue render. The restaurant/drive through takeaway is of modern design finished in brickwork and the adjacent public house is of traditional design finished in render.

Within this mixed context, it is considered that the layout, design features which extend through the proposed development and materials of the proposed units would form a development of its own character, and would complement the existing neighbouring properties. It would also represent the development of a site which currently detracts from the wider character of the area and, accordingly, it is considered that the overall development would have a positive impact upon the character and appearance of the surrounding area and would be acceptable in terms of visual amenity.

### **Residential Amenity:**

The proposal is for residential development within defined settlement limits, located within a mixed residential and commercial area. As such it is not considered that the land use or development of the site for residential use would impact upon the amenity of any adjoining development through the principle of development at this site.

In respect of potential overbearing and overshadowing, it should be noted that the application site is bounded by roads on all sides and the existing tool hire business, with the only residential accommodation in close proximity to the site being the first floor living accommodation above The Craddock Arms. The public house will be located some 14.5 metres from the proposed dwellings on the opposite side of Green Park Street, and it is considered that the separation distances between the public house and the new build development opposite would ensure that there are no adverse effects on residential amenity in terms of overshadowing and overbearance.

With regard to any potential overlooking between the public house and the proposed dwellings, there will be a minimum distance of 14.5 metres between the public house which is sited below road level and the proposed dwelling at plot 19. It is considered that due to the distance across an existing road and the difference in ground levels, in addition to the fact the first floor windows can already be partly viewed from the adjoining highway, then this distance is acceptable, also having regard to the positive benefits identified above and the nature of development in the surrounding area which exhibit similar separation distances.

Turning to potential overlooking issues within the development, the distances between habitable room windows do not meet the guidelines in relation to the single storey properties. However it is considered that by virtue of the single storey nature of the bungalows located within the site, that the use of suitable boundary treatments will eliminate any invasion of privacy in terms of distances allowable between the habitable room windows of the proposed properties located at plots 11-16 and the bungalows located at plot 22, 23 and 24.

Whilst the distance between the bungalow at plot 24 and the two storey dwelling at plot 25 will only be 12 metres, given the constraints of the site in terms of its width and the need to achieve an acceptable layout it is considered that the siting of the properties could not be amended to increase the separation distances between the two dwellings. As this is a new build site and the windows would be 'new build to new build' a relaxation of the guidelines would be acceptable in this instance, especially as refusal of the application could not be justified on this particular ground.

The private amenity space afforded to the future occupiers of the development is considered to be adequate and is considered to be suitable to serve residential units of the sizes put forward by the applicant. A condition will be attached to any permission given which removes the permitted development rights for extensions and outbuildings in order to protect the amenity areas from further development.

It is therefore considered that the overall proposed development would be acceptable in terms of residential amenity.

### **Flooding and Drainage:**

In respect of the proposed drainage of the site, it should be noted that a detailed drainage scheme was submitted in support of this application. It is proposed that the development shall connect to the main sewer as means of disposal of foul sewage, and will be conditioned that surface water will be disposed via a sustainable drainage system. Whilst the Head of Engineering and Transport (Drainage Section) requires some further information regarding the technical aspects of the submitted scheme, they offer no objection to the principle of the development, subject to conditions. As the Head of Engineering and Transport (Drainage Section) and Welsh Water both offer no objection to the proposed development, subject to conditions, the principle of the development is considered acceptable in terms of drainage.

In relation to flooding the site has been identified within Zone C1 under the Development Advice Maps for TAN15 purposes, advises that development in Flood Zone C1 can only proceed where it is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; it concurs with the aims of PPW and meets the definition of previously developed land, and the consequences of flooding can be managed to an acceptable level.

As identified above, the site forms part of a local regeneration initiative within the deposit LDP, is a brownfield site and is necessary to sustain the existing settlement. In addition, as part of this application the applicant has submitted a Hydrological Study & Flood Consequences Assessment. Natural Resources Wales have reviewed the document and are satisfied that the assessment covers all of the required flood scenarios and demonstrates that the residential development can comply with the requirements of TAN15.

Accordingly, it is concluded that the development is acceptable in terms of flooding.

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

The Council's adopted standards requires the provision of a maximum parking provision of 53 car parking spaces and 8 visitor spaces, a total of 61 spaces, however only 50 spaces are proposed under this application.

It is noted that the floor area of the proposed 2 and 3 bedroomed dwellings would measure less than 120m<sup>2</sup>. As such, each dwelling will



be provided with the required driveway parking for two vehicles within driveways for each dwelling or within allocated car parking bays in the vicinity of the properties. Each of the flats and bungalows will be provided with a single car parking space.

Notwithstanding this shortfall, the guidelines state in assessing the parking requirements, the planning authority for certain developments (eg public sector housing and Housing association developments) where there is evidence of low car ownership levels, a relaxation of the parking requirements may be considered. The planning application proposes 34 affordable residential units where car ownership is typically less than that exhibited by private market housing. In addition the site is sustainably located near to Port Talbot town centre in proximity of both the town's bus and railway station, and is also within easy walking distance of the town centre. It is therefore considered that the sustainable location of this site would justify occupiers being less reliant on the car and as such would require less parking spaces.

Having regard to the above, it is considered that the car parking provision is sufficient for the scale and nature of the development due to the sustainability of the site and the fact the development is affordable housing, while also maximising the use of a sustainable brownfield site in the regeneration Area.

The development will be served by a centrally located turning area for larger vehicles (such as a refuse lorry) to be able to service the site, including provision of an acceptable reversing distance to allow for refuse collection, together with the necessary vision splays and junction protection markings.

As the Head of Engineering and Transport (Highways Section) offers no objection to the proposal, subject to conditions, it is considered that the proposed layout, access and parking arrangements would be acceptable in terms of highway and pedestrian safety, and there is also sufficient capacity within the highway network to accommodate a development of this size. The proposal therefore does not have a negative impact on highway and pedestrian safety.

### **Pollution (air and ground):**

The Land Contamination Section offers no objections subject to the imposition of conditions. These conditions are concerned with identifying the extent and nature of any contamination on site and any remediation scheme that may need to be implemented as a result.

Natural Resources Wales has commented that the site due to its historic use may have ground contamination. The controlled waters at this site are considered to be of high environmental sensitivity as the site is within close proximity to the River Afan and thus conditions have been attached requiring assessments, site investigations and appropriate remediation as may be required.

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

With regards to biodiversity, it should be noted that there are currently no particular landscaping features on the site. The Biodiversity Officer noted that it is unlikely that bats will be present at the site. However if bats are present then work should stop immediately and NRW should be contacted for a license. Also if at any point in the development period, otter are discovered or suspected to be holting in the stretch of river adjacent to the site, then works in the vicinity should cease immediately and expert advice sought. This will be subject to an advisory note. A buffer zone of 7 metres between the river and the development has also been requested, however the proposed development is in excess of 25 metres from the river bank and thus this condition has not been attached. All new dwellings are also conditioned to include artificial nesting sites for birds.

In respect of landscaping of the site, as no specific details have been provided in support of the application, it will be a condition of any consent that a landscaping scheme is submitted and should contain a majority of wildlife friendly native planting, including nectar sources for bees for subsequent approval, to ensure the finished scheme is acceptable in terms of visual amenity and biodiversity.

### **Glamorgan Gwent Archeological Trust**

Glamorgan Gwent Archeological Trust have identified that the application site was previously occupied by the former Afon Vale Tin Plate Works. The buildings of the Tin Plate Works were demolished in

the early twentieth century; it is considered that there is a substantial possibility that archaeological remains, such as foundations and other features and finds associated with this industrial site still exist below ground level. Glamorgan Gwent Archeological Trust therefore advised that there is a need for an archaeological evaluation of the area prior to the determination of the application.

However during the processing of this application the archaeological evaluation has commenced on site and continues as specified in the project design. A number of trenches have been opened and archaeological remains recorded. In order not to delay the determination of this application and in view of the investigation work that has already commenced on site it is considered that a condition be imposed requiring a written scheme of investigation and the works completed in accordance with this scheme to be submitted prior to the demolition of any buildings or the commencement of the development. Such a condition will still give any archaeological remains the same protection as would be the case if the condition recommended by GGAT was imposed.

### **Others (including objections):**

South Wales Police

The crime prevention officer offered a number of comments on the layout and design of the proposed dwellings. A number of points were raised that have already been included within the design and layout of the development for example a kissing gate at the pedestrian access through the site from Water Street to prevent motor vehicles using the access. However some points were raised which are not considered to be planning matters such as the location of drain pipes and types of front door locks, the full submitted report shall be passed on to the developer for their information.

### **Conclusion:**

It is considered that the proposed development provides a sustainable, accessible and visually acceptable form of development which will not significantly impact upon the amenities of neighbouring properties, while enhancing the character and visual amenity of the area as a whole. Furthermore, the development would not have a significant impact upon highway and pedestrian safety, nor upon existing services including foul and surface water discharges or ecological issues. Accordingly, the proposed development would be in accordance with Policies GC1, ENV17, T1, H2, H3, H4, ENV5, and RO3 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) 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.

(3) No development shall take place, including any demolition works, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:-

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and Unloading of plant and materials
- (c) Storage of plant and machinery used in constructing the development
- (d) The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt onto the highway

Reason

In the interests of highway safety.

(4) No dwelling shall be occupied until its respective parking space(s), as detailed on Drawing No. HG.12.90.06 Rev I, have been provided and/or clearly marked out on site, and such approved parking space(s) shall thereafter be retained in perpetuity.

Reason

To ensure the dwellings are served by adequate parking provision, in the interests of highway safety.

(5) Parking spaces shall be surfaced in a porous material, or provision made to direct surface water run-off from the hard surface to a permeable porous area. Driveways shall be drained so that no surface water (including roof and yard) flows out onto the public highway, and shall not drain directly into the highway drainage network.

Reason

In the interests of highway safety.

(6) Unless otherwise agreed in writing, prior to occupation of the first dwelling, a surfaced (binder course level) and lit footway shall be provided fronting the property and linking onto the nearest public highway.

Reason

In the interests of highway safety.

(7) Prior to works commencing on building works, a scheme showing:-

(i) Surface water drainage proposals (Greenfield discharge rate to apply).

(ii) Street lighting proposals.

(iii) Longitudinal and vertical carriageway alignment shall be submitted to and improved by the Local Planning Authority and the scheme implemented as approved.

Reason

In the interests of highway safety.

(8) Unless otherwise agreed in writing by the Local Planning Authority pedestrian vision splays of 2.4 metres by 2.4 metres (measured back from back of footway) shall be provided prior to occupation of each dwelling and maintained each side of each vehicular access within which nothing over 600mm in height shall be erected or allowed to grow and shall be retained as such thereafter.

Reason

In the interests of highway safety.

(9) Notwithstanding the submitted Drawing No. HG.12.90.06 Rev I, a revised scheme shall be submitted for approval by the Local Planning Authority, showing bollards being placed in the grass verge along the main access road into the site, and the approved scheme shall be implemented as approved prior to the occupation of the 20th dwelling and thereafter retained.

Reason

In the interests of highway safety.

(10) Prior to works commencing on the development, a scheme shall be submitted to and approved in writing by the local planning authority, detailing improvements to the existing footway on Green Park Street around the boundary of the site. This scheme, as approved by the Local Planning Authority, shall be completed prior to first occupation of any dwelling.

Reason

In the interests of highway safety.

(11) No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the provided, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a for its implementation; and

iii) provide a management and maintenance plan for the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

#### Reason

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

(12) No building shall be occupied until the sustainable urban drainage scheme for the site has been completed in accordance with the details approved under condition 11. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

#### Reason

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

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

#### Reason

To protect the integrity of the public sewerage system

(14) 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.

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

(WLGA, WAG & EAW, July 2006) and shall be submitted as a written report which shall include:

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

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

(iii) an assessment of the potential risks to:

- human health,
- ground waters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments;

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

Reason:

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

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



proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason:

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

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

Reason:

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

(18) 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.

(19) Prior to the commencement of work on site a scheme for landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, taking into account potential growth, together with measures for their protection in the course of development shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be carried out in the first planting season after completion of the development or its occupation, whichever is the sooner and any trees or plants which within a period of five years are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the local planning authority gives written consent to any variation.

## Reason

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

(20) Prior to occupation of any dwelling / building hereby permitted, an artificial nesting site for birds shall be erected on the dwelling/building 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.

(21) No demolition and development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

#### Reason

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

(22) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 21.

#### Reason

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

(23) Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve 6 credits under category Ene1 if the site was registered with a Code Assessor prior to 11th December 2010 in accordance with the requirements of Code for Sustainable Homes: Technical Guide April 2009, or Level 3 and 1 credit under category Ene1 of the code if the site was registered on or after 11<sup>th</sup> December 2010 in accordance with the requirements of Code for Sustainable Homes: Technical Guidance November 2010.

#### Reason

In the interests of Sustainability.

(24) No development of any dwelling hereby approved shall commence until details of a Code for Sustainable Homes 'Design Stage' assessment and related certification certifying that Code Level 3 and 6 Credits under Ene1 are achieved if the site was registered with a Code Assessor prior to 11<sup>th</sup> 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 11<sup>th</sup> 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.

(25) Unless otherwise agreed in writing, no dwelling hereby approved shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out in relation to it, and a Final Code Certificate has been issued for it certifying that Code Level 3 and 6 Credits under Ene1 have been achieved under Technical Guide April 2009, if the site was registered with a code assessor prior to 11<sup>th</sup> 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 11<sup>th</sup> 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.

(26) Any gates provided across the access drives shall be of a type which open inwards only.

Reason

In the interests of highway and pedestrian safety.

(27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order with or without modification), there shall be no extension or external alteration to any building forming part of the development hereby permitted (including the erection of a detached garage) without the prior grant of planning permission in that behalf.

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 extensions, having regard to the particular layout and design of the estate.

(28) No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To prevent pollution of controlled waters from contamination.

(29) No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and

approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

#### Reasons

To prevent pollution of controlled waters from contamination.

(30) No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

#### Reasons

To prevent pollution of controlled waters from contamination

(31) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

#### Reasons

To prevent pollution of controlled waters from contamination

(32) Notwithstanding the provisions of the Town and Country Planning  
(33) Order 1995 (as amended for Wales) (or any order revoking and re-

enacting that Order with or without modification), no fences, gates or walls (other than those expressly authorised by this permission and shown on plan no. HG.12.90.06 Rev. I.) shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason:

In the interest of visual amenity

(33) Notwithstanding the provisions of Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and shown on plan no. HG.12.90.06 Rev. I.



Reason:

To ensure the dwellings are served by adequate and appropriate private amenity space and in the interests of visual amenity.

## REASON FOR GRANTING PLANNING PERMISSION

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

It is considered that the proposed development provides a sustainable, accessible and visually acceptable form of development which will not significantly impact upon the amenities of neighbouring properties, while enhancing the character and visual amenity of the area as a whole. Furthermore, the development would not have a significant impact upon highway and pedestrian safety, nor upon existing services including foul and surface water discharges or ecological issues. Hence the proposed development would be in accordance with Policies GC1, ENV17, T1, H2, H3, H4, ENV5, and RO3 of the Neath Port Talbot Unitary Development Plan.

## 2. PLANNING APPLICATIONS RECOMMENDED FOR REFUSAL

<b><u>ITEM 2.1</u></b>	
<b><u>APPLICATION NO:</u> P/2012/759</b>	<b><u>DATE:</u> 16/11/2012</b>
<b>PROPOSAL: Exploratory driveage and associated engineering works to investigate coal seam</b>	
<b>LOCATION: Pen y Darren, Cwm Du Valley, Godregraig</b>	
<b>APPLICANT: Western Carbons Ltd</b>	
<b>TYPE: Minerals</b>	
<b>WARD: Ystalyfera</b>	

### **BACKGROUND INFORMATION**

#### **a. 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 ENV5 – Nature conservation

Policy ENV12 – Proposals affecting water resources

Policy ENV14 – Unstable land

Policy ENV15 – Air quality

Policy ENV24 – Archaeological Recording

Policy ENV29 – Environmental quality and amenity

Policy T1 – Location, layout and accessibility of new proposals

Policy M1 – Mineral Prospecting and Exploration

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

Policy M10 – Restoration and aftercare.

**b. Other Policies**

Planning Policy Wales – (Edition 6 February 2014)  
Minerals Planning Policy Wales – (December 2000)  
Mineral Technical Advice Note (Wales)2: Coal – (January 2009)  
Mineral Planning Guidance 11 – The Control of Noise at Surface  
Mineral Workings (except paragraphs 31 to 42)  
TAN 5 – Nature Conservation and Planning (September 2009)  
TAN 11 – Noise (October 1997)

**c. Relevant Planning History**

W8280 – Proposed mine near Penydarren – Approved 25<sup>th</sup> March 1957.

2/2/82/0036 – Proposed coal mine Nr. Penydarren Farm on Forestry Commission land – Ynysmeudwy – Refused 5<sup>th</sup> July 1982.

Appeal P82/289 – Appeal against refusal to grant planning permission for coal mine Nr. Penydarren Farm, Nr. Ynysmeudwy under P.A. Ref. 2/2/82/0036 - Appeal dismissed December 1983.

2/2/84/0602/03 – Proposed coal mine north of Penydarren Farm – Approved 21<sup>st</sup> August 1985 subject to conditions including the provision of alternative water supplies.

2/2/87/0597/03 – Proposed renewal of consent and extension of underground take area – (Pentwyn Colliery). Approved 29<sup>th</sup> June 1988 (subject to conditions and Section 52 Agreement for alternative water supplies).

2/2/93/0066/03 – Renewal of planning permission for mine and small extension of take to accommodate new roadways – (Pentwyn Colliery) – Approved (subject to conditions and S.106 Agreement for alternative water supplies). Approved 14<sup>th</sup> October 1994.

P2009/0769 – Proposed new underground coal mine, Penydarren Nr. Godrergraig. Refused on highway grounds 26<sup>th</sup> October 2011.

**Publicity And Responses to Consultations**

The application was first advertised in the press in December 2012 and site notices were placed at the site and access point and within Rhiwfawr

village on 30<sup>th</sup> November 2012. Further information was subsequently advertised in July 2013 and site notices placed again at the same locations on 1<sup>st</sup> July 2013.

## **Representations**

Roger Williams MP for Brecon and Radnorshire objects to the proposals on behalf of residents of Bridge Street and Golden Lion Terrace, Lower Cwmtwrch on the grounds of the inadequacy of the width of the road through Bridge Street and along Rhiwfawr Road, the lack of footway along this part of the route and that large vehicles would be travelling through narrow streets in Cwmtwrch. He also raises concerns regarding the potential effects of pollution on the spawning areas for salmon in the Cwm Du River.

Councillor Sandra Davies (Local Member for Lower Cwmtwrch – Powys County Council) objects to the use of the access route towards Bridge Street and has serious concerns regarding the health and safety for the residents of Bridge Street and Golden Lion Terrace, the adequacy of the mini roundabout onto the A4068 and suggests a much safer route exists currently used by heavy goods vehicles.

A petition in the form of individual letters containing 332 names and addresses from the Tegwch Action for Ystalyfera/Godrergrraig object to the development because further mining development is proposed, notwithstanding the Halcrow Report 1990 Section 110

“emphasises the need to avoid potentially destabilising influences not only on the slope above the properties concerned but also within the remainder of the landslide area between the properties and the valley floor. Activities associated with changes in surface water flows, mining or development involving any excavation or filling in the landslide area needs to be avoided or rigorously controlled”

And it is claimed that a failure to observe these precautionary measures could result in an adverse change in the current stable condition and possible damaging slope movements.

A further 101 letters have been received objecting to the development. The comments and issues are summarised as follows.

- Representations made on the Hydrogeological assessment and possible connection between existing areas of instability and existing underground working outfalls from adits.
- The development will cause pollution, thereby affecting the important spawning areas for salmon and sea trout in the Cwmdru River.
- The development will have an impact on the stability of the mountain.
- Inadequate benefits from the development in economic terms.
- Impacts on common land.
- The potential to have an impact on underground water flows, exacerbate the problems at Pantteg and Godrergraig and potentially overload and add to water discharges from existing adits when the works are abandoned and increase landslip risks to areas to the south and above Godrergraig school.
- There are significant numbers of species of birds and mammals, bats and other flora and fauna that would be affected.
- Noise is already a factor from the quarries nearby and the proposal would create greater disturbance.
- The development will have a potential impact on local water supplies, thereby having an effect on homes, businesses and livelihoods.
- The application is a “coal mine by the back door”.
- The potential impact on existing water conditions and old coal workings.
- The use of the lane connecting the concrete road to Graig Twrch has never been used by the Forestry Commission or quarries.
- Concerns with the Transport Statement and number of vehicles set out in the report.

- The Rhiwfawr Road has vehicles travelling at a much greater speed than is set out in the Transport Statement.
- The criteria of the visibility splays will cause damage to vegetation, trees and will be substandard and will not comply with sight and stopping distances from the exit and contravenes TAN 18 (Transport).
- The connecting lane and single track is narrow and two lorries would not be able to pass on this stretch of access and would reverse out onto the public highway.
- Lorries would not be able to stop on steep gradients and if the coal lorries were directed towards Lower Cwmtwrch (and the new bridge at Bridge Street) the width of the road is too narrow for two lorries to pass.
- Lack of footpaths along the route to Lower Cwmtwrch and Bridge Street.
- The reasons for refusing the previous application for a small mine (highway grounds) have not been met and the route through Rhiwfawr and Cwmllynfell is narrow and winding in parts.
- The visibility splays at the access point would be on private land.
- The use of the small lane would have an impact on Graig Twrch Farm and have the potential to cause accidents and fatalities.
- Dust will have an effect on health and the environment.
- Impact on adjacent footpaths.
- The development is not necessary as other sources of anthracite are available.
- Potential increased water flows from existing adits and springs.
- The ecological report is inadequate.
- Further instability and landslips will occur if mining is allowed and blasting is undertaken along with old workings filled with water

and emerging out and causing major structural damage and could put lives at risk.

- Lack of enforcement on other mining developments.
- Inaccuracies and inconsistencies within the application.

**Natural Resources Wales (NRW)** – have made observations that relate to the water environment, ecology and biodiversity and the use of the land as a forestry plantation. With regard to the water environment and notwithstanding the details submitted, they have sought additional details and discussions on the proposed surface water management plan and the need for a comprehensive pollution prevention plan. Regarding ecology and landscape, NRW refers to the previous advice from the Countryside Council for Wales who did not object to the development on ecological grounds, the effects on the Gwrhyd Meadows SSSI and protected species or on landscape and visual grounds. NRW is satisfied with the restoration strategy proposed on its own forestry land subject to conditions.

**Environmental Policy (Air Quality Section)** – No objections

**Head of Business, Strategy and Public protection (Noise)** – No reply therefore no comments to make.

**Head of Engineering and Transport (Highways)** – No objection subject to conditions relating to the improvement of visibility at the access point with the public highway at Graig Twrch and the provision of the salting of the access point during the winter months 1<sup>st</sup> October to 1<sup>st</sup> April. Whilst the Highways Officer has no objection on highway and safety grounds to the proposed coal traffic and travelling via Rhiwfawr, the preferred option would be to encourage the coal lorries to turn right at the junction with the public highway at Graig Twrch and take the shorter route via Bridge Street in Lower Cwmtwrch and then onto the A4068.

**Head of Engineering and Transport (Drainage)** – the Drainage Officer has indicated that the size and provision of an attenuation settling lagoon needs reviewing and the drainage layout reconsidered.

**Biodiversity Unit** – whilst expressing some concern on the biodiversity data provided regarding birds the advice states that if planning permission was granted appropriate information and conditions would need to be adopted regarding a strategy for the assessment of “impacts from felling” and disturbance of operation on Schedule 1 Birds (WCA 1981)” together

with any mitigation along with pre development checks on badgers, retention of trees for bat flight lines, the mitigation on light pollution that could affect bats, and the planting of the site following restoration with suitable species to provide a balanced broadleaf woodland ecosystem.

**HM Inspectorate of Mines** – comment on the purpose of the application to investigate the seam and state that they are unclear why information cannot be gleaned from past mining experiences or from one or more dedicated boreholes. Nevertheless they do not consider the driveage or associated works would have an effect on the stability of the land and whilst the need to pump water from the driveage is noted and that it is a standard mining operation, they consider this could be adequately controlled and they do not have any objection to the application.

**Powys County Council (Transportation and Development Enablement Section)** – expresses concerns on any proposed use of Bridge Street in Cwmtwrch but cannot justify a refusal for the 3 vehicles (coal) lorries per day subject to time limits to alleviate school pedestrian concerns.

**Cwmllynfell Community Council** – note that the transport statement indicates that lorries would travel through Rhiwfawr and Cwmllynfell and therefore object to the proposal. However, they would not object if access was derived via the new (repaired) bridge at Lower Cwmtwrch. They also note the improvements to the visibility at the access point in Graig Twrch and would seek that if planning permission is granted such visibility improvements are satisfactory to obviate any danger.

**Glamorgan Gwent Archaeological Trust** – taking account of the information available there are no known archaeological features within the application area or that could be affected by the access routes and no features are rated within the Historic OS maps and therefore it is unlikely that archaeological material will be disturbed and consequently have no objection to the proposal.

**Ystalyfera Community Council** – object on the grounds that the land in question is subject to extreme drainage problems and movement and the development could have consequence on landslips causing flooding and there are important issues on highway, lorry and plant movements.

**The Coal Authority** – has no objection to the proposal and supports the planning application indicating that whilst a conditional operating licence for a small underground coal mine has now expired, should planning



permission be granted for this proposal it is anticipated that a further application for a new licence would be made.

### **Description of the site and its surroundings**

The application site currently forms part of a coniferous woodland plantation located in the Cwm Du Valley some 1.75 km north of Ynysmeudwy and Cilmaengwyn on the north western facing slopes of Mynydd Allt y Grug and some 2.8 km south west of the centre of Ystalyfera. Godrergraig lies on the eastern slopes of Mynydd Allt y Grug some 1.2km from the site.

The nearest properties to the site include Pen y Darren farm to the south west at a distance of around 340 metres, and Cilmaengwyn Uchaf farm some 650 metres from the site in the same direction. Cwm Nant Lleici farm and quarry are some 900 metres to the south west whilst Gwrhyd Isaf farm lies some 1.1 km to the south east. Gwrhyd building stone quarry is located some 900 metres to the north west. The Cwm Du River flows some 220 metres to the west of the proposed site boundary whilst the remaining areas of the Tircoed opencast lies to the north east along with felled areas of commercial foresting and other conifer plantations.

Mynydd Allt y Grug rises steeply to the east of the site up to 338 metres AoD, whereas the middle of the proposed site would be around 200 metres AoD. Footpath 138 lies to the south of the site boundary which leads from the south and Pen y Darren farm through the coniferous woodland and in a north easterly direction towards Ystalyfera.

The Gwrhyd Meadows SSSI lies to the west of Cwm Du River and approximately 230 metres from the site. Commercial forestry operations are undertaken in the immediate area by the Natural Resources Wales (Forestry) along with upland farming practices by isolated farmsteads.

### **The Proposal**

An application has been made to undertake a single exploratory driveage to investigate and assess the feasibility of extracting coal from the Upper Pinchin coal seam that outcrops at the location. The works include the creation of a working platform on steep slopes by first accessing the site and creating a single access road from an adjacent forestry road, then the driving of an exploratory entry into the hillside at the horizon of the Upper Pinchin seam. The driveage would be constructed for a length of 50 metres from the point where the seam is fully formed in rock and

excavated to a width of 4 metres and dependent on engineering properties of the coal measures would be excavated to some 1.8 metres in height above the coal seam.

The overall site boundary would cover some 2.3 hectares which would include a cut and fill operation to form an access road down to the position where the exploratory driveage would be undertaken winning some outcrop coal at the same time. Once initial cut and fill excavations are formed the working platform would be extended and added to during the operation to excavate the exploratory driveage. The final working platform would be approximately 130 metres in length and some 25 metres wide. Associated drainage and batter slopes would occupy the remaining part of the site and a retained screen of woodland. A ventilation fan, acoustic container, portacabin office, temporary coal stocking area and car parking would be set up on the platform.

An afforested area within the site to the west and areas outside the application site in the control of the applicant and extending to the north would be retained to screen some of the development. Soils would be retained and stored or utilised for the treatment of sideslopes during the course of the engineering works. It is estimated that engineering operations to create an access road and an initial site set up and preliminary platform, and drainage would take some four weeks to undertake with an additional eight to twelve weeks to drive the heading and excavation underground. A further 4 weeks would be required to restore the site.

The driveage will be excavated underground using air picks, a road heading machine and bobcat type front loader to remove the sandstone and coal. It has been confirmed by the developer that this exploratory operation will not be the subject of any explosive/blasting operations.

Given the nature of the operations, coal would be encountered and recovered and transported off site. It is estimated that some 1,200 tonnes could be recovered during the whole project. Coal would be either temporarily stored on the site or transported immediately in 10 tonne capacity lorries at a rate of no more than 30 tonnes per day. Coal would not be the subject of any processing onsite.

Access to the site is proposed along an existing forestry track adjacent to the development site and accessed along the 'concrete road' leading to the north east, currently the subject of mineral transportation from the Cwm Nant Lleici Quarry. The route proposed by this development would link

onto the unclassified road at Graig Twrch east of Rhiwfawr and adjacent to Graig Twrch farm along a connecting lane.

The application proposes that all coal traffic from the site turns left at the junction towards Rhiwfawr and Cwmllynfell and then towards Ammanford along the A4068. It is proposed to transport coal between the hours of 09.00 and 15.00 hours. General site operations would be carried out between 07.00 and 17.00 hours Monday to Fridays and 07.00 to 13.00 hours on Saturdays. Apart from any emergency works, as necessary, no works would be undertaken on Sundays and Bank Holidays.

Some three to five persons would be employed, some on a contractual basis during the development of the exploratory driveage and associated engineering works.

It is indicated in the application documents that following the operations and the feasibility exercise and assessment of the condition of the anthracite seam at this location and the associated mining characteristics of the area, it would be decided if the seam at this location is suitable for underground mining and if so a separate full application would be made for a small mine.

In the absence of such long term proposals a restoration strategy is put forward. This would seal the underground driveage to Coal Authority standards, remove all structures and retain the main features of the excavated area and create an open area amongst the coniferous plantation in the interest of biodiversity. Seeding of the area with native grasses and a wildflower mix on soils spread over the open canopy area is proposed.

### **Environmental Impact Assessment- Screening Opinion.**

The proposed development although of an exploratory nature includes a limited amount of underground mining development as an exploratory driveage or heading. Associated with this part of the development is a surface area that exceeds 0.5 hectares.

The development therefore is above threshold set out under Schedule 2 of the Town and Country Environmental Impact Assessment Regulations 1999 (as amended) as it relates to Category 2 Extractive Industries – underground mining. A Screening Opinion was undertaken following the submission of the application. The conclusions of the Screening Opinion determined that EIA was not required.

## **Planning Policy**

Planning Policy Wales (PPW) makes it clear that the planning system has a fundamental role in delivering sustainable development and that it is necessary to balance and integrate a range of competitive objectives in order to meet current needs whilst safeguarding those of the future. These objectives are described as:-

- Social progress that recognises the need for everyone;
- Effective protection of the environment;
- Prudent use of natural resources;
- Maintenance of high levels of economic growth and employment

Mineral Planning Policy Wales (MPPW) sets out the Welsh Government's general policies for mineral 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 discernable benefits to communities and/or wildlife.”

MPPW states that the overriding objective is to provide a sustainable pattern of mineral extraction by adhering to five key principles:

- 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 a 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 states the development should be environmentally acceptable and that no lasting environmental damage should occur. Otherwise adequate benefits should accrue.

### **National Guidance**

The 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.

### **Local Policy**

### **Unitary Development Plan**

The Neath Port Talbot Unitary Development Plan sets out the policies and objectives for the County Borough Council 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 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 the development to occur in the countryside if it is for the purposes of mineral extraction.

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

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 ENV14 indicates that proposals that would create or affect unstable land need to be developed to overcome unacceptable risks.

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 ENV24 – provision for archaeological recording before consent is granted.

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 GC2 – sets out criteria for engineering works and operations (including minerals and waste).

Policy M1 – indicates that where planning permission is required for mineral exploration search or prospecting of any mineral or fossil fuel, the Local Planning Authority will grant consent only when the temporary activity does not have an unacceptable impact on the site or the surrounding environment or residential amenity.

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 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.

## **Assessment**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material consideration indicates otherwise. The Neath Port Talbot Unitary Development Plan consists of a number of policies that relate directly or indirectly to the consideration of this proposal.

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

## **Landscape / Visual Amenity**

The CCW (now Natural Resources Wales) Landmap identifies the surrounding upland area including Cefn Gwrhyd and Mynydd Allt y Grug as a “Western High Ridge” which has an outstanding sense of place. Landmap describes the habitat of the upland above the site as “moderate”. The woodland plantation within which the site is located is evaluated as “low”. The coniferous woodland is also described as a “contrast to the grain of the restored area”.

The site would be located in a mature larch plantation. Above the site are further plantations of pine and above this moorland. The northern part of the hillside has been harvested of woodland and has not revegetated. Temporary forest tracks are present as are parts of the slopes comprising the former Tirgarw opencast site.

To the west lies the Gwrhyd ridge and mountain and the Cwm Du Valley and river. The Gwrhyd ridge line is occupied in part by the Cwm Nant Lleici Quarry some 1 km to the south west and the Gwrhyd building stone quarry to the north west. The remaining area of the valley is occupied by scattered farms and grazing areas. The Gwrhyd mountain road runs generally along the top of the mountains some 1.3 km from the site.

Along with the development described above it is intended to retain an area of larch around the site to provide screening from most locations in the locality.

A Landscape and Visual Effect Assessment has been submitted with the application.

The main findings of the document are as follows:-

The main landscape effects are considered to be the removal of part of the larch plantation, the construction of an access track, the creation of a level platform and the erection of some temporary buildings and working equipment. Conclusions consider that the loss of the larch trees would only be significant very locally, however, in the wider context the construction of the access track and platform is only considered to be a minor effect in the local context.

An assessment of the visual impact taking account of the Zone of Visual Influence (ZUI) shows that these exist in the main to the west on the Gwrhyd ridge line and unclassified road that leads from Rhyd y Fro to Rhiwfawr and Cwmllynfell. Some isolated properties such as Crachlwyn Farm, Pistyll Gwyn and others to the north would have views of the development, but at significant distances of a minimum of 700 metres.

The Gwrhyd Mountain road lies some 1.3 km west of the site. Most of the views will be screened by the retention of the larch plantation. The impact from the Gwrhyd Mountain road would be restricted to a limited length of this unclassified road of around 1 km and the overall impact is considered to be slight adverse. This level of impact is considered where a scheme would be a barely perceptible deterioration in the existing view. Views from the public footpaths would be generally slight adverse particularly to the footpaths to the south of the site and adjacent to the development.

The overall visual impact could be affected if the larch plantation had to be felled because of any infestation by *Phytophthora ramorum*. Nevertheless this proposed operation is for a limited period of 16 weeks and needs to be considered in that context.

Whilst having a limited effect over a short period of time indigenous tree species would be planted on batter slopes of the platform which would, over time, develop a further screen of woodland.



It is recognised that the surface development will have some impact on the landscape and visual amenity of the area and the foregoing factors need to be considered accordingly. The operational development of this proposal is relatively short lived and temporary. Whilst any future proposal for long term mining development will need to be assessed within a separate application, the short term effects of the development and the long term mitigation and subsequent restoration strategy will prevent any significant and long term harmful effect on the landscape and therefore the development is considered to be acceptable in visual and landscape terms and is not in conflict with Policies ENV1, ENV3 and M8(a)(ii) of the Unitary Development Plan.

### **Impacts on Amenity, in terms of noise, dust and vibration**

#### **Noise**

A noise assessment was undertaken for the previous application (P2009/0769) for the development of a small mine. Given that the surface operations would be either the same or less intensive, than a long term mining operation, that there would be a reduced amount of activity to full mining operations, and that circumstances in the locality have not changed materially since 2009, it was considered acceptable that the results and recommendations of the report were acceptable to this proposal for an exploratory driveage and were submitted as such.

Background noise levels are relatively low when operations at other mineral sites are suspended and such levels have been measured at the nearest properties namely Pen y Darren Farm at a distance of 340 metres from the operating site. Recognised techniques within MPG11 and British Standard 5228 formed the basis of noise prediction.

MTAN 2 – Coal recommends that planning conditions should apply absolute controls on noise emissions with limits normally, but not exclusively, set at particular noise sensitive properties. Noise limits for normal day time hours 07.00 to 19.00 Monday to Fridays under the guidance should be background levels plus 10dB LAeq 1 hr or 55dB LAeq 1 hr (freefield) whichever is the lower. Saturday working hours should consider a lower level and other times the levels should not exceed 42dB LAeq 1 hr (freefield). Soil stripping and soil storage mounds construction are identified as short term operations which can have a higher limit of 67dB LAeq 1 hr (freefield) for short periods of up to 8 weeks per calendar year.

The phase of engineering works and platform development would increase levels by 13db at Pen y Darren Farm and 11db at a 700 metre radius. This level would be above the recognised limits of 10db above background. However this would be a relatively short period of time and estimated to be around 4 weeks and also less than 45dBLAeq 1 hr as advised in MPG 11 for quiet rural areas. Allowing for the short duration of this phase and the recognised level of 67db under the guidance in MTAN 2 for 'short term' operations, it is considered that the exceedence does not constitute an impact that is overbearing and unreasonable. The additional works associated with the development of underground driveage is anticipated to be no greater than 7db above background levels at Pen Y Darren Farm and no more than 3db at properties or areas 700 metres distant or more.

The nominal additional movements of 3 return journeys of 10 tonne lorries and the associated personnel and service vehicles also do not constitute an additional element of activity that will increase noise to any significant level. The levels of noise anticipated are considered to be acceptable on a localised and short section of Footpath 138 to the south of the site.

Taking due regard of the above it is considered that the temporary development of around 20 weeks can be operated satisfactorily in terms of noise impacts, subject to restriction on hours of working and maximum noise levels at the nearest noise sensitive properties. Representations and objections to potential noise levels cannot therefore be sustained.

Consequently the development is considered to be satisfactory in terms of noise and does not conflict with Policies GC2(c), M8(b)(i) and ENV29 of the UDP.

### **Dust and Air Quality**

The vast majority of the operations that are likely to generate dust relate to site set up and engineering operations, general site movements, the stocking of coal and the transportation of a limited amount of coal amounting to approximately 1,200 tonnes of coal over an approximate period of 16 weeks. It is recognised that dust has the potential to affect the community of the area and potentially the SSSI and walkers that would utilise the public rights of way with Footpath 138 being adjacent to the southern boundary of the application site. However, the potential to generate dust to an extent that would be detrimental to these features and

areas is considered negligible or low and reactive procedures can be employed if dust emissions were noticeable and significant.

Coal transported in lorries will also be sheeted and off site effects would also be limited or negligible although there is a potential for dust arising from the use of the access road. However the number of movements proposed is low.

It is therefore considered that the development is very unlikely to cause an adverse effect in terms of dust and emissions to air to the surrounding environment or amenity and objections to the development on such grounds are not justified and therefore is not contrary to Policies GC2(c), M8(b)(i) and ENV 15 and 29 of the UDP.

### **Vibration and Blasting**

It is recognised that some mining operations can include the use of explosives and that some other operations from plant and machinery can generate vibration. The application form submitted with the application indicated that the operation would include blasting. However, subsequent correspondence and confirmation from the applicant confirms that no explosives would be used or blasting undertaken during this exploratory driveage procedure.

The vibration experienced from plant and machinery would be either non-existent or negligible in this case and consequently there are no adverse impacts likely in terms of blasting and vibration or any features and issues set out in representations and it is therefore not contrary to Policies GC2(c), M8(b)(i) and ENV29 of the UDP.

### **Ecology and Nature Conservation**

There are no statutorily designated areas within the surface area of the site or below the proposed exploratory driveage. Three Sites of Special Scientific Interest (SSSI's) lie within 2km of the site. Gwrhyd Meadows SSSI is the nearest at approximately 230 metres west of the proposed surface area and west of the Cwm Du River. This is notified for its marshy, acid and neutral grasslands. Further west lies Cefn Gwrhyd SSSI, a dry heath and valley mire and bog area. This area is broadly on the higher slopes of the Gwrhyd ridgeline. The third SSSI is Coed Cwm Du, a woodland and watercourse feature, which lies immediately south of Gwrhyd Meadows and some 800 metres south west of the application boundary.

An extended phase one habitat survey was undertaken for the surface area and additional information also sought from statutory bodies and biodiversity records in 2009. This survey was supplemented in 2012 with additional consideration and assessment of any changes to the ecological value of the site, for protected species, any impact on habitats, and a review of the recommendations made in 2009. The results of the ecological assessment in 2009 were generally as follows.

The phase one habitat survey characterises the site as a coniferous plantation. The site is situated in an area dominated by a mature larch plantation but areas of fir species are also present. The ground flora is shaded out over large areas although in some areas where wind blow has occurred, a poorly developed ground flora of bracken, bilberry, grasses and some mosses exist. An area of scrub lies on the eastern fringes of the development site and adjacent to a long established forestry track. Areas to the northeast of the site have been felled as a commercial crop.

The only faunal species noted during the surveys were birds, including wood warbler and chaffinch. A desktop study of protected species within 2km identified red kite, kestrel and buzzard that could potentially be breeding on or near the woodland edge. Wood warbler and kestrel are both species listed under Section 42 of the NERC Act 2006, and wood warbler is also a priority UK BAP species. Red kite is listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and as such is afforded special protection at all times. Following the updated walk over survey in 2012, it was confirmed that the site has the potential for such breeding birds. However no evidence of them was found doing so. Siskin also showed signs of breeding in the area.

Whilst dormouse is recorded approximately 3km southwest of the site, it is considered that the site would be unfavourable for this species. Bats could possibly forage along the woodland edge and along the abandoned track. Whilst there is still potential for bats to forage on the site, roosting potential is low or non-existent. The proposed site is not suitable for Grayling butterfly which was recorded on Mynydd Allt y Grug.

A dug out badger sett was found on the north western boundary of the site which was not previously recorded, however, it was evident that it has not been utilised for many years and it is considered that there are no impacts on setts or foraging resources for the badger although a follow up survey would be undertaken after the surface area had been established.

The woodland itself is not representative of local or UK Biodiversity Action Plan habitats. The main ecological impacts of the development would result in a small area of larch being lost in a much larger plantation and is considered of no significance on a local, county or regional basis. Disturbance to habitats and species is not considered to be significant and the loss of suitable breeding habitats for wood warbler is also considered to be low. It should be noted however that the vast majority of the plantation is Larch which is currently subject to the potential infestation of *Phytophthora ramorum* and the felling of larch plantations is actively being pursued where necessary. Such an operation may be required in the future at this location although it is understood from Natural Resources Wales that felling is not planned for the area for the immediate future although the disease could prompt action to be undertaken.

Pollution prevention measures and the clearance of trees and vegetation outside the bird breeding season, March to August, are proposed as mitigation measures to reduce impact on the natural environment.

Natural Resources Wales (formerly The Countryside Council for Wales, the Environment Agency and the Forestry Commission), whilst raising no objection on ecological grounds initially, have sought further consideration of surface water arrangements in the light of representation received from the Pontardawe and Swansea Angling Society and the potential effect on spawning areas in the Cwm Du River from any polluted water.

However taking regard of the submitted information it would appear that the level of risk to the ecology within the site and ecological interests of the SSSIs is low and would not justify a reason for refusal.

The Biodiversity Section raised concerns with the level of breeding bird survey. However, mitigation can be undertaken in accordance with the ecological recommendations and provided pre-development checks are undertaken, the potential impact is relatively low and can be controlled.

With the exception of the consideration of water pollution and spawning areas, the overall impacts on fauna species and habitat are considered acceptable and the objections and concerns expressed by other representatives have been addressed.

Given the relatively low ecological value of the site and based on the information submitted and the observations of statutory consultees, it is considered that the overall impact on the ecology, biodiversity, fauna and

flora is limited however concerns regarding the need to provide adequate and agreed facilities for pollution prevention measures have not been fully addressed and consequently conclusive opinions are not achievable on the level of potential impact on the Cwm Du River and fish spawning areas. This is discussed further under the following section as it relates to the water environment.

### **Water Environment, Groundwater and Land Stability**

Details have been submitted by the applicants at different stages of the application process resulting in changes to plans and also to some of the assessment undertaken, in particular with regard to the water environment and associated issues with land stability. Given the nature of the assessment required in relation to groundwater in particular, this section considers the details and information provided by the applicant on the water environment and land stability together.

The main elements that need to be considered are as follows:

a) **Surface Water Management, Control and Treatment**

The proposal has indicated that it is intended to control surface water at the site by a series of catch ditches and a settling pond. Revised details and plans and a description of the associated works and controls during each phase were submitted in June 2013 and subject to further consultation. The Head of Engineering and Transport (Drainage) raised questions regarding the proposed size of the settling lagoon and the calculations undertaken to determine its capacity for attenuation. The drainage officer initially considered that a substantially greater capacity was required, assessing that the area would generate a hard surface run off. Subsequent to that view the applicant was asked to consider and discuss with the Authority the actual requirements and to provide the necessary calculations to determine the required capacity. A general review of the site drainage layout was also discussed verbally with the applicant's agent and the applicant themselves. Whilst it was conceded that the required capacity was likely to be much less as opposed to an initial view of 1150 m<sup>3</sup> the Authority requested that recognised and suitable calculations should be submitted to replace those originally submitted. The requests for amended details in early January 2014 and in a letter dated 24<sup>th</sup> March 2014 has not resulted in the additional information being provided. Neither has a suitable meeting been held to address similar concerns by Natural Resources Wales. Natural Resources Wales has requested a site meeting and to discuss with the applicant the

required site water management plan, particularly in the light of representations received by the Pontardawe and Swansea Angling Society on potential pollution of the Cwm Du River.

Given that no further formal submissions or constructive discussions have taken place on this matter the applicant has been informed that the application was to be determined on the basis of the information already provided.

Whilst it is possible that suitable agreement and detail may have been forthcoming, these matters remain, in the view of the Planning Authority, incomplete and unsatisfactory. It is therefore not possible to give a conclusive view if surface water controls would be adequate and effective to protect the water environment and fish life in the River Cwm Du.

It is acknowledged that the applicant has recently indicated that they wish to further discuss the issue of surface water drainage, this offer has been some considerable time after our request was made. Given that the issues associated with surface water can be addressed but no attempt has been made to address the fundamental problems associated with this application as discussed in further detail later in this report, it is not considered to be in the public interest to further delay the processing of this application.

#### b) Local Water Supplies and Springs

Members may recall that the application for a small mine at the same location under P2009/0769 was the subject of a significant assessment on local water supplies and springs. That application included an area of underground coal mining development of around 6.6 hectares and, if it had been approved, would have been the subject of a requirement to provide alternative water supplies to the properties of Cilmaengwyn Uchaf, Cilmaengwyn Isaf, Pentwyn and Pen y Darren. This was based on a precautionary stance given the theoretical potential for subsidence to affect the water supplies to these properties. The water supplies and springs for the properties identified above are derived from the general outcrop level of the Rhondda No. 2 seam.

The Upper Pinchin Seam lies approximately 50 metres below the Rhondda No. 2 seam and separated mainly by mudstones and thin beds of sandstone and thin coal seams. Above the No. 2 Rhondda seam lies a thick area of sandstone that makes up the major part of the top of Mynydd Allt y Grug.

In general terms, the “pennant sandstone” above the No. 2 Rhondda seam is considered as an aquifer where rainfall migrates through the rock mainly through the joints of the rock. The Rhondda No. 2 seam and Llynfi beds that lie below the sandstone and comprised of generally the coal seams, seat earth, mudstones and thin beds of sandstones act as an aquiclude which generally prevent or inhibit the downward percolation of groundwater forcing groundwater out to the surface as springs.

When mining takes place the mining void migrates upwards until the bulking effect of the collapsing rock reduces any rock movement to nothing. Supporting information in this application suggests that the single exploration heading of this development will tend not to distress the overlying coal measures to any significant degree and will also not extend into the hillside to the point where it will pass beneath the No. 2 Rhondda seam. It is also stated in the supporting statement that the roof of the driveage may collapse over time and “choke off” before reaching the Rhondda No. 2 seam above and securing the structure of the aquiclude.

Whilst the likelihood of subsidence affecting water supplies may be less for this development than for a small mine, following further advice from the Authority’s consultants, the hydrogeological complexities of the local area may be more complex than first envisaged. Whilst the issue of local water supplies has been the subject of an assessment in previous applications, given the context and nature of the local hydrogeological conditions that may prevail, this matter cannot be fully determined at present without further analysis. This is discussed further below.

c) Hydrogeological Conditions, Groundwater and Land Stability

The applicant was requested to provide additional information and assessment on the hydrogeological conditions of the area, focusing on the potential impact that the development may have on existing groundwater conditions and in particular the potential to have an impact on the existing instability and geological conditions that have resulted in the more recent landslip at Pantteg and previously at Godrergraig.

The hydrogeological assessment provided by the applicant recognises that where coal seams have been widely mined the surrounding strata will be distressed resulting in opening of the naturally occurring joints and bedding planes, thereby increasing the permeability of the rock mass. It also acknowledges that underground mining voids will also act as water



courses increasing the permeability of the overall rock mass. Where beds of sandstone are found they may act as aquifers and the pennant measures associated with the coal measures in South Wales have the capacity to transport large quantities of groundwater through the joints.

As described above the groundwater percolating down to the Rhondda No. 2 seam from the sandstone measures above flows laterally along the aquiclude at the horizon of the Rhondda No. 2.

The assessment submitted takes into account the nature of the landslips and historical context of the landslide at Pantteg and the more recent event in December 2012. The assessment considers that whilst mining operations and minewater would have flowed out of the workings and could have contributed to the stability of the landslide at that location, it is contended by the developer that the proposed exploration heading cannot cause an increase in the make (discharge) of water entering the back scar of the landslide. The assessment also contends that in relation to the exploration heading and past underground workings in the Upper Pinchin seam, the two are separated by some 230 metres of impermeable strata thereby preventing water passing between them and that the volume of water in the heading, if it were to fill up, would be too small to affect the stability of the landslide and that the hydraulic gradient is to the south west and away from the old workings and landslide area.

Initial advice from the Authority's consultants concluded that based on the published geological mapping available and the desk top study in the submitted assessment the opening of the exploratory driveage should not have any effect on the stability of the Godrergraig or Pantteg landslips as a result of preferential groundwater flow. The advice also addressed the representation made by Tegwch Action for Ystalyfera / Godrergraig.

This proposal has been the subject of substantial representation with regard to potential effects on land stability at Pantteg and Godrergraig and to other areas south of the identified landslide area.

Up until January 2014 and following this advice in November 2013 it was reasonably considered at that time that the development could proceed without further assessment on these matters. However, following further representations in January 2014 referring to the hydrogeological complexities of the area, fault zones and the minewater emanating from existing adits and old mine entries to the south, some of which appear to emerge above Godrergraig school, further advice was sought from the consultant. Hitherto, the consultants have highlighted that the application

area is located in a sensitive environment and that the areas of risk are not confined to the landslip areas set out in the hazard mapping area identified by them in the Pantteg Landslip report commissioned after the Pantteg landslip in December 2012.

It was therefore considered that the current level of information available in the application is only assessed on desk based information and no site specific investigatory data has been provided to “ground truth” the assessment. It is therefore considered that the level of uncertainty in the assessment and the potential impacts of the driveage are not well defined and therefore is not sufficiently robust to fully substantiate any one interpretation or another and that the complexity of ground and groundwater conditions requires further investment in ground investigation and monitoring. The need to develop a mitigation plan based on this monitoring is also suggested by the authority’s consultants. Without such information it is considered that any decision by the Planning Authority would be based on inadequate information.

The applicant was informed in March 2014 that site specific data was now required which should include a significant level of hydrogeological investigation and monitoring to support the theoretical assessment put forward. The applicant has been in correspondence with the Authority on matters relating to surface water, without providing any amended details or calculations. The applicants have not made any written comment if they are going to embark on a process of site specific hydrogeological investigation and monitoring.

The applicant was informed further in May 2014 that given the lack of progress the application would proceed to a determination on the information available in this regard.

Without the above information it is considered that the application has not been able to demonstrate if the development can proceed without particular detriment to the water environment and potential land stability issues nor has the applicant provided adequate calculations and details to address the required management of surface water adequately.

It is therefore considered the application in its current form is in conflict with Policies GC2(d)(f), M1 and M8(a)(i), (vi), (vii) and M8(c)(vii).

## **Access and Transportation**

The site is located some 2km south of the village of Rhiwfawr and Graig Twrch. It is intended to create an access from the site onto an existing forestry track which then leads onto the “concrete road” currently utilised in the main to carry quarried products from Cwm Nant Lleici quarry. This leads onto the A4067 at Tirbach in Ystalyfera. However, this proposal, given that it is development on forestry land, seeks to use an alternative route from the concrete road at the north western end of the Tirbach tips which is a lane that leads to Graig Twrch and the unclassified road that leads from Lower Cwmtwrch up to Rhiwfawr. The proposal is to utilise this latter route for all traffic including personnel, service vehicles and the proposed exportation of coal. Exporting some 30 tonnes of coal per working day in 10 tonne capacity lorries, would generate 6 movements of coal transportation per day, 3 movements in and 3 movements out. Given the scale of the development the number of personnel and service vehicles would be nominal.

The proposed access route to the public highway is utilised by Natural Resources Wales (NRW) (Forestry) for intermittent operations in the commercial forestry areas in the locality. It is understood that NRW only have access rights along this route although it has been known that they have utilised the access to Tirbach and the A4067. Whilst some representations have stated that NRW do not utilise the Graig Twrch access, it is understood this is the only access arrangement they hold. The developer, as potential leaseholders on forestry land, will only have the right to use the “Graig Twrch route” to the public highway for their operations at present.

It is, however, recognised that the route towards Tirbach and the A4067 would be more suitable. However, that route is not proposed in the application. The Graig Twrch access point is also utilised by local farming operations and other access requirements by Graig Twrch farm in particular.

Members will recall that a previous proposal to open a small mine was refused on highway grounds in October 2011 under P.A. Ref. P2009/0769. The reasons for refusal were as follows:

- (1) The proposed access onto the Rhiwfawr Road, a class C public highway, lacks adequate visibility and the proposed use by vehicles accessing and exiting the junction will be detrimental to the safety and free flow of traffic on the public highway. In

addition, heavy vehicles exiting the access in an uphill direction (due to a weight restriction on the bridge to the east) will be joining the highway at slow speed to the detriment and safety of the free flow of traffic on Rhiwfawr Road as they have to brake or attempt to overtake, contrary to Policy T1, GC2 and M8 of the Neath Port Talbot Unitary Development Plan.

- (2) The proposed access route through Rhiwfawr to Cwmllynfell is, in parts, narrow and winding and the additional vehicles would be detrimental to the amenities and safety of other users of that route contrary to Policy T1, GC2 and M8 of the Neath Port Talbot Unitary Development Plan.

Taking account of this decision, this application included a transport statement undertaking a review of the information considered under P2009/0769. The transport statement considers the guidance on the visibility requirements set out within TAN18 and the Manual for Streets 1 and 2.

It is indicated in the transport statement that visibility at the access point at Graig Twrch is unrestricted to the north west with at least 2.4 x 120 metres available. To the south east, visibility is currently restricted to some 2.4 x 35 metres. Taking regard of the required Stopping Sight Distance and the 85<sup>th</sup> percentile speeds recorded at the Class C, Rhiwfawr Road being 35 mph, this falls short of the required visibility. This is also restricted by the vertical gradient of the road.

The applicant also proposes to utilise the route through Rhiwfawr Village, Coedffaldau, Bryn Road and onto the A4068 at Cwmllynfell for coal traffic and other vehicular movements. This would amount to, under this application, the transportation of 150 tonnes of coal per week, 30 tonnes per day, for a limited period of around 16 weeks. Coal would be transported in 10 tonne capacity (17 tonne gross weight) lorries resulting in three lorry loads leaving the site per working day.

The Transport Statement has considered the vertical visibility envelope available to lorry drivers and the potential to improve visibility by some vegetation removal and regrading of the embankment to ensure that the lorry driver's visibility is not impaired. The assessment undertaken and the improvements that can be derived from some vegetation removal and one tree along with some regrading of the embankment indicates that the required visibility to the south east of 2.4 x 46 metres is achievable.

The Transport Statement maintains that the number of lorry movements, of 3 ten tonne capacity lorries per day, would not be a significant amount of additional traffic along the route from Rhiwfawr to Cwmllynfell and through the village of Rhiwfawr. It should be recognised that since the speed survey was undertaken by the Authority, a bridge has been repaired at the bottom of Rhiwfawr Road which connects the road to the A4068 in Lower Cwmtwrch through Bridge Street. The bridge is also on the county boundary between Neath Port Talbot and Powys. The reopening of this bridge in 2013 has meant that access is now derived by all types of vehicles taking deliveries to Rhiwfawr village and the farmsteads in the locality.

The Head of Engineering and Transport (Highways) has evaluated, calculated and considered the visibility improvements proposed and taking account of those which will be carried out solely within the highway verge and in the control of the Highway Authority, the Highways Officer has now withdrawn any objection to the use of the access point for the development subject to the satisfactory completion of such works.

It is contended by representations that the calculation and assessments made on the visibility requirements and achievable dimensions are flawed and that movements into and out of the access point would be a highway safety hazard. The Highways Officer has considered all these factors and is content that the visibility requirements are achievable and accurate for the purpose of the improvements and the level of transportation is acceptable. It is also contended by other representations that the land required for the visibility works is in private ownership. The Highways Officer has confirmed that all land requirements are in the ownership of the Highway Authority and this is set out on Land Registry documents.

With regard to the proposed route for the transportation of coal through Rhiwfawr village, Coedffaldau and Bryn Road Cwmllynfell, it should be noted that the applicant continues to maintain that the size of lorries and number is insignificant and acceptable for the route proposed. It is also recognised that other mineral traffic utilises part of this route from operations on Gwrhyd Mountain.

Nevertheless, since the refusal of a previous application in October 2011 the bridge crossing the River Twrch at Bridge Street has become operational and it is considered that this other route should be seriously considered as an alternative route along public highways of the area.

The road leading to the bridge is relatively steep in part and is only some 5.7 metres in width in areas. However, the road to the bridge is considered to be adequate to accommodate the scale of coal transportation proposed without any detriment to highway and pedestrian safety. The reconstruction of the bridge has recovered the connecting route to Rhiwfawr village from Lower Cwmtwrch which had been for some time restricted by the condition of the old bridge and a 7.5 tonne weight limit.

The unclassified road over the bridge leads into Bridge Street in Cwmtwrch. This length of highway through Bridge Street is approximately 40 metres long before entering onto the roundabout and then onto the A4068. The road is relatively narrow, around 5.0 metres in width and has no footway and periodically cars are parked on the highway. Significantly, however, this road and bridge are now used consistently and daily by delivery vehicles along with cars, light vehicles and farming machinery, some of which are of a similar or larger dimension and size to the lorries proposed under the application. However, the road is not used intensively.

It should be noted that the proposed size of lorries to transport coal from this operation are relatively small in comparison to 20 tonne capacity lorries and articulated vehicles. The carrying load is also limited to 10 tonnes.

Taking all these factors into consideration and given that the coaling operation for this proposal is limited to approximately 16 weeks and proposing that such movements only occur between 9.00 a.m. and 3.00 p.m. to avoid school hours, it is considered the relatively short length of unclassified road from the access point from Graig Twrch, the overall width and length of the bridge and the highway through Bridge Street would be a more satisfactory route avoiding the need to go through Rhiwfawr village and adding to mineral traffic along that route. The applicant, whilst not proposing such a route, state that they would be prepared to accord with such requests if it was the Planning Authority's preferred route.

A number of representations have been made and summarised above which object to the use of this route, the bridge at Lower Cwmtwrch, Bridge Street and the A4068 raising concerns with the width of the roads, the lack of footways and the safety of pedestrians along with the speed of vehicles. All these have been taken into full consideration. However, it is considered that on balance the coal transportation would be more

acceptable and satisfactory if it utilised such a route. It is therefore considered that any approval should direct coal lorries along this route and the A4068 at Lower Cwmtwrch. This is considered reasonable on the balance of highway and residential amenity and safety.

Whilst it is understandable that the local residents of Bridge Street, Golden Lion Terrace and others in the vicinity have expressed their concerns on highway safety and amenity grounds, it is considered that any approval for this development should be regulated to utilise the route towards Bridge Street. It should be noted that the applicant has not proposed such a route.

It is therefore considered that subject to the visibility improvements proposed, limits proposed on the number of vehicles per day and an agreement being adopted for lorry routing along with the requirements of the use of a salt bin during winter periods, that no objection should be raised to the development on highway safety grounds.

### **Restoration and Aftercare**

The proposal is for a limited period of engineering and mining exploratory works which will require suitable restoration and aftercare. The restoration strategy includes the sealing of the underground driveage to Coal Authority specification, the removal of all structures / buildings and the respreading of conserved soils / subsoils.

Landscaping undertaken as part of the development including a mix of broadleaf and associated conifer mixture is proposed along with the retention of the platform to allow an enhanced re-establishment of species and grassland aided by a native grass and wildflower mix. The main structure and profile of the land is proposed to be retained for long term access for forestry land use along with the length of access road. NRW (Forestry) has confirmed that this is their preferred strategy for the after use of the land subject to detailed specifications being agreed.

It is important to consider if this restoration proposal is acceptable in landscape and ecological terms.

Whilst creating a different landform and topography to the existing steep hillside profile of the site, it is considered that in conjunction with the long term use of the land by NRW (Forestry) as part of their overall commercial forestry activities in the locality, the proposed landform is considered acceptable subject to the adequate treatment of the site by

planting and seeding. The developer also confirms that a suitable restoration and aftercare bond would be entered into to secure the adequate restoration and aftercare treatment of the site.

In overall terms, it is considered that the proposal forms an acceptable strategy in restoration terms and is therefore not in conflict with Policies M8(c)(iii), (iv), (v) and M10 of the Unitary Development Plan.

### **Cultural Heritage**

Based on the site location and the nature of the commercial forestry plantation, Glamorgan Gwent Archaeological Trust advise that they do not consider the site to have any significant potential to contain archaeological relics or remains.

There are no listed buildings or scheduled ancient monuments within the immediate locality of the site. It is considered that no objection should be raised to the proposal on archaeological and cultural heritage criteria.

### **Cumulative Impact**

The Gwrhyd hillside is currently occupied by a small building stone quarry to the north west and the major aggregate quarry of Cwm Nant Lleici Quarry to the south west. These are significant distances of some 1.1 km and 900 metres from the site respectively. However, the associated access road and the transportation of minerals from Cwm Nant Lleici travels along the Cwm Du Valley some 200 metres north west of the site boundary and contributes to all the overall mineral activity along the Cwm Du Valley. Other mineral activity at the former Parc Level opencast site and potentially further opencast development at Fforch Egel Farm (if a planning permission is implemented) on Gwrhyd Mountain contribute to the overall mineral activity that has or will occur in the locality.

The proposed development of the exploratory works constitute an operation for approximately 16 weeks with a further 4 weeks for restoration. This is therefore a very short term operation. Should an application to develop long term mining at the site, that application would need to be considered on its own merits.

In considering the relevant impacts of the combined activities of existing mineral development and this proposal it is considered that on balance, and if all other criteria were acceptable, the distance and intervening



landscape between each site and the short term duration of the proposal would mitigate any cumulative impacts to an acceptable degree.

### **Footpaths**

Footpath 138 in the community of Godregraig and Ystalyfera lies some 15 metres south of the site boundary. Sectional details and an assessment of the potential impact on this footpath, in physical and amenity terms, suggests that any overbearing or unacceptable impact on its condition or use is unlikely and it is considered that the development can be worked satisfactorily in such proximity to this right of way.

### **Representations**

A number of objections have been received in relation to this application which raise a variety of concerns associated with this proposal.

Concerns and objections in relation to highways, access, ecology, land stability and hydrogeological issues have been addressed in the relevant sections of the report

Other issues raised within the objections relating to common land, the enforceability of planning conditions and the existence of inaccuracies within the submission are addressed as follows:

The status of the land as Common land has been raised, however the proposal does not include any land that is registered as common land.

Historically, there has been a requirement to enforce planning conditions at some small mine developments in the locality however appropriate action was undertaken in respect of such developments and the sites have been restored in accordance with approved restoration details.

With regard to alleged inaccuracies and inconsistencies, the applicant has provided written details to clarify and confirm that no blasting will be undertaken during the course of the development.

### **Conclusions**

The applicants are exploring the viability of developing a small colliery to mine the Upper Pinchin Seam. Previous applications at the same location to work the same coal resource have been the subject of either conditional consents or refusals. This application is an initial feasibility exercise that

the developers are pursuing and constitutes the setting up of a working platform by engineering operations and a limited underground exploratory driveage to ascertain the anthracite quality and quantity and nature of the coal measures immediately surrounding the seam in terms of their mining characteristics.

The application readily acknowledges that should the results of this mineral exploration prove to be positive, a subsequent application would be submitted to develop a longer term small mining operation.

The foregoing assessment includes a consideration on a number of criteria. The measured impacts on ecology and biodiversity (with the exception of possible impacts on fish life), landscape and visual amenity and other impacts on residential amenity in terms of noise and dust do not pose a significant environmental effect that justifies grounds for a refusal.

Similarly, although the subject of considerable objection and representation, it is considered that the access and transportation arrangements that can be made available for personnel, service vehicles and coal transportation will not result in an unacceptable impact on highway or pedestrian safety and complies with Policy T1 of the UDP.

In consideration of the submitted information as it relates to the water environment, ground water and surface water issues, and any inter-relationship with land stability, Paragraph 30 of MPPW states that Mineral Planning Authorities should adopt the precautionary principle in taking planning decisions on mineral development as it relates to such issues. Whilst it is acknowledged that this proposal has a limited extent of mineral working in association with the exploration objectives, it is necessary to take such an approach given the uncertainty of the assessment to date.

Policy M1 of the UDP is clear and indicates that the local planning authority will grant consent only when the temporary activity of mineral exploration can be undertaken when there are no unacceptable impacts on the site or the surrounding environment or residential amenity.

It is concluded that after significant appraisal of the assessment undertaken within the application and having regard to the absolute need to make an informed and robust decision on the proposal, it is now considered that sufficient site specific investigation data has not been provided to ground proof the hydrogeological assessment and theories put forward.

The applicant has not submitted any further monitored data or information following a review of this criterion in the early part of 2014. They have also not given any indication if they are likely to do so.

In consequence, and the need to take a precautionary approach to these matters, it is considered that the application cannot be determined in a positive manner and is, therefore, contrary to Policies M1, ENV12, GC2(d) and(f) and M8(a),(i),(vi) and (vii) and is recommended for refusal.

**RECOMMENDATION:      Refusal**

(1) The applicant has failed to submit adequate technical information, site specific data, investigatory methods and monitoring to demonstrate adequately and robustly and beyond reasonable doubt that the development will not have an adverse effect on:

(a) the existing hydrological and hydrogeological conditions of the site and surrounding area in respect of ground conditions, ground water pathways and ground stability;

(b) the land stability of the area and the consequences to the health and safety of the local community; and

(c) the surrounding watercourses in respect of the volume of surface water discharged from the site and the level of pollution entering surrounding watercourses;

The proposal is therefore contrary to Policies M1, ENV12, GC2 (d) and (f) and M8 (a), (i), (vi) and (vii) of the Neath Port Talbot Adopted Unitary Development Plan.

### **3. NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT (NSIP) : TIDAL LAGOON SWANSEA BAY LOCAL IMPACT REPORT AND WRITTEN REPRESENTATIONS**

#### **Report Background**

Members will be aware that Tidal Lagoon Swansea Bay Ltd proposes to design, construct and operate a tidal lagoon at Swansea Bay. The scheme is described below but in brief proposes the construction of an offshore generation station with the capacity to generate 240MW of electricity.

The project is defined as a Nationally Significant Infrastructure Project (NSIP), has been submitted to the Planning Inspectorate for determination, and has been accepted for consideration.

The process for the determination of such applications is set out within The Planning Act 2008 (as amended). In accordance with the Regulations, as a relevant Local Authority Neath Port Talbot Country Borough Council (NPT) has been invited to submit a Local Impact Report (LIR).

Section 60(3) of the Act specifically relates to the requirements in regard to a LIR and defines the document as '*A Report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)*'. In the production of this document the Authority has had regard to the Planning Inspectorate's Advice Note One: Local Impact Reports (April 2012).

Note One states that '*It is intended that the LIR should be used by the Local Authorities as the means by which their existing body of local knowledge and evidence on local issues can be fully and robustly reported to the examining Authority... The document should not replicate the information within the EIA.*' Nor should it replicate any of the supporting information submitted with the application. It continues on to state that '*Rather it should draw on existing local knowledge and experience. Examples might be local evidence of flooding, local social or economic issues or local knowledge of travel patterns to community facilities*'.

The note states that the report should consist of positive, neutral and negative local impacts, stating a clear evaluation of the importance of these impacts in a structured document, together with an assessment of the development's compliance with local policy and guidance. The report should also detail the Authority's views on the Development Consent Order (DCO). However the LIR should not weigh or state opinions on the development itself.

In addition to the LIR, the Authority may also submit Written Representations (WR). It is within this document that the Authority can state its views and opinions on the proposed development, providing evidence to support their case.

As well as the LIR and a WR the Authority is also required to agree a Statement of Common Ground (SoCG) with the developer. During the course of the examination process the Authority may be required to answer written questions posed by the examiners, requests for further information or to submit written comments on the proceedings as required by the Examining authority.

The Examination itself is predominately written led process, but there are a number of hearings that will take place, including an open floor event, a site visit and topic specific hearings. So far the Examiners have scheduled 6 dates for such hearings with provision for an additional 3 days if they are required. Hearings dealing with potential compulsory acquisition issues have also been programmed.

It should be noted that this process, in Wales, does not include Marine Licensing. However a separate application has been submitted under the Marine and Coastal Access Act 2009 to Natural Resources Wales (NRW) Marine Licensing Team and the Authority has been consulted and has submitted their comments in response under delegated powers in relation to application P2014/0256.

### **Brief Description of Proposal**

Tidal Lagoon Swansea Bay Ltd proposes to design, construct and operate a tidal lagoon for the purpose of generating renewable energy amounting to approximately 240MW of electricity. This would be achieved by harnessing the power of the high tidal range in Swansea Bay region. The lagoon would be an irregular elliptical shape which would enclose an approximate area of 11.5km<sup>2</sup> of sea bed and foreshore. The applicants have described the proposal as a sea wall projecting out into the sea from the New Swansea University Bay Campus site for a distance of 1.5km, extending in a south westerly direction along the western boundary of the existing training wall of the River Neath Channel. A Turbine and Slice Gate Housing would be located in the south western portion of the lagoon wall, at an oblique angle to the dredged channel of the River Tawe, before extending towards Swansea Port, close to the mouth of the River Tawe.

The water impounded within the sea wall would provide a head – or build up of water – needed to store kinetic energy that can generate electricity by the flow of water through the bi-directional turbines, when water enters and leaves the lagoon. The applicants have estimated that the lagoon could generate an

estimated 400Gwh net electricity which could power up to 121,000 homes. The electricity generated would be connected to the national grid by way of underground cables which would connect to the Baglan sub-station.

The proposed sea wall would have a total length of approximately 9.5km. The sea wall would either be created by using a sediment core that would be held in place by geotextile tubing, which would be covered by rock and rock armour to provide protection, or through the use of a more traditional construction method. The walls would have a varying slope depending upon its location around the lagoon but would vary between 1 in 1.5 to 2.5. The width of the base of the wall would also vary between 40m to 107m wide. Due to the tide the visible height of the breakwater would also vary from approximately 4m at high tide to 12.5m at low tide. The geotextile tubes would be filled with sediment from dredging and the project team have applied for a licence for dredging from Natural Resources Wales (NRW) and the Marine Licensing Team. The EIA has considered two possible options for dredging.

A road is proposed to run along the top of the wall to provide access for maintenance and a shuttle bus for members of the public. A cycle and footpath would also be provided around the top of the wall. Associated with the lagoon, there will be operation and control facilities to manage the generating station, visitor facilities and a visitor's centre, plus 25 car parking spaces for staff, a bus turning area, public realm and lighting.

On the western landfall it is proposed to constructed a 3 storey building which would house further operation and maintenance facilities, toilets, laboratories, hatcheries, sailing facilities and changing rooms, while externally there would be 300 car parking spaces, 6 coach parking spaces, a slip way access to the lagoon, boat storage, a play area, soft and hard landscaping including a beach to form public realm and lighting.

While on the eastern landfall adjacent to the University Campus and Crymlyn Burrows SSSI an information wall and viewing platform stepped into the proposed dune and coastal grassland area is proposed. The illustrative structure is shown to have a height of approximately 3m. The developers have stated that it is anticipated that this facility could be coordinated with the provisions required as part of the University Bay Campus development. Access to the eastern sea wall will be provided and controlled, but would be design to minimise potential pressure on the SSSI.

## **Report**

The Council's Local Impact Report and Written Representations are appended to the Committee Report as Appendices A and B respectively. The LIR indicates that whilst the Authority is generally supportive of the proposal in principle it must be acknowledged that there are a number of concerns associated with the lack of detail in relation to a number of the impacts, including, coastal processes, ecological, highway safety and water quality. Should additional survey work be carried out, acceptable mitigation designed to address the concerns identified within the LIR, the Authority would be minded to support the proposed development. This would also be conditional upon the concerns identified with the DCO being addressed.

## **RECOMMENDATION**

To accept the Local Impact Report and Written Representations and to delegate powers to the Head of Planning and Development Manager – Planning to allow any appropriate amendment or alteration to them as maybe necessary prior to their submission, as well as delegating the responses to any written questions that maybe asked of the Authority during the course of the Examination.

**4. PLANNING APPEAL: PROPOSED CLARIFICATION OF REASON FOR REFUSAL  
FARMLAND ADJOINING FORESTRY, EAST OF CRYNANT AND SOUTH OF SEVEN SISTERS, NEATH (HIRFYNYDD)**

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

Members will recall that this application was reported to Committee on November 12<sup>th</sup> 2013 whereby it was resolved that the application be refused. The applicant has subsequently appealed the decision which is due to be considered at a Public Inquiry in September 2014.

Since issuing the decision notice it has come to light that the reason for refusal excluded the words identified in bold below, and contained within the conclusion of the report. The reason for refusal should have read:

1. The evidence put forward in respect of the likely subsidence risks and future implications for coal recovery indicates that the proposal would adversely impact on future operations planned at Aberpergwm Mine and it has not been demonstrated that these risks could be satisfactorily mitigated against. Whilst it is acknowledged that both nationally and within SSA E the consented and operational capacities fall below those set out in Planning Policy Wales 2012 and TAN8 : Planning for Renewable Energy, and that the proposed development will make a contribution to achieving those targets it is considered that **this together with** the limited short term economic benefits do not outweigh the potential impact the development would have on the recovery of coal for



energy generation and the associated economic benefits to the national and local economy. The proposal is therefore contrary to Mineral Planning Policy Wales (2000) Mineral Technical Advice Note 2 :Coal (2009), Planning Policy Wales (2012) TAN8 : Planning for Renewable Energy (2005), Neath Port Talbot Interim Planning Guidance :Wind Turbine Development(2008), Policies GC2 and IE6 of the Neath Port Talbot Unitary Development Plan.

**RECOMMENDATION :** That Members resolve that the reason for refusal as amended within this report constitutes the Council's correct reason for refusal for the purposes of the forthcoming planning appeal, and that the applicant and Planning Inspectorate are notified accordingly.

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

### **5. APPEALS RECEIVED**

**Appeal Ref:** A2014/0007                      **Planning Ref:** P2014/0048

**PINS Ref:** APP/Y6930/A/14/2219123

**Applicant:** Mr. P Collins

**Proposal:** Detached garage

**Site Address:** 9 Swan Road, Baglan, Port Talbot

**Start Date:** 21<sup>st</sup> May 2014

## **6. APPEALS DETERMINED**

### **a) Planning Appeals**

**Appeal Ref:** A2014/0002                      **Planning Ref:** P2013/0397

**PINS Ref:** APP/Y6930/A/14/2212220

**Applicant:** Mr T. H. Owen

**Proposal:** Detached building incorporating 2 nos 2 bedroom apartments and new car parking area for existing adjacent flats.(Amended layout 19/8/13)

**Site Address:** Land adj to Samuels Court and 2 and 4 Samuels Road, Cwmllynfell SA9 2GT

**Decision Date:** 12 May 2014

**Decision Code:** Dismissed

The main issue in the determination of this appeal concerned the effect of the proposed development on the living conditions of the occupiers of No.2 Samuels Road, No.3 Samuels Court and the future occupiers of the proposed ground floor flat, with particular reference to outlook and levels of noise and disturbance.

The appeal site comprises a parcel of land located between No.3 Samuels Court and No. 4 Samuels Road. To the rear of the site lies a semi-detached building, No.2 Samuels Road, which is occupied as self-contained flats. The appeal proposal would erect a two storey detached building that would comprise ground and first floor flats.

While appreciating that substantial gaps would remain to the sides of the proposed building, by virtue of its scale, siting and orientation, the Inspector concurred with the Council's assessment that the proposed development would have a significant overbearing and oppressive impact, to the detriment of the living conditions of the occupiers of No.2.

While noting that the proposed flats were designed so as to not incorporate any habitable room windows in the rear elevation, the Inspector considered that whilst this would prevent any loss of privacy for the occupiers of No.2, it would do little to alleviate its overbearing impact.

Although Officers argued that that the siting of the car parking spaces to the rear of the proposed building would result in an unacceptable level of noise and disturbance for the occupiers of the neighbouring properties, the Inspector considered that levels of noise and disturbance would not be so detrimental so as to materially detract from the living conditions of its occupiers.

Notwithstanding this, the rear parking arrangement would incorporate two parking spaces immediately in front of the ground floor flat at No.2 which, given the proximity to habitable room windows and the principal access door, he considered would be detrimental to the living conditions of the occupiers of No.2 in terms of levels of noise and disturbance. Moreover, the parking of vehicles in this location would also in itself exacerbate the extent to which the development would dominate the adjacent occupiers by adding further to the sense of enclosure.

Accordingly, while finding that the proposed development would not be significantly detrimental to the occupiers of No.3 or the potential occupiers of the proposed development, the proposed development would cause material harm to the living conditions of the occupiers of No.2, with particular regard to outlook and levels of noise and disturbance.

The appeal was therefore dismissed.

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<b>Appeal Ref:</b>	A2014/0005	<b>Planning Ref:</b>	P2013/0594
<b>PINS Ref:</b>	APP/Y6930/A/14/ 2216604		
<b>Applicant:</b>	Mr Jonathan Hale		
<b>Proposal:</b>	construction of a tree house.		
<b>Site Address:</b>	Seven Oaks, Penscynor, Cilfrew, Neath, SA10 8LF		
<b>Decision Date:</b>	3 <sup>rd</sup> June 2014		
<b>Decision Code:</b>	Dismissed		

The main issue in the determination of this appeal concerned the effect of the proposed development on the character and appearance of the area.

The proposed development comprised a timber shed on a raised timber platform, with privacy screening and attached slides and swings. Although described on

the Council's refusal notice as a raised freestanding outbuilding, the Inspector retained the original description of a tree house as it is adequate, and although the structure is not supported by trees its primary use is clearly as a play house for children. The application was made retrospectively.

The surrounding area is predominantly residential in character. It comprises a mix of property types, sizes and ages. The area is therefore characterised by diversity rather than uniformity, and by the usual range of domestic buildings and paraphernalia.

The appeal property is a large house, set at right angles to the road within a large garden, with the structure located between the house and the street, amongst trees and against a boundary fence. The property's garden is elevated above the street, behind a garden wall with railings.

The Inspector considered the structure to be in keeping with the character of domestic play structures that may be found in residential areas and, although it can be seen from the street, that it was partly obscured by boundary treatments, trees and planting, and set well back from the front boundary. In the context of the appeal property and in view of the size and layout of its garden, he considered for these reasons that it does not look unduly obtrusive or prominent, or out of place when seen from the street.

Trees will provide some screening in summer. However, even in winter the bulk of the structure would be hidden behind the fence and the portion that would be seen would be in keeping with the character of domestic outbuildings and play structures. Accordingly he did not consider that the height of the structure in relation to the ground level on the boundary is such that it is visually dominating when seen from the adjacent parking area.

He therefore concluded that the structure 'as built' is not out of keeping with the character of the area and is not unduly obtrusive or prominent. Its retention would therefore not be detrimental to the character or appearance of the area. Because of the presence of a privacy screen, and in view of its location, the retention of the structure would not have a harmful effect on neighbours' living conditions. No harmful highway or pedestrian safety effects would arise.

For these reasons the Inspector concluded that the appeal should be allowed.

**7. DELEGATED APPLICATIONS  
DETERMINED BETWEEN 17<sup>TH</sup> MAY 2014 AND 6<sup>TH</sup> JUNE 2014**

1	App No. P/2014/201	Type Householder
Proposal	Two storey side and single storey rear extension	
Location	56 Neath Road, Rhos Pontardawe, Swansea, SA8 3EB	
Decision	Approval with Conditions	
Ward	Rhos	

2	App No. P/2014/236	Type Discharge of Cond.
Proposal	Details pursuant to Condition 5 (Junction and Footway alterations, drainage and street lighting) of Planning Permission P2013/904 (Approved on the 13/12/2013)	
Location	Land adjacent to Reel Cinema (including Bowling Alley Shell), The Princess Margaret Way, Aberafan Seafront, Port Talbot SA12 6QP	
Decision	Approval with no Conditions	
Ward	Sandfields East	

3	App No. P/2014/243	Type Full Plans
Proposal	Amendment to application P2011/0865 for the redevelopment of Port Talbot Railway Station including alteration to the external appearance of the approved structure and drainage scheme. (Amended plans - additional windows to façade of the existing building and installation of roller door to North forecourt instead of sliding door).	
Location	Port Talbot Parkway Railway Station, Cramic Way, Port Talbot, SA13 1RU	
Decision	Approval with Conditions	
Ward	Port Talbot	

4	App No. P/2014/256	Type Section34Food &EnvironmentAct
Proposal	Consultation under Section 68(3) of the Marine and Coastal Access Act 2009: Part 4 Marine Licensing - Construction of a tidal lagoon scheme, Swansea Bay.	
Location	Swansea Bay,	
Decision	No Objections	
Ward	Coedffranc West	

5	App No. P/2014/267	Type Advertisement
Proposal	Retention of 2 No. externally illuminated wall mounted signs.	
Location	The Travellers Well, 8 Dynevor Place, Skewen, Neath, SA10 6RG	
Decision	Approval with Conditions	
Ward	Coedffranc North	

6	App No. P/2014/271	Type Householder
Proposal	Replaement detached garage	
Location	1 Morgan Street, Trebanos Pontardawe, Swansea, SA8 4DW	
Decision	Approval with Conditions	
Ward	Trebanos	

7	App No. P/2014/277	Type Householder
Proposal	Front canopy	
Location	17 New Street, Tonna, Neath, SA11 3JH	
Decision	Approval with Conditions	
Ward	Tonna	

8	App No. P/2014/285	Type Full Plans
Proposal	Single storey front extension	
Location	Lidl Supermarket, Ffordd Parc Ynysderw, Pontardawe, Swansea, SA8 4EG	
Decision	Approval with Conditions	
Ward	Pontardawe	

9	App No. P/2014/287	Type Householder
Proposal	Two storey side extension, single storey rear extension and replacement detached garage	
Location	89 Pine Valley, Cwmavon, Port Talbot, SA12 9NG	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

10	App No. P/2013/809	Type Full Plans
Proposal	erection of 2.4 metre high palisade and weld mesh fence and gate to perimeter of industrial unit	
Location	Unit 34 Baglan Industrial Park, Aberavon Road, Aberavon, Port Talbot, SA12 7DJ	
Decision	Approval with Conditions	
Ward	Aberavon	

11	App No. P/2013/1091	Type Discharge of Cond.
Proposal	Details to be agreed in association with conditions 12 and 18 - Proposed car parking arrangements plan and barrier details of planning permission ref: P2011/0865 granted on 18/10/11	
Location	Port Talbot Parkway Railway Station, Cramic Way, Port Talbot, SA13 1RU	
Decision	Approval with no Conditions	
Ward	Margam	

12	App No. P/2014/97	Type Householder
Proposal	Demolition of existing outbuildings and the construction of a two storey garage extension to existing gymnasium including dormers and inclusion of open land into garden curtilage.	
Location	Seven Oaks, Penscynor, Cilfrew, Neath, SA10 8LF	
Decision	Approval with Conditions	
Ward	Aberdulais	

13	App No. P/2014/112	Type Change of Use
Proposal	Change of use of existing private stables to stables for commercial use	
Location	Cwm Maelwg Farm, Cwm Maelwg Farm Access Road, Margam, Port Talbot, SA13 2TB	
Decision	Approval with Conditions	
Ward	Margam	

14	App No. P/2014/155	Type Vary Condition
Proposal	Variation of Condition 1 (time limits) of Planning Permission P2008/0767 granted on 16/02/09 to extend the period of time to commence development for the conversion of existing garage/coach house to dwelling.	
Location	111 Penycae Road, Port Talbot, SA13 2EG	
Decision	Approval with Conditions	
Ward	Port Talbot	



15	App No. P/2014/198	Type Outline
Proposal	Variation of Conditions 3 and 4 of Outline Planning Permission P2011/0326 (Approved on the 06/10/2011) to extend the time period for the submission of reserved matters	
Location	Land between, 9 & 10 Glynneath Road, Resolven, Neath, SA11 4DP	
Decision	Approval with no Conditions	
Ward	Resolven	

16	App No. P/2014/298	Type Scoping Opinion
Proposal	Request for a Scoping Opinion under Regulation 10 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations (as amended) for a small class B private licence coal mine.	
Location	Penhyddwaelod Farm, B4282 From Cwmavon To Bryn, Cwmavon, Port Talbot, SA13 2RB	
Decision	EIA Required	
Ward	Bryn & Cwmavon	

17	App No. P/2014/301	Type Householder
Proposal	Detached garage/store	
Location	Golwg Y Cwm, 6 Clos Dewi Sant, Bryn, Port Talbot, SA13 2RZ	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

18	App No. P/2014/304	Type Vary Condition
Proposal	Variation of Conditions 5 and 7 (Car parking and access arrangements) of Planning Permission P2012/0951 (Approved on the 30/11/2012)	
Location	17-18 London Road, Neath, SA11 1LE	
Decision	Approval with Conditions	
Ward	Neath North	

19	App No. P/2014/315	Type Advertisement
Proposal	9 No. non illuminated freestanding directional signs and click and collect signage.	
Location	Tesco Stores Ltd, Neath Abbey Road, Neath, SA10 7FE	
Decision	Approval with no Conditions	
Ward	Dyffryn	

20	App No. P/2014/337	Type Full Plans
Proposal	Retention and completion of a new passenger entrance incorporating a new covered disabled access ramp plus new vehicle drop off point and turning area, bollards, fencing and associated hard landscaping improvements.	
Location	Neath General Railway Station, Station Square, Neath, SA11 1BY	
Decision	Approval with no Conditions	
Ward	Neath North	

21	App No. P/2014/343	Type App under TPO
Proposal	Felling of one No. Sessile Oak tree covered by Tree Preservation Order T21W2	
Location	Tree Located In Woodland Directly Behind, 46&48 Lon Glynfelin, Longford, Neath, SA10 7HU	
Decision	Approval with Conditions	
Ward	Dyffryn	

22	App No. P/2014/354	Type Householder
Proposal	Single storey rear extension.	
Location	10 Serecold Avenue, Skewen, Neath, SA10 6ED	
Decision	Approval with Conditions	
Ward	Coedffranc West	

23	App No. P/2014/360	Type Householder
Proposal	Demolition of conservatory and construction of single storey rear extension.	
Location	28 Chestnut Road, Cimla, Neath, SA11 3PB	
Decision	Approval with Conditions	
Ward	Neath South	

24	App No. P/2014/365	Type Discharge of Cond.
Proposal	Details to be agreed in association with Conditions 20 - Reptile method statement, 21 - hedgerow planting scheme and 22 - Bird Habitat Mitigation of planning application P2013/0300 granted on 10/12/13.	
Location	Newland Farm, Water Street, Margam, Port Talbot, SA13 2PB	
Decision	Approval with no Conditions	
Ward	Margam	

25	App No. P/2014/370	Type Discharge of Cond.
Proposal	Details to be agreed in association with Conditions 8 - external finishes and colour, and 16 - Television reception report of application P2013/0300 granted on 10/12/13.	
Location	Newland Farm, Water Street, Margam, Port Talbot, SA13 2PB	
Decision	Approval with Conditions	
Ward	Margam	

26	App No. P/2014/375	Type Full Plans
Proposal	Construction of a single storey side extension to the existing production facility.	
Location	Mollart Engineering, Neathvale Supplier Park, Resolven, Neath, SA11 4SR	
Decision	Approval with Conditions	
Ward	Resolven	

27	App No. P/2014/382	Type Screening Opinion
Proposal	Request for Screening opinion under Regulation 5 of the EIA Regulations for 142 residential units.	
Location	Land At, Fairyland Road, Neath Road,, Tonna, Neath	
Decision	EIA Not Required	
Ward	Tonna	

28	App No. P/2014/386	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 6 (Surface water drainage) of P2011/0934 granted on 20/3/12	
Location	Resolven Rugby Football Club Ardwyn Terrace, Tan Y Rhiw Road, Resolven, Neath, SA11 4LY	
Decision	Approval with no Conditions	
Ward	Resolven	

29	App No. P/2014/388	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development for a proposed single storey rear extension.	
Location	Penlan Farm, Penlan Road, Rhydyfro Pontardawe, Swansea, SA8 4RP	
Decision	Not to Issue Lawful Dev.Cert.	
Ward	Pontardawe	

30	App No. P/2014/390	Type Householder
Proposal	Porch to front elevation.	
Location	16 Pen Yr Alltwen Park, Rhos Pontardawe, Swansea, SA8 3EZ	
Decision	Approval with Conditions	
Ward	Rhos	

31	App No. P/2014/394	Type Householder
Proposal	Demolition of existing conservatory, construction of single storey rear extension.	
Location	60 Gwyn Street, Alltwen Pontardawe, Swansea, SA8 3AN	
Decision	Approval with Conditions	
Ward	Alltwen	

32	App No. P/2014/398	Type Screening Opinion
Proposal	Request for screening opinion in accordance with Regulation 5 of the EIA Regulations 1999 for a solar farm up to 7.5 MW.	
Location	Maesgwyn Solar Farm,	
Decision	EIA Not Required	
Ward	Glynneath	

33	App No. P/2014/400	Type LawfulDev.Cert-Prop.
Proposal	Certificate of lawfulness for a proposed detached log cabin for use as a residential annex.	
Location	22 Danyffynnon, Port Talbot, SA13 2EY	
Decision	Issue Lawful Dev.Cert.	
Ward	Port Talbot	

34	App No. P/2014/401	Type App under TPO
Proposal	Works to trees covered by Tree Preservation Order T179/W1 comprising of a reduction of the canopies of G1 (Elm x 2), G2 (Sycamore x 3), T2 (Sycamore x 1) and felling of T1 (Elm)	
Location	Land Between Boundaries Of, 1 & 2 Ty Ffald And No 10 Ten Acre Wood, Margam, Port Talbot	
Decision	Approval with Conditions	
Ward	Margam	

35	App No. P/2014/407	Type Change of Use
Proposal	Change of use of Tattoo parlour to Café (A3)	
Location	8 Parry Road, Sandfields, Port Talbot, SA12 7TR	
Decision	Approval with Conditions	
Ward	Sandfields West	

36	App No. P/2014/408	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development for a proposed single storey rear extension	
Location	53 Harle Street, Neath, SA11 3EB	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath North	

37	App No. P/2014/411	Type Discharge of Cond.
Proposal	Details pursuant to the discharge of Condition 2 (External materials) of Planning Permission P2013/904 (Approved on 12/11/13)	
Location	Land adjacent to Reel Cinema (including Bowling Alley Shell), The Princess Margaret Way, Aberafan Seafront, Port Talbot SA12 6QP	
Decision	Approval with no Conditions	
Ward	Sandfields East	

38	App No. P/2014/413	Type LawfulDev.Cert-Exist
Proposal	Certificate of Lawful Development for an existing single-storey rear extension.	
Location	23 Neath Road, Tonna, Neath, SA11 3DQ	
Decision	Issue Cert.App.Alt.Dev.	
Ward	Tonna	

39	App No. P/2014/422	Type LawfulDev.Cert-Prop.
Proposal	Single storey side extension	
Location	9 St Josephs Park, Aberavon, Port Talbot, SA12 6UX	
Decision	Issue Lawful Dev.Cert.	
Ward	Aberavon	

40	App No. P/2014/431	Type Discharge of Cond.
Proposal	Details pursuant to partial discharge of Condition 1 (External materials and sample panels) of Planning Permission P2012/888 (4/12/12)	
Location	Former BP Transit Site, Fabian Way, Jersey Marine, Neath	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

41	App No. P/2014/436	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 13 (Coal Mining Report) of planning application P2013/0300 granted on 10/12/13.	
Location	Land at, Newlands Farm, Margam, Port Talbot	
Decision	Approval with no Conditions	
Ward	Margam	

42	App No. P/2014/437	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 14 (Proof of consultation of Aviation Bodies) of planning application P2013/0300 granted on 10/12/13.	
Location	Land at, Newlands Farm, Margam, Port Talbot	
Decision	Approval with no Conditions	
Ward	Margam	

43	App No. P/2014/441	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 11 (Confirmation of Nominated Archaeologist) of planning application P2013/0300 granted on 10/12/13.	
Location	Land at, Newlands Farm, Margam, Port Talbot	
Decision	Approval with no Conditions	
Ward	Margam	